

COVID-19: ENSURING A SAFE RETURN TO WORK

As the lockdown is eased and businesses start to re-open, ensuring the health and safety of employees and members of the public will be of paramount importance. The Minister of Employment and Labour is expected to sign a Direction in terms of section 10(8) of the National Disaster Regulations that provides for measures employers are required to adhere to at this time. (Please note that at the time of preparation of this newsflash, the Direction has not yet been signed.) The hazards posed by Covid-19 are clearly identifiable, and employers must take steps to eliminate or minimize the risk of infection and the spread of the disease.

The Direction recognizes that there are sector specific measures that will need to be taken into account, and provision is accordingly made for sector guidelines to supplement the Direction.

The Direction does not apply to workplaces a) excluded from the Occupational Health and Safety Act (OHSA); b) in which medical or health care services are performed; and c) in respect of which a direction is issued by another Minister in terms of the National Disaster Regulations. It does apply to employers and workers in respect of the manufacturing, supply or provision of essential goods or essential services as defined in the Regulations, and any workplace permitted to commence or continue operations before or after the expiry of the Regulations. The Direction remains in force for as long as the declaration of the national disaster remains in force.

For purposes of the Direction, "worker" refers to the employees of the employer and any other person who works at the workplace. In terms of the Direction, every worker is obliged to comply with the measures introduced by the employer as required by the Direction.

Employers **with more than 10 employees** must implement the following measures:

Administrative	Social distancing	Health and safety				
		<i>Symptom screening</i>	<i>Sanitizers</i>	<i>Cloth masks and PPE</i>	<i>Members of the public</i>	<i>Ventilation</i>
<p>Conduct or update the employer's risk assessment to give effect to the minimum measures required by the Direction taking into account the specific</p>	<p>Arrange the workplace to ensure minimal contact between workers and, as far as practicable, ensure that there is at least 1.5 metres between workers</p>	<p>Screen workers, when they arrive at work, to ascertain whether any worker, when arriving at work, has observable symptoms associated with C-19 (cough, sore throat, redness of eyes,</p>	<p>Hand sanitizers must contain at least 70% alcohol.</p>	<p>On 9 April 2020 the DoH recommended that all people should wear cloth masks in public to prevent the spread of C-19. This is particularly because asymptomatic persons may be infected with C-19.</p>	<p>Depending on what is reasonably practicable, arrange the workplace to ensure that there is a distance of at least 1.5 metres between workers and members of the public, or between members of the public.</p>	<p>Keep the workplace well ventilated by natural or mechanical means to reduce the SARS-CcV-2 viral load.</p>

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<p>circumstances of the workplace.</p> <p>If the employer employs more than 500 employees, submit a record of the risk assessment together with a written policy concerning the protection of the health and safety of its employees from C19 to its health and safety committee and the Department of Employment and Labour.</p>	<p>when they are working.</p>	<p>shortness of breath, etc)</p> <p>Comply with guidelines issues by the National Department of Health in consultation with the Department of Employment and Labour in respect of symptom screening and if required to do so, medical surveillance and testing.</p>				
<p>Notify employees of the contents of the Direction and how it will be implemented</p>	<p>If it is not practicable to arrange the workspaces to be 1.5 metres apart, arrange physical barriers to be placed between workstations; or supply employees free of charge with</p>	<p>Require every worker to report whether they suffer from symptoms such as body aches, loss of smell, loss of taste, nausea, vomiting, diarrhea, fatigue, weakness or tiredness.</p>	<p>Ensure that there are sufficient quantities of hand sanitizer available at the entrance to and in workplace, free of charge.</p>	<p>Employers must provide each employee with at least two cloth masks to every worker, free of charge to wear while at work and while commuting to and from work;</p>	<p>If reasonably practicable, put in place physical barriers or provide workers with masks or face shields, or visors.</p>	<p>Where reasonably practicable, have an effective local extraction ventilation system with HEPA filters, which is regularly cleans and maintained, and its vents cannot feed in</p>

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	appropriate personal protection equipment			<p>Require any other worker (who are not its own employees) to wear a mask in the workplace.</p> <p>The number and replaceability of cloth masks that must be provided to employees or required or other workers must be determined in accordance with any sectoral guideline and in light of the worker's conditions of work.</p>		through open windows.
<p>Notify employees that if they are sick or have symptoms associated with C-19 that they must not come to work and must take sick leave into s22 of the BCEA</p>	<p>Ensure that social distancing measures are implemented through supervision in the workplace and in common areas (e.g. at canteens or toilets) through queue control, staggering breaks, etc.</p>	<p>Require employees to immediately inform the employer if they experience symptoms associated with C-19 as set out above.</p>	<p>Provide employee who work away from the workplace, other than at home, with an adequate supply of hand sanitizer.</p>	<p>Ensure that workers are informed, instructed and trained as to the safe and healthy use of cloth masks.</p>	<p>If reasonably practicable and appropriate, undertake screening measures of persons other than employees who enter the workplace.</p>	<p>Ensure that filters are cleaned and replaced in accordance with manufacturer's instructions by a competent person.</p>

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<p>Appoint a manager to address worker concerns and consult with health and safety representatives / committees on the hazards and the measures to be taken</p>		<p>If a worker presents with typical C-19 symptoms:</p> <ul style="list-style-type: none"> • <u>do not permit the worker to enter the workplace or report for work</u>; • if the worker is already at work, <u>immediately isolate the worker</u>, arrange for the worker to be transported in a manner that does not place other workers or members of the public at risk, either to be self-isolated or for a medical examination; • immediately assess the risk of transmission and if necessary, <u>disinfect</u> 	<p>If a worker interacts with the public, provide the worker with sufficient supplies of hand sanitizer at the work station for both the worker and the person with whom the worker has interaction.</p>	<p>Make appropriate arrangements for the washing, drying and ironing of cloth masks.</p>	<p>If appropriate, display notices advising persons other than employees entering the workplace of the precautions they are required to observe while in the workplace, and require members of the public, including suppliers, to wear masks when inside the premises.</p>	

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		<p><u>the area and workstation;</u></p> <ul style="list-style-type: none"> • <u>refer employees who may be at risk for screening;</u> • ensure that the employee who presents with symptoms is <u>tested</u> or <u>referred to an identified testing site;</u> • place the employee on <u>paid sick leave</u>, or if sick leave is exhausted, make application for illness benefits from the UIF ito the Directive issued on 25 March 2020; • ensure that the employee is <u>not discriminated against</u> on grounds 				

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		<p>of having tested positive for C-19;</p> <ul style="list-style-type: none"> if there is evidence that the worker contracted C-19 as a result of <u>occupational exposure</u>, lodge a claim under COIDA. 				
<p>Take measures to minimize contact between workers and between workers and members of the public</p>		<p>If a worker has been diagnosed with C-19 and isolated in accordance with the DoH Guidelines, the worker may only return to work if:</p> <ul style="list-style-type: none"> the worker has undergone a <u>medical examination confirming that s/he has been tested negative for C-19</u>; the worker wears the <u>minimum of an FFP1 surgical mask</u> 	<p>Take measures to ensure that all surfaces and equipment are disinfected before work begins, regularly during the working period and when work ends.</p> <p>Take measures to ensure that biometric systems are disabled or are made C-19 safe.</p>	<p>The general requirement for workers to wear masks does not derogate from the fact that, where a risk assessment indicates that PPE is required, the employer must provide them with medical, surgical or other types of masks, shields or other PPE in accordance with Department of Health guidelines.</p> <p>Check regularly on the websites of the National Institute of Communicable Diseases</p>		

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		<p>at all times for the remaining period of 21 days from the date of initial diagnosis;</p> <ul style="list-style-type: none"> the employer ensures that the <u>worker adheres to social distancing, hygiene and cough etiquette</u>; the employer closely <u>monitors the worker for symptoms</u> on return to work. 		<p>and the National Institute for Occupational Health whether additional PPE is recommended given the nature of the workplace or the nature of the worker's duties.</p>		
<p>Minimise the number of workers through rotation, staggered working hours, shift systems, remote working arrangements, etc</p>			<p>Take measures to ensure that all areas such as toilets, common areas, door handles and shared electronic equipment are regularly cleaned and disinfected.</p>			
<p>Provide employees with information (by</p>			<p>Ensure that there are adequate facilities for</p>			

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<p>way of leaflets, notices, etc) regarding dangers of the virus, manner of transmission, measures to prevent transmission, e.g. personal hygiene, social distancing, use of masks, where to go for screening, etc.</p>			<p>the washing of hands with soap and clean water.</p>			
<p>If a worker is diagnosed with C-19 inform the Department of Health and the Department of Employment and Labour</p>			<p>Ensure that paper towels are provided to dry hands after washing. Fabric toweling is prohibited.</p>			
<p>If a worker is diagnosed with C-19 <u>investigate</u> the cause, including any control failure, and <u>review the risk assessment</u> to ensure that the necessary controls</p>		<p>Require employees to regularly wash their hands and sanitize their hands while at work.</p>	<p>Ensure that workers are required to wash and sanitise hands regularly while at work.</p>			

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and personal protective equipment requirements are in place.						
Give administrative support to any contact-tracing measures implemented by the Department of Health.			Instruct employees who interact with the public to sanitize their hands between each interaction.			
Ensure that the measures required by the Direction and the employer's risk assessment plan are strictly complied with through monitoring and supervision.			Ensure that surfaces that employees and members of the public come into contact with are routinely cleaned and disinfected.			

Employers with **less than 10 employees** must:

- arrange the workplace to ensure that employees are least **1.5 meters apart**, or if not practicable, place **physical barriers** between them to prevent the possible transmission of the virus;
- ensure that employees with C-19 like symptoms are **not permitted to work**;

- immediately **contact the hotline: 0800 02 9999** for instruction and direct the employee to act in accordance with those instructions;
- provide **cloth masks**, or require the employee to wear some form of cloth covering over their mouth and nose while at work;
- provide each employee with **hand sanitizers, soap and clean water** to wash their hands, and **disinfectants to sanitize their workstations**;
- ensure that each employee while at work **washes their hands** with soap and water, and sanitizes their hands;
- ensure that **workstations are regularly disinfected**.

A contravention of the Direction places the employer at risk of enforcement proceedings under OHSA, and the offences and penalties set out in section 38 of OHSA will apply. Labour inspectors are tasked with the monitoring of compliance with this Direction and may attend at workplaces for this purpose.