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The Consolidated Direction on Occupational Health and Safety Measures in certain workplaces:

GG 43751 dated 1 October 2020

The Consolidated Direction on Occupational Health and Safety Measures in certain workplaces:

GG 43751, dated 1 October 2020, replaces the COVID-19 Direction on Health and Safety in the Workplace issued by the Minister of Employment and Labour on Thursday, 04 June 2020 (Government Gazette 43400).

The Consolidated COVID-19 Direction consolidates the previous Directions issued but also creates several new obligations on the part of employers regarding submissions of documents and recording of categories of data. These obligations are intended to further protect the health and safety of workers and members of the public at workplaces. This Direction will apply for the duration of the state of disaster unless otherwise indicated.

As per clause 2, the Direction applies to Employers and workers in workplaces who are permitted to continue or commence operations under the Regulations except for those excluded from OHS Act in terms of s1(3) of OHS Act or in respect of which another Minister has issued regulations dealing with health and safety. It is particularly important to note, therefore, that the Consolidated Direction does not apply to Employers in the Mining Industry as regulations have already been issued pertaining to this industry. Employers of fewer than 10 employees need only apply the measure set out in clause 12 of the document.

The newest and most onerous obligations imposed by the Consolidated Direction are contained in clause 4 which is entitled "Administrative measures."

Subsection (1) of this clause requires that a record of an employer's COVID-19 Risk Assessment (RA) and Protective Measures Plan (PMP) be submitted to the Department of Labour and Employment **by 21 October 2020**. These submissions must be made via email to the address of the appropriate Provincial Chief Inspector. A list of the Provincial Chief Inspectors and their contact details may be accessed at the following link:

<http://www.labour.gov.za/About-Us/Ministry/Pages/IES0320-7398.aspx>



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Subsection (2) of this clause requires an Employer of more than 50 employees to submit data to the National Institute for Occupational Health regarding prescribed categories of data. These submissions must be made to the following email address: OHSworkplace@nioh.ac.za or via the online platform at <http://ohss.nioh.ac.za/>

The following data must be submitted by the employer **once off**:

- Each employee's vulnerability status for serious outcomes of a COVID -19 infection.

The following data must be submitted by the employer **weekly, before Tuesday**:

- 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 virus;
- 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.

Further information regarding the submission of these categories of data may be found in the Guideline on the submission of COVID-19 related health data from workplaces to the National Department of Health (Version 1, 19 August 2020). This guideline may be accessed at the following link:

<https://www.nicd.ac.za/diseases-a-z-index/covid-19/covid-19-guidelines/submission-of-covid-19-related-health-data-from-workplaces/>

The other Administrative Measures, contained in clause 4, which must be implemented by the employer may be summarised as follows:

- Require employees to disclose health issues, comorbidities or whether they are vulnerable employees, as defined, and take special measures to mitigate the risk of Covid-19;
- Notify workers of the contents of the new Directions;



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- Notify employees not to come to work if they are sick or have Covid-19 symptoms;
- Appoint a Manager as the Covid-19 compliance officer responsible for overseeing the implementation of COVID-19 Health and Safety measures;
- Ensure compliance with this Direction and its Risk Assessment by way of monitoring and supervision;
- Minimise numbers of workers at workplace
- Minimise contact between workers and workers, as well as workers and members of the public;
- Raise awareness;
- Comply with this Direction if a worker has been diagnosed with Covid-19.
- The following websites must be monitored for special PPE requirements:

<http://www.health.gov.za>

<https://www.nicd.ac.za>

<http://www.nioh.ac.za>

The remaining directions are similar to those which have been in place since June 2020 relating to issues such as:

- Social distancing measures;
- Symptom screening;
- Sanitizers, disinfectants and hand washing facilities;
- Cloth Masks;
- Ventilation;
- Employee refusal to work due to perceived exposure to Covid-19;
- The appointment of inspectors.