



A quick reference guide to the new OHS direction:

Who does the direction apply to?

All employers and workers in workplaces that are operational under lockdown level 1. This includes the forestry sector. This excludes sectors who have their own OHS directions issued by the Minister of Employment and Labour.

Which measures remain in place?

(1) Risk assessments:

Every employer must have a risk assessment in place which takes into consideration the specific circumstances of the workplace and the requirements of the OHS Regulations for Hazardous Biological Agents (access them [here](#)). This risk assessment should, on the basis of that risk assessment, develop a plan outlining the protective measures in place for the phased return of its employees before opening the business. This step need not be repeated if the business is already open. Remember to consult on the risk assessment and plan with any representative trade union in the workplace, any health and safety committee established in terms of section 19 of the OHS Act or, in the absence of such a committee, a health and safety representative designated in terms of section 17(1) of the OHS Act or employee representative.

The plan should be made available for inspection by an inspector and a person contemplated in subdirection (c) which is a railway safety inspector appointed in terms of section 32 of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) in respect of a "network" and a "railway operation" as those terms are defined in that Act and law enforcement officers

appointed with public health responsibilities by a local authority authorised in terms of direction 16(1).

The plan must include:

- the date that the workplace will open and the hours of opening;
- a list of employees permitted to return to work and those who are required to work from home;
- the plan and timetable for the phased-in return of employees to the workplace;
- identify the vulnerable employees for the purposes of direction 4(b);
- ways of minimising the number of workers at the workplace at any one time as contemplated in direction 4(h);
- the workplace protective measures required to be taken in terms of these Directions and any sectoral guideline to get the workplace COVID -19 ready;
- the measures for the daily screening of employees and the screening of clients, contractors and visitors to the workplace; and
- the details of the COVID -19 compliance officer appointed in terms of direction 4(f); and (i) a procedure to resolve any issue that may arise from the exercise by an employee of the right to refuse to work in the circumstances contemplated in direction 14(1).

The employer must phase the return of their employees to work in accordance with the plan.

(2) Social distancing:

Every employer must arrange the workplace to ensure minimal contact between workers and, as far as practicable, ensure that there is a minimum of one and a half metres between workers while they are working, for example, at their workstations. Depending on the circumstances of the workplace or the nature of the sector, the minimum distance may need to be greater, but reducing the number of workers present in the workplace at any time may assist in achieving the required social distancing.

If it is not practicable to arrange work stations to be spaced at least one and a half metres apart, the employer must arrange physical barriers to be placed between workstations or erected on workstations to form a solid physical barrier between workers while they are working or when required, supply the employee, free of charge, with appropriate PPE based on a risk assessment of the working place.

Every employer must ensure that social distancing measures are implemented through supervision, both in the workplace and in the common areas outside the immediate workplace, through queue control or within the workplace, such as canteens and lavatories. These measures may include dividing the workforce into groups or staggering break-times to avoid the concentration of workers in common areas.

(3) Submission of risk assessments:

If the employer employs more than 50 employees, that employer must submit a record of its risk assessment, together with a written policy concerning the protection of the health and safety of its employees from COVID-19, to its health and safety committee established in terms of section 19 of the OHS Act; and the Department of Employment and Labour within 21 days of the commencement of this Direction. The details of the Department of Employment and Labour per province are:

Eastern Cape	Lucky.Mkhonto@labour.gov.za
Free State	Manelisi.Luxande@labour.gov.za
Gauteng	Michael.Msiza@labour.gov.za
KZN	Edward.Khambula@labour.gov.za
Limpopo	Phaswane.Tladi@labour.gov.za
Mpumalanga	Nonyaniso.Njwambe@labour.gov.za
North West	Boikie.Mampuru@labour.gov.za
Western Cape	David.Esau@labour.gov.za
Northern Cape	Ivan.Vass@labour.gov.za

(4) Disclosure of comorbidities:

Employers must require employees to disclose whether they have any of the health issues, comorbidities or conditions contemplated in the definition of vulnerable employees. This includes any employee with known or disclosed health issues or comorbidities or any other condition that may place the employee at a higher risk of complications or death than other employees if infected with COVID-19, or above the age of 60 years who is at a higher risk of complications or death if infected. The employer must take special measures to mitigate the risk of COVID -19 for those employees in accordance with the Department of Health's Guidelines to facilitate their safe return to work or their working from home. The guidelines can be accessed [here](#).

(5) Notification of employees:

- Employers must notify all workers of the contents of these directions and the manner in which it intends to implement it;
- Employers must notify its employees that, if they are sick or have symptoms associated with COVID-19, that they must not come to work and must take paid sick leave in terms of section 22 of the BCEA;
- Employers must appoint a manager as a COVID -19 compliance officer to oversee the implementation of the workplace plan, oversee the adherence to the health and safety measures established in the workplace to give effect to requirements of this direction including appointing employees to perform this function if the employer has more than one workplace and address employee or workplace representative concerns and to keep them informed and, in any workplace in which an health and safety committee has been elected, consult with that committee on the nature of the hazard in that workplace and the measures that need to be taken;
- Employers must ensure that the measures required by this direction and its risk assessment plan are strictly complied with through monitoring and supervision;
- Employers must, as far as practicable, minimise the number of workers at the workplace at any given time through rotation, staggered working hours, shift systems, remote working arrangements or similar measures in order to achieve social distancing and to limit congestion in public transport and at the workplace;
- Employers must take measures to minimise contact between workers as well as between workers and members of the public; it must provide workers with information that raises awareness in any form or manner, including where reasonably practicable leaflets and notices placed in conspicuous places in the workplace informing workers of the dangers of the virus, the manner of its transmission, the measures to prevent transmission such as personal hygiene, social distancing, use of masks, cough etiquette and where to go for screening or testing if presenting with COVID -19 related symptoms.

(6) Procedures where a worker is diagnosed with COVID-19:

- If a worker has been diagnosed with COVID-19, employers must
- inform the National Institute for Occupational Health in accordance with the National Department of Health Guidelines (access the guideline [here](#)) either directly or through an employers' association;
- inform the Compensation Commissioner in accordance with the Directive on Compensation for Workplace- acquired Novel CoronaVirus Disease (COVID-1 9). Access the directive [here](#).
- investigate the mode of exposure, including any control failure, and review its risk assessment to ensure that the necessary controls and PPE requirements are in place;
- determine the need to temporarily close the affected work area for decontamination using an incident -based risk assessment with due regard to the Department of Health's Guidelines (access the guidelines [here](#)) after consultation with the health and safety committee, if there is one, or with a health and safety representative;

- give administrative support to any contact-tracing measures implemented by the Department of Health.

What's new in the direction?

In addition an employer who employs more than 50 employees in a workplace must submit the following categories of data to the National Institute for Occupational Health¹ in the manner set out in the National Department of Health Guidelines:

- Each employee's vulnerability status for serious outcomes of a COVID -19 infection;
- Details of the COVID -19 screening of employees who are symptomatic;
- Details of employees who test positive in terms of a positive laboratory test for the COVID -19 virus²;
- The number of employees identified as high risk contacts within the workplace if a worker has been confirmed as being positive;
- Details on the post -infection outcomes of those testing positive, including the return to work assessment outcome;

Employers must submit the vulnerability status data once in respect of each employee's status. The other four categories of data must be submitted as soon as possible before Tuesday of each week for the previous calendar week commencing on Sunday;

Employers must inform its employees of the submission made and advise them of its adherence to the Protection of Personal Information Act, 2013 (Act No.4 of 2013). Employers may submit that data to an employer association if the association has entered into an agreement with the National Institute for Occupational Health to receive, process and submit the data to the Institute and such employer association has undertaken to submit the data on behalf of the employer.

Report must be made to the OHSworkplace@nioh.ac.za or via the online platform at <https://ohss.nioh.ac.za/> .

Be informed and stay ahead of the COVID-19 curve.