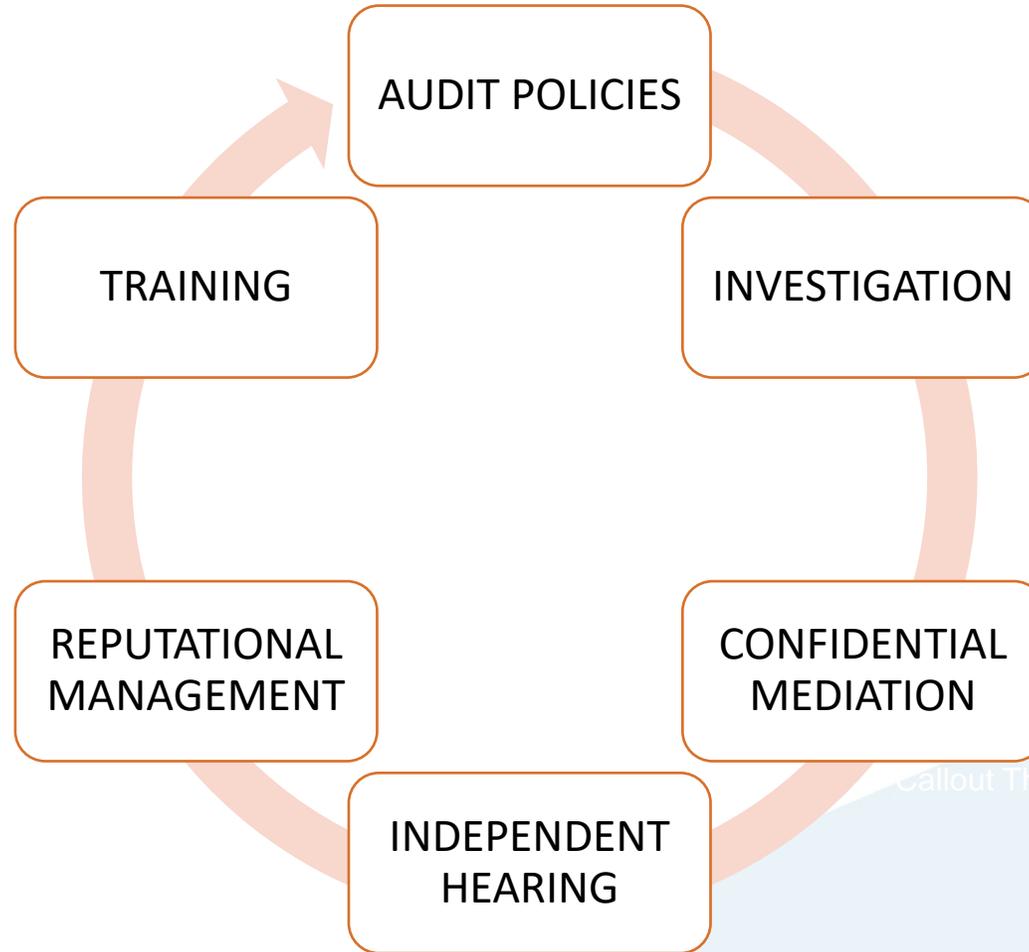


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Callout Three.

THE AXIS CONSULTING AREAS



Three.

Return to work: Experience from the UK

Callout Three.

Changes to Furlough Rules

- From July, flexible furloughing starts meaning employers can allow furloughed workers to work part time
- From August, NI and pension contributions on unworked hours must be paid for by employers
- In September, the government contributions will be tapered off from 80% of wages to 70%
- In October, it will taper off further to 60% of wages
- In both cases, the employer must make up to 80% and then top up further if they wish

Callout Three.

What are we covering?

- Issues and insight before reopening
- Re-opening
- Other issues to consider
- Data protection issues

Callout Three.

Issues and insight before reopening

- Risk assessments must be carried out
 - Segmented risk assessments likely to be necessary for different groups, for example clinically vulnerable groups
- Trust and engagement
 - Consultation with employees vital as is gathering information through surveys
 - Give employees time and opportunity to consider

Callout Three.

Reopening

- Staggered shift patterns
- Reduce meetings and staggered break times to reduce contact
- Hygiene measures for staff protection
 - Perspex screens at tills
 - Mask wearing
 - Hand-washing facilities
- Communicate health and safety measures and actions required clearly, both to employees and customers

Callout Three.

Other issues to consider

- Vulnerable groups
 - Clinically extremely vulnerable groups are strongly recommended to stay at home at all times and avoid contact
 - May be disabled under the Equality Act 2010
- Those with childcare responsibilities
 - Discuss with employees how they are impacted
- Those concerned about coming to work
 - Listen to concerns
 - Engage and communicate with employees concerned
- Staffing level issues

Data protection issues

- When monitoring or testing measures for employees, data protection requirements need to be protected
- If employers wish to use temperature testing or thermal imaging cameras, employers need to demonstrate that it is necessary, proportionate and same results could not be achieved through less intrusive measures
- Employers may wish to implement testing policy to meet transparency requirement
- ICO guidance on workplace testing should be heeded

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FOCUS

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Disaster Management Act (57/2002):
Direction by the Minister of Employment and Labour in terms of
Regulation 4 (10) of the Regulations R480 of 29 April 2020 issued by
the Minister of Cooperative Governance and Traditional Affairs in
terms of Section 27 (2) of the Act.

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PLAN FOR REOPENING WORKPLACES (PARAGRAPH 17)

Every employer commencing business operations must:

- Undertake a risk assessment.
- The risk assessment must form the basis of a workplace plan.
- Consult on the risk assessment and the plan.

Paragraph 18 discusses what the workplace plan must include:

- date and time of reopening, the employees who will return or work from home, vulnerable employees and workplace protective measures, screening of employees and contractors and the details of the COVID-19 compliance officer.

COVID Health and
Safety

ADMINISTRATIVE MEASURES (PARAGRAPH 19)

- More than 500 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 as contemplated in section 7(1) of OHSA.
- The employer must, as far as practicable, minimize the number of workers at the workplace and minimize contact between workers as well as between workers and members of the public.
- If a worker has been diagnosed with COVID -19, an employer must-
 - inform the Department of Health and the Department of Employment and Labour;
 - 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; and
 - 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.

COVID Health and
Safety

SOCIAL DISTANCING MEASURES (PARAGRAPHS 21 – 24)

- 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.

HEALTH AND SAFETY MEASURES (PARAGRAPHS 24 TO 45)

- Symptom screening (with reference to levels of exposure)
- Sanitizers, disinfectants and other measures
- Cloth masks
- Measures in respect of workplaces to which public have access
- Ventilation
- Specific Personal Protective Equipment

COVID Health and
Safety

WORKER OBLIGATIONS (PARAGRAPH 47)

- In addition to the obligations of employees under the OHSA, every worker is obliged to comply with measures introduced by their employer as required by the direction

REFUSAL TO WORK DUE TO EXPOSURE TO COVID -19 (PARAGRAPH 48 TO 56)

- No person may threaten to take any action against a person because that person has exercised or intends to exercise the right in terms of paragraph 48.

OBLIGATION TO REPORT ANOTHER EMPLOYEE?

1. Covid-19 Regulations

- A. In terms of regulation 14(1)(3) of the Regulations issued in terms of Section 27 (2) of the Disaster Management Act, 2002 (GG 43258) any person who intentionally exposes another person to Covid-19 may be prosecuted for an offence, including assault, attempted murder or murder
- B. The Directions by the Minister of Employment and Labour in terms of Regulation 4 (10) of the Regulations R480 of 29 April 2020 issued by the Minister of Cooperative Governance and Traditional Affairs in terms of Section 27 (2) of the Act (GG 43400) place certain obligations on employers, which include amongst others:

COVID Health and
Safety

- i. notifying employees that if they are sick or have symptoms associated with Covid-19 that they must not come to work;
- ii. oversee adherence to the health and safety measures established in accordance with the workplace directions and this may include appointing employees to perform this function;
- iii. if an employee has tested positive, then there are certain notification requirements place on the employer;
- iv. if the employee exhibits symptoms or tests positive, the employee should not be permitted into the workplace; and
- v. ensuring that employee who test positive are not discriminated against.

2. **Occupational Health and Safety Act, 1993**

Section 14 of OHSA sets forth the general duties of employees at work, the relevant duties in this respect are that an employee shall at work:

- i. take reasonable care for the health and safety of the employee and of other persons who may be affected by his acts or omissions;
- ii. as regards any duty or requirement imposed on the employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed or complied with; and
- iii. if any situation which is unsafe or unhealthy comes to the employee's attention, as soon as practicable report such situation to the employer or to the health and safety representative at the workplace or section thereof, as the case may be, who shall report it to the employer.

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