

ANNEXURE 1

RETURN TO WORK POLICY OF EMPLOYER EMPLOYING MORE THAN 500 EMPLOYEES

Definitions

1. In this policy, unless the context indicates otherwise, the following meaning must be attached to the following words:
 - 1.1 'BCEA' means the Basic Conditions of Employment Act, 75 of 1997;
 - 1.2 'COVID-19' means the Coronavirus disease 2019;
 - 1.3 'Directive' means the directive issued by the Minister of Employment and Labour in terms of Regulation 10(8) of the Regulations issued by the Minister of Co-Operative Governance and Traditional Affairs in terms of s27(2) of the Disaster Management Act, published in Government Gazette 43257 of 29 April 2020;
 - 1.4 'Disaster Management Act' means the Disaster Management Act, 5 of 2002;
 - 1.5 'OHSA' means the Occupational Health and Safety Act, 85 of 1993;
 - 1.6 'PPE' means personal protective equipment;
 - 1.7 'virus' means the SARS-CoV-2 virus;
 - 1.8 'worker' means any person who works in an employer's workplace, including an employee of the employer or contractor, self-employed person or volunteer; and
 - 1.9 'workplace' means any premise or place where a person performs work, irrespective of the nature of the work.

Application

2. Subject to clause 3, this policy applies to employers and workers in respect of:
 - 2.1 the manufacture, supply or provision of essential goods or essential services, as defined in Schedule 2 of the Regulations issued in terms of s27(2) of the Disaster Management Act; and
 - 2.2 any workplace permitted to continue or commence operations before the expiry of the aforesaid Regulations.
3. This policy does not apply to workplaces:
 - 3.1 excluded from the OHSA in terms of s1(3) of such Act;

- 3.2 in which medical and healthcare services, as defined in Schedule 2 in the Regulations issued in terms of section 27(2) of the Disaster Management Act (other than retail pharmacies) are performed;
- 3.3 in respect of which another minister has issued a directive under those Regulations dealing with health and safety.

Period of application

4. This policy remains in force as long as the declaration of a national disaster, published in Government Gazette number 43096 of 15 March 2020 remains in force.

Administrative measures

5. The employer undertakes to establish the following administrative measures:
 - 5.1 a risk assessment to give effect to the minimum measures required by the Directive, taking into account the specific circumstances of the workplace;
 - 5.2 to submit a record of its risk assessment, together with this policy, to:
 - 5.2.1 its health and safety committee established in terms of s19 of OHSA; and
 - 5.2.2 the Department of Employment and Labour (to the Provincial Chief Inspector);
6. The employer undertakes not to notify:
 - 6.1 all workers of the content of the Directive and the manner in which it intends to implement it; and
 - 6.2 notify its employees that, if they are sick or have symptoms associated with COVID-19, they must not come to work and, instead, must take paid sick leave in terms of s22 of the BCEA.
7. The employer undertakes to appoint a manager to address employee or workplace representative concerns and to keep them informed and, where a health and safety committee has been elected, to consult with such committee on the nature of the hazard/risk and the measures that need to be taken.
8. The employer will ensure that the measures required by the Directive and its own risk assessment plan are strictly complied with through monitoring and supervision.
9. As far as practicable, the employer undertakes to minimise the number of workers at the workplace at any given time through rotation, staggered working hours, shift systems, remote working arrangements or similar arrangements to achieve social distancing.
10. The employer furthermore undertakes:

- 10.1 to take measures to minimise contact between workers, as well as between workers and members of the public; and
 - 10.2 to provide workers with information that raises awareness of the dangers of the virus, the manner of its transmission and the measures to prevent transmission.
11. If a worker has been diagnosed with COVID-19, the employer undertakes to:
- 11.1 inform the Department of Health (to the COVID-19 hotline: 080 002 9999) and the Department of Employment of Labour;
 - 11.2 investigate the cause (including any control failure) and review its risk assessment to ensure that the necessary controls of PPE requirements are in place; and
 - 11.3 give administrative support to any contact-tracing measures implemented by the Department of Health.

Social distancing measures

12. The employer will 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.
13. This may be achieved by reducing the number of workers present in the workplace at any given time.
14. If it is not practicable to arrange workstations to be spaced at least one and a half metres apart, the employer undertakes:
 - 14.1 to arrange physical barriers to be placed between workstations or erected on workstations to form a solid physical barrier between workers while they are working; and
 - 14.2 if necessary, to supply the employee free of charge with appropriate PPE.
15. The employer will ensure that social distancing measures are implemented through supervision, both in the workplace and common areas outside the immediate workplace, such as canteens as lavatories.
16. The employer will consider measures, such as dividing the workforce into groups or staggering break-times, to avoid the concentration of workers in common areas.

Symptom screening

17. The employer undertakes to implement measures to:
- 17.1 screen all workers when they report for work to ascertain whether they have any of the observable symptoms associated with COVID-19, including, but not

limited to, fever, cough, sore throat, redness of eyes or shortness of breath (inclusive of difficulty in breathing);

- 17.2 require every worker to report to his or her immediate superior whether they suffer from any of the following additional symptoms, namely:
 - 17.2.1 body aches, loss of smell, loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness; and
 - 17.2.2 require workers to immediately inform their immediate superior if they experience of the symptoms set out in 15.1 and 15.2, whilst at work.
- 18. The employer undertakes to comply with any guidelines issued by the National Department of Health in respect of symptom screening, medical surveillance and testing and the like.

Obligations of the employer when symptoms are present

- 19. If a worker presents with the above symptoms or advises the employer of these symptoms, the employer undertakes:
 - 19.1 not to permit the worker to enter the workplace or report for work; or
 - 19.2 if the worker is already at work, immediately:
 - 19.2.1 isolate the worker, provide him or her with a FFP1 surgical mask and arrange for the worker to be transported in a manner that does not place other workers or the public at risk, either to be self-isolated or for medical examination or testing; and
 - 19.2.2 assess the risk of transmission, disinfect the area concerned, refer those workers who may be at risk for screening and take all other appropriate measures to prevent possible transmission;
 - 19.3 to ensure that the worker is tested or referred to an identified testing site;
 - 19.4 to place the employee on paid sick leave in terms of s22 of the BCEA or, alternatively, if such leave entitlement is exhausted, make application for an illness benefit in terms of clause 4 of the Directive issued on 25 March 2020 on the COVID-19 Temporary Employer Relief Scheme under Regulation 10(8) of the Regulations promulgated in terms of s27(2) of the Disaster Management Act;
 - 19.5 to ensure that the employee is not discriminated against on grounds of having tested positive for COVID-19 in terms of s6 of the Employment Equity Act, 55 of 1998;
 - 19.6 if there is evidence that the employee contracted COVID-19 as a result of occupational exposure, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 130 of 1993, in accordance with Notice 193 published on 3 March 2020 (Government Gazette 43126, Government Notice 193 of 3 March 2020).

20. If an employee has been diagnosed with COVID-19 and isolated in accordance with the Department of Health Guidelines, the employer undertakes to only permit such person back to work under the following conditions:
 - 20.1 a medical evaluation confirms that the employee has tested negative for COVID-19;
 - 20.2 the employer ensures that personal hygiene, wearing of masks, social distancing and cough etiquette is strictly adhered to by the worker; and
 - 20.3 the employer closely monitors the worker for symptoms on return to work.

Sanitisers

21. The employer undertakes, free of charge, to ensure that:
 - 21.1 it has available, for the purposes set out in this policy, hand sanitiser with at least a 70% alcohol content and in accordance with the recommendations of the Department of Health;
 - 21.2 there are sufficient quantities of hand sanitiser, based on the number of workers or persons who access the workplaces, which the workers or other persons are required to use;
 - 21.3 every employee who works away from the workplace, other than at home, is to be provided with an adequate supply of hand sanitiser.
22. If a worker interacts with the public, the employer undertakes to provide the worker with sufficient supplies of hand sanitiser at that worker's work station for both the worker and the person with whom the person is interacting.

Disinfections and other measures

23. The employer undertakes to take measures to ensure that:
 - 23.1 all work surfaces and equipment are disinfected before work begins, regularly during the working period and after work ends;
 - 23.2 all common areas, toilets, door handles and shared electronic equipment are regularly cleaned and disinfected;
 - 23.3 disable biometric systems or make them COVID-19 proof.
24. The employer undertakes to:
 - 24.1 ensure that there are adequate facilities for the washing of hands with soap and clean water;
 - 24.2 prohibit the use of fabric towelling and make paper towels available to dry hands after washing;

- 24.3 ensure that the workers are required to wash their hands and sanitise their hands regularly while at work;
- 24.4 ensure that the workers interacting with the public are instructed to sanitise their hands between each interaction with the public; and
- 24.5 ensure that the surfaces that the workers and members of the public come into contact with are routinely cleaned and disinfected.

Cloth masks

- 25. The employer undertakes:
 - 25.1 free of charge, to provide each of its employees with a minimum of two cloth masks, which comply with the requirements set out in the guidelines issued by the Department of Trade, Industry and Competition, to wear whilst at work and whilst commuting to and from work; and
 - 25.2 require any other worker to wear masks in the workplace.
- 26. The number and replaceability of cloth masks will be determined according to any sectoral guideline and in the light of each individual employee or worker's conditions of work. Specific factors to be taken into account include a mask becoming wet or soiled.
- 27. The employer undertakes that workers will be informed, instructed and trained as to the correct use of cloth masks.
- 28. The employer undertakes to make appropriate arrangements for the washing, drying and ironing of cloth masks in accordance with the aforesaid guidelines.
- 29. Where a risk assessment indicates that PPE is required, such worker or categories of workers will be provided with accredited PPE in accordance with the Department of Health guidelines.

Measures in respect of workplaces to which the public have access

- 30. Depending on what is practicable, given the nature of the workplace, the employer undertakes to:
 - 30.1 arrange the workplace to ensure that there is a distance of at least one and a half metres between workers and members of the public or between members of the public;
 - 30.2 alternatively, put in place physical barriers or provide workers with face shields or visors;
 - 30.3 if appropriate, undertake symptom screening measures of persons other than employees entering the workplace, with due regard to available technology and any guidelines issued by the Department of Health;

- 30.4 if appropriate, display notices advising persons, other than employees entering the workplace, of the precautions they are required to observe while in the workplace; and
- 30.5 require members of the public, including suppliers, to wear masks when inside the premises.

Ventilation

31. The employer undertakes to:
 - 31.1 keep the workplace well-ventilated by natural or mechanical means to reduce the SARS-CoV-2 viral load;
 - 31.2 where reasonably practicable, have an effective local extraction ventilation system with high-efficiency articulate air HEPA filters, which is regularly cleaned and maintained, and its vents do not feed back in, through open windows;
 - 31.3 ensure that the filters are cleaned and replaced in accordance with the manufacturer's instructions by a competent person.

Other PPE

32. The employer undertakes to make regular checks on the websites of the National Department of Health, National Institute of Communicable Diseases and the National Institute for Occupational Health, whether any additional PPE is required or recommended in any guidelines given the nature of the workplace or the nature of the worker's duties.

Worker obligations

33. In addition to the obligations of employees under the OHSA, every worker is obliged to comply with measures introduced by the employer as required by the Directive.

Monitoring and enforcing the Directive

34. An inspector designated in terms of s28 of OHSA may perform any of the functions in section 29 of OHSA and exercise any of the powers listed in s30 of OHSA in order to monitor compliance with the Directive.
35. An inspector, as contemplated above, may, for the purpose of promoting, monitoring and enforcing compliance with the OHSA, advise employees and the employer of their respective rights and obligations in terms of the Directive, in accordance with s64 of the BCEA.

Sectoral guidelines

36. The chief inspector, appointed in terms of s27 of the OHSA, may facilitate the development of sector-specific guidelines to support the Directive and, where applicable, will be taken into account by the employer.

RETURN TO WORK POLICY OF EMPLOYER EMPLOYING 10 OR FEWER EMPLOYEES

Definitions

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 - 1.2 'COVID-19' means the Coronavirus disease 2019;
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 - 1.4 'Disaster Management Act' means the Disaster Management Act, 5 of 2002;
 - 1.5 'OHSA' means the Occupational Health and Safety Act, 85 of 1993;
 - 1.6 'PPE' means personal protective equipment;
 - 1.7 'virus' means the SARS-CoV-2 virus;
 - 1.8 'worker' means any person who works in an employer's workplace, including an employee of the employer or contractor, self-employed person or volunteer; and
 - 1.9 'workplace' means any premise or place where a person performs work, irrespective of the nature of the work.

Application

2. Subject to clause 3, this policy applies to employers and workers in respect of:
 - 2.1 the manufacture, supply or provision of essential goods or essential services, as defined in Schedule 2 of the Regulations issued in terms of s27(2) of the Disaster Management Act; and
 - 2.2 any workplace permitted to continue or commence operations before the expiry of the aforesaid Regulations.
3. This policy does not apply to workplaces:
 - 3.1 excluded from the OHSA in terms of s1(3) of such Act;
 - 3.2 in which medical and healthcare services, as defined in Schedule 2 in the Regulations issued in terms of section 27(2) of the Disaster Management Act (other than retail pharmacies) are performed;

- 3.3 in respect of which another minister has issued a directive under those Regulations dealing with health and safety.

Period of application

4. This policy remains in force as long as the declaration of a national disaster, published in Government Gazette number 43096 of 15 March 2020 remains in force.

Obligations of the employer

5. Apart from complying with the requirements in terms of OHSA, the employer shall undertake the following health and safety measures:
- 5.1 the workplace should be arranged in such a manner to ensure that employees are at least one and a half meters apart, or place physical barriers between them to prevent possible transmission of COVID-19 where the former is not possible;
 - 5.2 it shall not permit an employee who displays symptoms of COVID-19 to work;
 - 5.3 should an employee display symptoms of COVID-19, the employer must contact the COVID-19 hotline on 0800 02 9999 and instruct such employee to act in accordance with the communicated instructions;
 - 5.4 provide employees with two cloth masks or require an employee to wear some form of cloth mask which covers their mouth and nose while at work;
 - 5.5 provide all employees with hand sanitiser, soap and clean water and ensure employees practice appropriate hygiene in the workplace by washing their hands and cleaning and/or disinfecting their work stations;
 - 5.6 ensure that employees workplaces are cleaned and disinfected regularly; and
 - 5.7 take appropriate measures as identified by a risk assessment.

The spread of COVID-19 in the workplace

6. It is mandatory that all employees familiarise themselves with how COVID-19 is spread in the workplace, namely:
- 6.1 when someone is infected with COVID-19 coughs or exhales, they release droplets of infected fluid;
 - 6.2 most of these droplets fall on nearby surfaces and objects - such as desks, tables or telephones;
 - 6.3 people are infected with COVID-19 by touching contaminated surfaces or objects – and then touching their eyes, nose or mouth;

- 6.4 if people are standing within one meter of a person with COVID-19 they can be infected by breathing in droplets coughed out or exhaled by them. In other words, COVID-19 spreads in a similar way to the flu;
- 6.5 Most persons infected with COVID-19 experience mild symptoms and recover; and
- 6.6 some experience more severe symptoms and may require hospitalisation.

Scope

7. This policy applies to all the employees of the employer who physically work at the following workplaces, as well as all visitors/clients and suppliers to the said workplaces:
 - 7.1 ...
 - 7.2 ...
 - 7.3 etc

Responsible parties

8. The employer and its employees are the responsible parties responsible for ensuring safe and healthy conduct, as well as for reporting of any unsafe practices. In addition, those appointed in terms of a statute must fulfil their roles, as must the committees they participate in.
9. Apart from the above, all visitors/clients and suppliers (generally referred to as the public) also need to adhere to this policy when they come into contact with the employer's employees at the workplace.

COVID-19 workplace plan

10. The employer has compiled a COVID-19 workplace plan which shall, where applicable, be read in conjunction with this policy. All representatives are instructed to familiarise themselves with the COVID-19 workplace plan and all Annexures thereto in order to ensure the appropriate performance of their duties.

Required action

11. This policy outlines the required actions of the employer's employees and visitors and/or clients (inclusive of any member of the public) in order to protect themselves and their co-workers from a COVID-19 infection and its possible spread. A list of all the required actions is depicted in this policy.

Risk and hazard assessments

12. The employer has appointed _____ as the compliance officer. The compliance officer will appoint a representative in each respective workplace, who shall appoint one designated person in each such workplace to ensure that a daily risk and hazard assessment is done.

13. Appropriate risk analyses must be done at the workplace before any work is resumed. Measures necessary to eliminate or control those risks must be identified and implemented.
14. The representative as selected above shall provide a copy of all documented information on a weekly basis to the compliance officer before close of business every Friday.
15. After work has recommenced, a daily analysis on COVID-19 at the workplace must be done and a written record of the risk analyses must be kept by the representative appointed by the compliance officer. The analysis should consist of, at least, the following:
 - 15.1 the identification of all possible hazards and risks;
 - 15.2 an analysis of the nature of the risks;
 - 15.3 steps to be taken to eliminate or control these risks.

