



## WHIPPING THE CAT®

TAILORED LEGAL SERVICES

# COVID-19 MEMO OCCUPATIONAL HEALTH AND SAFETY DURING THE STATE OF NATIONAL DISASTER

**With effect from 29 April 2020 additional requirements have been introduced in regard to workplace health and safety. These measures are summarised in this memo.**

**The health and safety directive will remain in force for as long as the State of National Disaster remains in force.**

### Recap on General Obligations in Terms of OHS

- Employers must provide and maintain a working environment that is safe and without risk to the health of employees;
- Employers must take steps to eliminate or mitigate hazards or potential hazards; and
- Employers must ensure that as far as is reasonably practicable, all persons affected by their activities (including customers, contractors, people that enter their workplace or come into contact with their employees) are not exposed to hazards to their health or safety.

### ACTION: Conduct a COVID-19 Related Risk Assessment

COVID-19 is an identified workplace hazard as employees face transmission by an infected person in the workplace (including infection by a member of the public).

As a new risk has been identified, employers need to update their workplace risk assessments and need to take measures to eliminate or minimise the risk of the spread of the virus within their workplace.

### ACTION: Additional COVID-19 OHS Requirements for Employers with less than 10 Employees

Employers must:

- Arrange the workplace to ensure that employees are at least 1.5 metres apart or if not practical, place physical barriers between employees to prevent possible transmission of the virus;

- Ensure that employees who present with symptoms of the virus are not permitted to work;
- Immediately contact the COVID-19 hotline on 0800 02 9999 to report the employees' symptoms and obtain instructions;
- Provide cloth masks (or require employees to wear a form of cloth covering over their mouth and nose) while at work;
- Provide each employee with hand sanitisers, soap and clean water to wash and sanitise their hands and a disinfectant to sanitise workstations;
- Ensure that all employees while at work wash with soap and sanitise their hands;
- Ensure that workstations are disinfected regularly; and
- Take any other steps that are identified by their own risk assessment.

### **ACTION: Additional COVID-19 OHS Requirements for Employers**

Employers must:

- Undertake a risk assessment to give effect to the minimum measures required by the new COVID-19 directive, taking into account the specific circumstances of the workplace (if there are more than 500 employees, the assessment and resultant policy measures must be sent to the Company Health and Safety Committee and the Department of Labour);
- Notify all employees of the revised COVID-19 measures and the way in which they will be implemented in the workplace;
- Notify employees that if they are sick or have symptoms associated with COVID-19 that they must not come to work (and will be paid sick leave in terms of the BCEA);
- Appoint a manager to address employee concerns and to keep them informed (or consult with the workplace Health and Safety Committee if there is one);
- Ensure that its risk plan is monitored and complied with;
- As far as practicable minimise the number of employees at the workplace at any given time by rotation, staggered working hours, shift systems, remote working or other measures to achieve social distancing;
- Take measures to minimise contact between employees as well as between employees and members of the public;
- Provide employees with information to raise awareness regarding COVID-19 including details regarding transmission, prevention, personal hygiene, social distancing, testing etc; and
- Where an employee has been diagnosed with COVID-19 (i) inform the Department of Health and the Department of Labour; (ii) investigate the cause, including any control failures and a review of the risk assessment policy and additional measures that should be put in place; and (iii) give administrative support to contact tracing.

In regard to **social distancing**, employers must:

- Arrange the workplace to ensure minimal contact between employees – a minimum of 1.5 metres separation or social barriers or PPE to be worn.



- Enforce social distancing in common areas in and around the workplace and enforce queuing, staggering etc. to avoid a concentration of employees in a common area.

In regard to **detection and infection**, employers must:

- Screen employees when they report for work to check for (i) observable symptoms of COVID-19 (cough, sore throat, red eyes, difficulty breathing etc) and (ii) report on whether they suffer from any symptoms like body aches, loss of smell, loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness;
- Require employees to report immediately if they experience any symptoms mentioned above;
- Comply with the guidelines issued by the National Department of Health regarding symptoms screening and any additional requirements regarding medical surveillance and testing;
- If an employee presents (or reports) symptoms the employer must not permit the employee to enter the workplace or report for work or if already at work:
  - immediately isolate the employee;
  - provide them with a FFP1 surgical mask;
  - arrange for them to be transported (in a risk reduced way) for self-isolation or testing;
  - assess the risk of transmission transfer for screening other employees that may be at risk; and
  - disinfect the area.
- Place infected employees on paid sick leave in terms of the BCEA;
- Ensure that COVID-19 infected employees are not discriminated against;
- Lodge a claim in terms of COVID-19 (if there was workplace based exposure);
- Not permit COVID-19 diagnosed employees to return to work unless (i) the employee has undergone medical evaluation and tested negative, (ii) the employer ensures that personal hygiene, wearing masks, social distancing and cough etiquette is strictly adhered to by the employee and (iii) the employer closely monitors the employee's symptoms on return to work.

In regard to **sanitisers and disinfectants**, employers must:

- Provide, free of charge, sufficient quantities of hand sanitiser at the entrance to the workplace and within the workplace for use by employees and other people entering the workplace (and provide sanitiser to employees working out of the office – other than at home);
- If the employee interacts with the public, provide the employee with hand sanitiser at their workstation for their use and use by the public with whom they are interacting;
- Make sure that all worksurfaces and equipment are disinfected before work begins, regularly during work, and after work ends;



- Make sure that all areas like toilets, common areas door handles, shared electronic equipment etc. are regularly cleaned and disinfected;
- Disable biometric systems or make them COVID-19 proof;
- Ensure that (i) there are adequate facilities for washing hands with soap and water; (ii) only paper towels are used for drying hands (fabric towelling is prohibited); (iii) employees wash their hands and sanitise regularly while at work; (iv) if interacting with the public, sanitise after each interaction, and (v) regularly clean and disinfect surfaces that employees and members of the public come into contact with.

In regard to **masks**, every employer must:

- Provide, free of charge, each employee with a minimum of two cloth masks which comply with the DTI guidelines and which must be worn while at work and while commuting to and from work;  
[http://www.thedtic.gov.za/wp-content/uploads/Updated\\_Recommended\\_Guidelines\\_Fabric\\_Face\\_Masks.pdf](http://www.thedtic.gov.za/wp-content/uploads/Updated_Recommended_Guidelines_Fabric_Face_Masks.pdf)
- Inform and train their employees on the use of the mask;
- Make arrangements for washing, drying and ironing of the masks in accordance with the guidelines; and
- Evaluate whether PPE is required having regard to the nature of the work and industry requirements.

In regard to **dealing with the public**, every employer must:

- Arrange the work place to ensure that there is a distance of at least 1.5 metres between employees and members of the public or between each member of the public;
- Put in place physical barriers or provide employees with face shields or visors;
- If appropriate, undertake symptoms screening of persons other than employees entering the workplace; and
- Require members of the public (including suppliers) to wear masks when inside the workplace.

In regard to **ventilation and PPE**, employers must:

- Keep the workplace well ventilated by natural or mechanical means to reduce the viral load;
- Where practicable, have an effective local extraction ventilation system with HEPA filters, regular cleaning and maintenance; and
- Regularly assess regulations and directions in regard to the requirements for the use of PPE.

