# Covid-19 Directive (Updated)

## OHSA Measures in Workplaces

The Minister of Labour and Employment issued a Directive on the 28th of September 2020 outlining the Consolidated Directions on Occupational Health & Safety Measures for certain workplaces. The Directive was issued in terms of Regulation 4(10) of the National Disaster Regulations.

Please click [**here**](https://www.nioh.ac.za/wp-content/uploads/2020/09/OHS-workplace-Directive_-28-Sept-2020.pdf) to find a copy of the full Directive for your perusal and reference. You are required to read this document in conjunction with the full Directive.

**A summary of the Directive:**

1. **Application**
2. The directive is applicable to all employers who are permitted to commence economic activity under the Regulations.
3. The directive is applicable until the end of the National State of Disaster, unless otherwise stated.
4. Employers with more than 50 employees ***(reduced from 500 employees)*** are required to comply with additional Administrative Measures, listed in ***Section 4*** of the ***Full Directive***, summarised in ***Section 3*** of this document.
5. Employers with less than 10 employees need to comply with a separate criterion, listed in ***Section 12*** of the ***Full Directive***, summarised in ***Section 10*** of this document.
6. **Risk Assessment Plans**
7. All employers are to undertake a Risk Assessment of the Workplace
8. All employers are to develop a Plan for the phased return of employees before the re-commencing operations
9. The Risk Assessment and Plan must be kept on record for inspection
* ***Refer to Section 3(2) of the Directive for a full list of the requirements for the Plan***
* ***Refer to the template of a Risk Assessment document compiled by Printing SA for your use. Please note that the contents of the Risk Assessment may be out of date, but the format may be used as a template for your organisation.***
1. **Administrative Measures**
2. All employers who employ more than 50 employees are required to undertake the following administrative measures:
* Submit a copy of the **Written Policy** and **Risk Assessment** to its health and safety committee and the **Department of Labour** by no later than the 18th of October 2020.

An employer must register their business on the **Occupational Health Surveillance System**, where information relating to their business and staff will be loaded <https://ohss.nioh.ac.za/>.

***See below for more information on the OHSS*.**

* Appoint a Covid-19 Compliance Officer to:
* Oversee the implementation of the Risk Mitigation Plan
* Oversee adherence to OHSA principles
* Address employee concerns and keep personnel informed on OHSA and Covid-19 related developments.
* Disclose the information of employees who have any health issues or comorbidities, regarding them as vulnerable employees and thereafter take special measures to mitigate the risk of Covid-19 for these employees in accordance with the DoH Guidelines.
* As far as practicably possible, the employer must minimise number of employees from being in the workplace through shift rotations, staggered shifts, work from home arrangements etc.

***Please refer to Section 4(1)(b) - (k) of the full directive for a full list of the administrative requirements***

1. An employer with **more than 50 employees** is also required to submit the following information to the National Institute for Occupational Health:
* Each employee’s vulnerability status (where applicable)
* Details of Covid-19 screening for employees who are symptomatic
* Details of employees who test positive for Covid-19
* The number of employees identified as high-risk contacts in the workplace if a worker has been confirmed to be positive
* Details of the post-infection outcomes of those testing positive

This information is submitted on the **Occupational Health Surveillance System**, <https://ohss.nioh.ac.za/>.

Refer to the *“Guideline on the submission of COVID-19 related health data from workplaces”* **here**, for more information on how to submit your health data.

*The Occupational Health Surveillance System (OHSS) is of public health importance. According to the International Health Regulations, rapid detection of public health risks, prompt risk assessment, notification, verification and response are crucial. Occupational Health Surveillance System (OHSS) acquires information from national, regional and local levels to:*

* *Timeously detect and respond to occupational health threats in order to prevent disease outbreaks;*
* *Estimates burden of priority diseases and identify populations at risk;*
* *Monitor place, person and time trends in priority diseases of occupational health importance; and*
* *Direct occupational health interventions and inform policy decisions.*
1. **Social Distancing Measures**
2. Every employer must arrange the workplace to ensure minimal contact between workers by ensuring a minimum spacing distance of 1.5 meters.
3. Depending on the nature of the business, the minimum distance may need to be greater.
4. Social Distancing measures must be supervised and implemented, both inside and outside the building of the employer.
5. Where an employer is unable to arrange workstations in a way that accommodates social distancing of a minimum of 1.5 meters –
* the employer may arrange physical barriers between employees, or
* when required, supply employees with appropriate PPE (free of charge) to eliminate the risk of transmission

***Refer to the “Social Distance” section of the Full Directive for a detailed prescription.***

1. **Symptom Screening**
2. Every employer must take measures to screen employees when the report to work to determine whether they have Covid-19 symptoms. ***Refer to full Directive for list of symptoms***.
3. Every employer must take measures to ensure employees inform the employer should they experience any of the Covid-19 symptoms whilst at work.
4. Where an employee reports Covid-19 symptoms to the employer, the employer must:
* not allow the employee into the workplace, or
* if already in the workplace:
	+ isolate the employee, provide him/her with a surgical mask (3-ply) and ensure the safe transportation of the employee to a public health facility
	+ assess the risk of transmission and disinfect the area and workers workstation
	+ conduct contact tracing and refer employees who may be at risk for testing
	+ place employee’s on sick leave, or if exhausted, make an application for illness benefits from TERS
	+ take steps to ensure that employees are not discriminated against for having tested positive for Covid-19
	+ where there is evidence that the employee had contracted Covid-19, arising out of the workplace, the employer may lodge a claim from the Compensation for Occupational Injuries and Diseases Act.
1. Where an employee had tested positive for Covid-19 and underwent the prescribed isolation period of no less than 10 days, the employer may require the employee to return to work.

***Refer to the “Symptom Screening” section of the Full Directive for a detailed prescription.***

1. **Sanitizers, Disinfectants and Washing of Hands**
2. Hand sanitisers must contain a minimum content of 70% alcohol base
3. An employer must, free of charge, provide employees with hand sanitizers and ensure that sanitizers are available throughout the workplace for both visitors and employees.
4. Ensure that all workstations are sanitised before the commencement of work each day.
5. All biometric systems should be disabled or made Covid-19 proof
6. Adequate facilities for the washing of hands, with soap made available
7. The use of cloth towels are prohibited in ablution facilities – paper towels are to be provided for all employees

***Refer to the “Sanitizers, Disinfectants and Washing of Hands” section of the Full Directive for a detailed prescription.***

1. **Cloth Masks**
2. All employees are required to wear cloth masks at all times.
3. All employers are to supply employees, free of charge, with 2 cloth masks.
4. A reasonable determination must be made by the employer in regards to the timing of replacing masks.
5. Employers must ensure that employees are educated on the proper use of masks.

***Refer to the “Cloth Masks” section of the Full Directive for a detailed prescription.***

1. **Ventilation**
2. All employers are required to ensure natural or mechanical ventilation in the workplace to reduce the SARS-Cov2 viral load
3. All employers are to ensure, as far as practicably possible, the installation of a local extraction ventilation system that eliminates the circulation of air.
4. All employers are to ensure the routine cleaning of ventilating systems.

***Refer to the “Ventilation” section of the Full Directive for a detailed prescription.***

1. **Specific Personal Protective Equipment**
2. Every employer must check regularly on the National Institute of Communicable Diseases (NICD) <https://www.nicd.ac.za/>, or National Department of Health <http://www.health.gov.za/> websites for updated requirements in respect to PPE.

***Refer to the “Specific Personal Protective Equipment” section of the Full Directive for a detailed prescription.***

1. **Small Businesses**

Employers with less than 10 employees are only required to take the following measures:

* Develop a plan for the phasing in of employees.
* Arrange workplace to ensure social distancing of 1.5 meters spacing between employees, or where not practicable to do so, the employer may arrange physical barriers between employees or when required.
* Ensure that employees who have symptoms of Covid-19 are not permitted to work as set out in 5(c).
* Provide employees, free of charge, with cloth masks
* Provide employees with soap and clean water to wash their hands
* Provide employees with disinfectant sanitizers to disinfect their workstations
* Provide employees with hand sanitizers and make available hand sanitizers throughout the workplace.
* Take all measures to mitigate risk in the workplace

***Refer to the “Small Business” section of the Full Directive for a detailed prescription.***

1. **Worker Obligations**

In addition to complying with the regulations of the Occupational Health and Safety Act, every employee is obliged to comply with measures implemented by the employer.

1. **Refusal to Work due to Covid-19 Exposure**
2. An employee may refuse to perform any work, where it is justifiably determined by the employee or a health and safety representative, that the employee may be at high risk of exposure to Covid-19.
3. An employee who refuses to perform work in terms of 12(a) must immediately inform the employer in writing of the refusal and the reasons for refusal.
4. An employer who has been informed of a refusal to perform work, must:
	* consult with the Covid-19 compliance officer and/or health and safety personnel to resolve the matter,
	* where the matter is not resolved, inform a department of labour inspector within 24 hours and inform the employee and compliance office of this notification,
	* comply with the prohibition set down by the inspector
5. No employee may be dismissed, disciplined, prejudiced or harassed for refusing to perform any work as contemplated in 12(a).

***Refer to the “Refusal to Work due to Covid-19 Exposure” section of the Full Directive for a detailed prescription.***

1. **No Deduction from Employee’s Remuneration**

No employer may make any deductions from an employees remuneration, or require or permit any employee to make any payment to the employer or any other person, in respect to anything that the employer is required to do in respect of this Directive.

1. **Monitoring and Enforcing Directions**

Should a person fail to comply with this Directive or is in contravention of the specifics of this Directive, an inspector may perform his/her duties in alignment with the Occupational Health and Safety Act to enforce compliance.

***Refer to the “Monitoring and Enforcing Directions” section of the Full Directive for a detailed prescription.***

1. **Further Contact**

***Contact your Regional Chamber:***

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