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Legal Services Newsletter | Regsdienste Nuusbriëf

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CONSOLIDATED COVID-19 DIRECTION ON HEALTH & SAFETY IN THE WORKPLACE

GEKONSOLIDEERDE COVID-19 DIREKTIEWE OP GESONDHEID EN VEILIGHEID IN DIE WERKPLEK

The Department of Labour (DOL) has published a Consolidated Direction on Health & Safety, appearing in *Gazette* 43400, under Notice R639 (the "new regulations").

Die Departement van Arbeid (DVA) het gekonsolideerde direkteie oor gesondheid en veiligheid gepubliseer, wat in *Gazette* 43400 verskyn, onder Kennisgewing R639 (die "nuwe regulasies").

https://www.gov.za/sites/default/files/gcis_document/202006/43400rg11128gon639.pdf

IT CONTAINS GUIDELINES ON:

DIT BEPAAL RIGLYNE OOR:

- Definitions;
- Applications;
- Administrative measures;
- Social Distancing;
- Health & Safety measures;
- Ventilation;
- Worker obligations;
- Refusal to work.

- Definisies;
- Aansoeke;
- Administratiewe maatreëls;
- Sosiale distansiëring;
- Gesondheid- en veiligheidsmaatreëls;
- Ventilasië;
- Werker verpligtinge;
- Weiering om te werk.

It seems to largely be a repeat of the 29 April 2020 Regulations.

Dit blyk grootliks 'n herhaling van die 29 April 2020-Regulasies te wees.

THERE ARE A FEW ADDITIONS:	DAAR IS 'N PAAR TOEVOEGINGS:
<p>1. The employer must compile a risk assessment plan and consult thereon – and make same available for any labour inspector. (This seems to be a belated instruction considering that most workplaces opened before this publication).</p>	<p>1. Die werkgewer moet 'n risiko bepalingsplan opstel, daarvoor konsulteer en dieselfde plan ook beskikbaar stel aan enige arbeidsinspekteur. (Hierdie lyk na 'n instruksie wat relatief laat verskyn as oorweeg word dat die meeste werkplekke reeds oop is voor die publikasie).</p>
<p>2. The employer must undertake to determine a true risk assessment to implement the minimum measures required by the new guideline (Clause 20 of the new regulations).</p>	<p>2. Die werkgewer moet onderneem om 'n werklike risikobepaling te doen om uitvoering te gee aan die minimum maatreëls wat deur die nuwe riglyn vereis word (Item 20 van die nuwe regulasies).</p>
<p>3. It requires that the employer must notify its employees that if they are “sick” or have any Covid-19 type symptoms, to stay at home.</p>	<p>3. Dit vereis dat die werkgewer sy werknemers in kennis moet stel dat indien hul “siek” is of enige simptome van Covid-19 toon, hulle by die huis moet bly.</p>
<p>4. Clause 20.11: Deals with an employee who has been diagnosed with Covid-19. The employer has to inform the Department of Health (DOH) and DOL and investigate the degree of exposure to determine the need to temporarily close the affected work area for decontamination in line with DOH guidelines.</p>	<p>4. Klousule 20.11: Handel met 'n werknemer wat met Covid-19 gediagnoseer is. Die werkgewer moet die Departement van Gesondheid (DVG) en die DVA in kennis stel. Verder moet 'n ondersoek na die graad van blootstelling gedoen word, asook die behoefte om die geaffekteerde werkarea tydelik te sluit vir ontsmetting volgens die DVG-riglyne.</p>
<p>5. Clause 27: Deals with an employee presenting symptoms of Covid-19 and who is subsequently not allowed to enter the workplace. If the employee already entered the workplace, the employee must be isolated, receive a face mask and arrangements must be made for the</p>	<p>5. Klousule 27: Handel oor 'n werknemer wat simptome van Covid-19 toon en wat derhalwe nie toegelaat word om die werkplek te betree nie. Indien die werknemer wel die werksplek betree het, moet die werknemer geïsoleer word, 'n gesigsmasker ontvang en daar moet gereël</p>

<p>person to be transported for medical testing.</p>	<p>word dat die persoon vir mediese toetse geneem word.</p>
<p>6. Clause 27.3: Deals with placing the employee on paid sick leave or applying for sick benefits via TERS. (This may differ in the Public Service where collective agreements or departmentally specific Directives may apply).</p>	<p>6. Klousule 27.3: Handel oor die plasing van die werknemer op betaalde siekverlof of om aansoek te doen vir siektevoordele via TERS. (Dit kan verskil in die Staatsdiens waar kollektiewe ooreenkoms of departementele spesifieke direktiewe van toepassing is).</p>
<p>7. Clause 29: If an employee has been in contact with another individual who has been diagnosed, the employer must assess the exposure and decide if it was high or low risk exposure.</p>	<p>7. Klousule 29: Indien 'n werknemer in kontak was met 'n ander persoon wat gediagnoseer is, moet die werkgewer die blootstelling beoordeel en besluit of dit 'n hoë- of lae risiko blootstelling was.</p>
<p>8. If there is low risk exposure, the employee may remain but the employer must monitor said employee for possible symptoms.</p>	<p>8. As daar 'n lae risikoblootstelling is, kan die werknemer aanbly maar sodanige persoon moet deur die werkgewer gemonitor word vir moontlike simptome.</p>
<p>9. If there is a high-risk exposure the employee should be placed in quarantine for 14 days. (and treat the individual in terms of Item 27.3).</p>	<p>9. As blootstelling aan 'n hoë risiko grens, moet die werknemer vir 14 dae in kwarantyn geplaas word. (en die individu moet behandel word soos in terme van Item 27.3).</p>
<p>10. Clause 48: An employee may refuse to work if circumstances arise that appear to pose, with reasonable justification, an imminent and serious risk of their exposure to Covid-19.</p>	<p>10. Klousule 48: 'n Werknemer kan weier om te werk indien omstandighede ontstaan wat met redelike regverdiging 'n dreigende en ernstige risiko vir hul blootstelling aan Covid-19 inhou.</p>
<p>11. Clause 54: No person may be dismissed, disciplined, prejudiced or harassed for refusing to perform any work contemplated in Item 48.</p>	<p>11. Klousule 54: Geen persoon mag ontslaan, gedissiplineer, benadeel of geteister word vir die weiering van enige werk beoog in Item 48 nie.</p>
<p>12. Clause 49: The employer must resolve</p>	<p>12. Klousule 49: Die werkgewer moet die</p>

the issue on which the employee refuses to report for employment as soon as possible.	kwessie waaroor die werknemer weier om vir diens aan te meld, so gou as moontlik probeer oplos.
13. Clause 50: It is not required that the employee uses internal or other procedures/remedies.	13. Klousule 50: Dit word nie vereis dat die werknemer interne of ander prosesse/remedies gebruik nie.
14. Clause 52: The employer may not make any deduction from an employee's remuneration in respect of "anything which the employer is obliged to provide" in terms of this Direction. (Such as PPEs.)	14. Klousule 52: Die werkgever mag geen aftrekking maak van die besoldiging van 'n werknemer ten opsigte van "iets wat die werkgever verplig is om te voorsien" ingevolge hierdie direktiewe te nie. (Soos PPEs)
15. A dispute in terms of Items 48 - 54 may be referred to the CCMA.	15. 'n Dispuut oor items 48 - 54 kan na die KVBA verwys word.
The above generally applies to all workplaces including the school where the SGB is the employer of staff.	Bogenoemde is oor die algemeen van toepassing op alle werkplekke insluitende die skool waar die SBL die werkgever van die personeel is.
There may be specific DBE rules applicable via Determinations of the DBE, or collective agreements.	Daar kan spesifieke DBO-reëls wees wat van toepassing is op die bepaling van die DBO, of kollektiewe ooreenkomste.

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WE WOULD LIKE TO HEAR FROM YOU #BecauseWeCare