

Stay on the right side of COVID-19 regulations

[Durban, 07 August 2020] As COVID-19 cases continue to rise sharply in South Africa, employers will be under increased pressure to ensure that their workers are operating under conditions of safety and protection.

Companies are required to ensure their strict compliance with the various Acts and COVID-19 Regulations, including the Occupational Health & Safety Act, Labour Act, Consumer Protection Act, Disaster Management Act and more.

The amendments to the Alert Level 3 Regulations following President Cyril Ramaphosa's national address on 12 July, also involve a shift towards greater individual responsibility from employers and employees when it comes to meeting COVID-19 workplace obligations.

Greg Brown, Divisional Director: Legal Information and Compliance at LexisNexis South Africa, sums up the obligations below:

1. All businesses permitted to operate must appoint a Compliance Officer to oversee compliance with COVID-19 in the workplace and must develop and implement a COVID-19 Workplace Plan that sets out specific measures in place to comply with COVID-19 workplace regulations.
2. Large companies (with more than 500 employees) must submit a risk assessment and written policy about how the health and safety of its employees will be protected against COVID-19. All workers must be notified about the document and its contents. A manager must be appointed to address employee concerns and to keep them informed.
3. Employers are required to provide protective equipment for workers and must implement measures to screen employees and visitors for symptoms, as well as facilitate social distancing within the workplace, including staggered working hours, rotation, shift systems or remote working.
4. Those who don't adhere to their legal duty to protect their employees and business stakeholders may face consequences including fines, legal action and shutdown orders, depending on the nature and severity of the transgression.
5. In addition, the Alert Level 3 Regulations explicitly require that special measures must be implemented in the workplace to facilitate the safe return of employees who are over 60 or have comorbidities.
6. The Alert Level 3 Regulations also provide that employers operating under sector or industry-specific bodies may in addition be required to implement sector-specific health protocols to limit the spread of COVID-19. These bodies are required to develop these protocols in consultation with the Department of Health, where there are high health risks.
7. The latest amendments to the Alert Level 3 Regulations include implementing stricter health and safety protocols and enforcing compliance with these, while aiming to facilitate as much economic activity as possible. Employers and property owners should be aware that the amended Regulations pose greater risks of liability for non-compliance than previous versions.
8. Considerable attention is given in the latest amendments to increased reliance on cloth facemasks or other appropriate items to cover both the nose and mouth. No person is permitted in any public space without a mask and all employers are now required to ensure that every employee is wearing a facemask while performing their duties on the business's premises, regardless of whether the employee is exposed to the public in the course of their work.

9. To limit their liability, owners or landlords should impress upon security personnel or other designated officials the importance of each person wearing a facemask and wearing it correctly. Signage and patrols enforcing the wearing of masks may also be required.
10. Employers must report any diagnosis of COVID-19 at work to the Department of Health and the Department of Employment and Labour, investigate the cause, and take appropriate measures including supporting any contact tracing measures initiated by the Department of Health.

If you would like to stay on the right side of COVID-19 regulations, visit the LexisNexis COVID-19 Compliance hub, where you'll find handy resources, such as all the latest COVID-19 regulations across all sectors, as well as a useful [COVID-19 Compliance Checklist](#), [COVID-19 Incident Report](#) or the [OHSA COVID-19 Cleaning Procedure](#) to help you curb the spread of COVID-19 and avoid penalties for non-compliance.

[Word Count: 651]

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