

WORKPLACE PLANS OCCUPATIONAL HEALTH AND SAFETY

- All industries, businesses, entities, both private and in the public sector, which are permitted to operate during Alert Level 4, must-
 1. designate a COVID -19 compliance officer who will oversee the:
 - (a) Implementation of the plan referred to below: and
 - (b) Adherence to the standards of hygiene and health protocols relating to COVID -19 at the workplace:
 2. Develop a plan for the phased in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond with items detailed below and be retained for inspection and contain the following information:
 - (a) which employees are permitted to work;
 - (b) what the plans for the phased-in return of their employees to the workplace are;
 - (c) what health protocols are in place to protect employees from COVID-19; and
 - (d) the details of the COVID -19 compliance officer:
 3. Phase-in the return of their employees to work to manage the return of employees from other provinces, metropolitan and district areas: and
 4. Develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.
- A COVID ready **Workplace Plan** must be developed prior to the re-opening of an enterprise employing persons or serving the public.
- For small businesses, the plan can be basic reflecting the size of the business while for medium and larger businesses, a more detailed written plan should be developed given the larger numbers of persons at the workplace.
- **The Plan for medium and large businesses must include the following:**
 1. The date the business will open and the hours of opening;
 2. The timetable setting out the phased return-to-work of employees, to enable appropriate measures to be taken to avoid and reduce the spread of the virus in the workplace
 3. The steps taken to get the workplace COVID -19 ready;
 4. A list of staff who can work from home: staff who are 60 years or older; and staff with comorbidities who will be required to stay at home or work from home
 5. **Arrangements for staff in the establishment:**
 - (a) sanitary and social distancing measures and facilities at the entrance and exit to the workplace;
 - (b) screening facilities and systems;
 - (c) the attendance record system and infrastructure:
 - (d) the work area of employees:
 - (e) any designated area where the public is served;
 - (f) canteen and bathroom facilities;
 - (g) testing facilities (for establishments with more than 500 employees);

- (h) staff rotational arrangements (for establishments where fewer than 100% of employees will be permitted to work).
- 6. Arrangements for customers or members of the public, including sanitation and social distancing measures.

COVID-19 OCCUPATIONAL HEALTH AND SAFETY MEASURES IN WORKPLACES COVID-19 (C19 OHS), 2020

DIRECTIVE BY THE MINISTER OF EMPLOYMENT AND LABOUR IN TERMS OF REGULATION 10 (8) OF THE REGULATIONS ISSUED BY THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN TERMS OF SECTION 27 (2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

In addition to the Regulations, the following directive issued by the Minister of Employment and Labour must be adhered to.

1. Social Distancing

- Every employer must arrange the workplace to ensure minimal contact between workers and as far practicable ensure a minimum of 1.5m between workers.
- Where it is not practical to space workstations 1.5m apart the employer must either erect barriers to form a solid barrier between workers or supply employees with the appropriate PPE based on a risk assessment of the workplace.
- Social distancing measures are to be implemented in both the workplace and all common areas outside of the immediate workplace.

2. Symptom Screening

- Every employer must take measures to:
 - (a) Screen any worker, at the time that they report for work, to ascertain whether they have any of the observable symptoms associated with COVID-19, namely fever, cough, sore throat, redness of eyes or shortness of breath (or difficulty in breathing);
 - (b) Require every worker to report whether they suffer from any of the following additional symptoms: body aches, loss of smell or loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness; and
 - (c) Require workers to immediately inform the employer if they experience any of the symptoms listed above while at work.
- If a worker presents with those symptoms, or advises the employer of these symptoms, the employer must:
 - (a) Not permit the worker to enter the workplace or report for work; or
 - (b) If the worker is already at work immediately:
 - (i) isolate the worker, provide the worker with a FFP1 surgical mask and 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 or testing; and
 - (ii) assess the risk of transmission, disinfect the area and the worker's workstation, refer those workers who may be at risk for screening and take any other appropriate measure to prevent possible transmission;
 - (c) Ensure that the worker is tested or referred to an identified testing site;

- (d) Place its employee on paid sick leave in terms of section 22 of the BCEA or if the employee's sick leave entitlement under the section is exhausted, make application for an illness benefit in terms of Clause 4 of the Directive issued on 25 March 2020 on the COVID-19 Temporary Employer Relief Scheme (TERS) under regulation 10(8) of the Regulations promulgated in terms of section 27(2) of the Disaster Management Act;
 - (e) Ensure that the employee is not discriminated against on grounds of having tested positive for COVID-19 in terms of section 6 of the Employment Equity Act, 1998 (Act No. 55 of 1998);
 - (f) If there is evidence that the worker contracted COVID-19 as a result of occupational exposure, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993) in accordance with Notice 193 published on 3 March 2020.
- If a worker has been diagnosed with COVID-19 and isolated in accordance with the Department of Health Guidelines, an employer may only allow a worker to return to work on the following conditions:
 - (a) The worker has undergone a medical evaluation confirming that the worker has been tested negative for COVID-19;
 - (b) the employer ensures that personal hygiene, wearing of masks, social distancing, and cough etiquette is strictly adhered to by the worker; and
 - (c) the employer closely monitors the worker for symptoms on return to work.
- 3. Sanitizers, Disinfectants and other measures**
- Every employer must, free of charge, ensure that:
 - (a) There are sufficient quantities of hand sanitizer (containing at least 70% alcohol) based on the number of workers or other persons who access the workplace at the entrance of, and in, the workplace which the workers or other persons are required to use; and
 - (b) every employee who works away from the workplace, other than at home, must be provided with an adequate supply of hand sanitizer.
 - If a worker interacts with the public, the employer must provide the worker with enough supplies of hand-sanitizer at that worker's workstation for both the worker and the person with whom the worker is interacting.
 - Every employer must take measures to ensure that:
 - (a) all work surfaces and equipment are disinfected before work begins, regularly during the working period and after work ends;
 - (b) all areas such as toilets, common areas, door handles, shared electronic equipment are regularly cleaned and disinfected;
 - (c) disable biometric systems or make them COVID-19-proof.
 - The employer must ensure that:
 - (a) there are adequate facilities for the washing of hands with soap and clean water;
 - (b) only paper towels are provided to dry hands after washing – the use of fabric towelling is prohibited;
 - (c) the workers are required to wash their hands and sanitize their hands regularly while at work;
 - (d) the workers interacting with the public are instructed to sanitize their hands between each interaction with public;
 - (e) surfaces that workers and members of the public encounter are routinely cleaned and disinfected.

4. Cloth Masks

- Every employer must:
 - (a) provide each of its employees, free of charge, with a minimum of two cloth masks, which comply with the requirement set out in the Guidelines issued by the Department of Trade, Industry and Competition, 1 for the employee to wear while at work and 1 while commuting to and from work; and
 - (b) require any other worker to wear masks in the workplace.
- The number and replaceability of cloth masks that must be provided to an employee or required of other workers must be determined in accordance with any sectoral guideline and in the light of the employee or worker's conditions of work, in particular, where these may result in the mask becoming wet or soiled.
- Every employer must ensure that workers are informed, instructed, trained and instructed as to the correct use of cloth masks.
- An employer must make appropriate arrangements for the washing, drying and ironing of cloth masks in accordance with the Guidelines issued by the DTI.

5. Measures in respect of Workplaces to which public have access

- Depending on what is reasonably practicable given the nature of the workplace, every employer must:
 - (a) arrange the workplace to ensure that there is a distance at least one and a half metres between workers and members of the public or between members of the public; or
 - (b) put in place physical barriers or provide workers with face shields or visors;
 - (c) if appropriate, undertake symptom screening measures of persons other than the employees entering the workplace with due regard to available technology and any guidelines issued by the Department of Health;
 - (d) if appropriate, display notices advising persons other than employees entering the workplace of the precautions they are required to observe while in the workplace;
 - (e) require members of the public, including suppliers, to wear masks when inside their premises.

6. Ventilation

- Every employer must –
 - (a) keep the workplace well ventilated by natural or mechanical means to reduce the SARS-CoV-2 viral load;
 - (b) where reasonably practicable, have an effective local extraction ventilation system with high-efficiency particulate air HEPA filters, which is regularly cleaned and maintained, and its vents do not feedback in through open windows;
 - (c) ensure that filters are cleaned and replaced in accordance with the manufacturer's instructions by a competent person.

7. Small Businesses

- Employers with less than 10 employees must take the following measures:
 - (a) arrange the workplace to ensure that employees are at least one and half metres apart or, if not practicable, place physical barriers between them to prevent the possible transmission of the virus;
 - (b) ensure that employees that present with the symptoms set out in Clause 21 are not permitted to work;
 - (c) immediately contact the **COVID-19 hotline: 0800 02 9999** for instruction and direct the employee to act in accordance with those instructions;
 - (d) provide cloth masks or require an employee to wear some form of cloth covering over their mouth and nose while at work;
 - (e) provide each employee with hand sanitizers, soap and clean water to wash their hands and disinfectants to sanitize their workstations;
 - (f) ensure that each employee while at work washes their hands with soap and sanitizes their hands; and
 - (g) ensure that their workstations are disinfected regularly; and
 - (h) take any other measures indicated by a risk assessment.

8. Enforcement

- An inspector designated in terms of Section 28 of Occupational Health and Safety Act 85 of 1993 (OHSA) may perform any of the functions in Section 29 of OHSA and exercise any of the powers listed in section of OHSA in order to monitor compliance with this Directive.
- In so far as any contravention of this Directive constitutes a contravention of an obligation or prohibition under OHSA, the offences and penalties provided for in Section 38 of OHSA apply.
- An inspector, contemplated in Clause 42, may for the purpose of promoting, monitoring and enforcing compliance with the OHSA, advise employees and employers of their rights and obligations in terms of this Directive in accordance with Section 64 of the BCEA.