

DEPARTMENT OF EMPLOYMENT AND LABOUR

4 JUNE 2020

Covid-19 OHS Compliance in the Construction Sector
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employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



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Introduction

- DMA – Section 27(2) – DMR - 29 April 2020
- DMA – Section 27(2) – DMR - 28 May 2020
 - Regulation 2 “ *...the addition of Chapter 4 after Chapter 3...*”
- Aware of High Court Ruling on the DMR, still applicable

Level 4/Level 3

Reference	DMR – April 2020	DMR – May 2020
Compliance Employee	Regulation 5(4)	-
Compliance Officer	Regulation 16(6)(a)	Regulation 47(1)(a)
Workplan	Regulation 16(6)(b)	Regulation 47(1)(b)
Phase in from other Provinces/Districts	Regulation 16(6)(c)	Regulation 47(1)(c)
Health Protocols	Regulation 16(6)(d)	Regulation 47(1)(d)

DMR – April 2020

- Chapter 2 – Authority to issue Directions
- Regulation 4(14)

“ All Directions issued in terms of these Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet Member responsible for such directions “

C19 OHS Directive

In addition to DMR the OHS Directive requires:

- Risk Assessment
 - Health and Safety Policy
 - *Covid-19* Manager
 - Sector Guidelines
-
- *RA N/A <10 Employees, adhere to Clause 40*
 - *RA and H&S Policy must be submitted to DEL for > 500 employees*

Sector Guideline Template

1. Risk Assessment
2. Engineering Controls
3. Administrative Controls
4. Healthy and Safe Work Practices
5. Personal Protective Equipment
6. Provision of Safe Transport for Employees

Documents/Appointments

- Compliance Employee
- Work plan
- Compliance Officer
- Risk Assessment
- Health and Safety Policy
- *Covid-19* Manager
- Sector Guidelines*

Construction Life Cycle

SACPCMP	SACAP	SACLAP	SACQSP	ECSA	SACPVP
Project and Construction Management <small>PrCHSA, CHSM, CHSO</small>	Architects	Landscape Architects	Quantity Surveyors	Engineers	Property Valuers

- Stage 1 – Project Initiation and Briefing
- Stage 2 – Concept and Feasibility
- Stage 3 – Design Development
- Stage 4 – Tender Documentation and Procurement
- Stage 5 – Construction Documentation and Management
- Stage 6 – Project Close – Out

Previous/Current/New Sites

- If a CWP was issued to the site then a new Annexure 1 application is not required
- New CWP applications must include Covid-19 requirements
- Notification of the construction Annexure 2, already submitted is not required to be re-submitted

Compliance Employee

- (4) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall—
- (a) determine their area of floor space in square metres;
 - (b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises at any time with adequate space available;
 - (c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;
 - (d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and
 - (e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure—
 - (i) compliance with the measures provided for in paragraphs (a) to (d); and
 - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.

Compliance Officer

- (6) All industries, businesses, entities, both private and in the public sector, which are permitted to operate during Alert Level 4, must—
- (a) designate a COVID-19 compliance officer who will oversee the:
 - (i) implementation of the plan referred to in subregulation (b); and
 - (ii) adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;
 - (b) develop a plan for the phased in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond with Annexure E and be retained for inspection and contain the following information:
 - (i) which employees are permitted to work;
 - (ii) what the plans for the phased-in return of their employees to the workplace are;
 - (iii) what health protocols are in place to protect employees from COVID-19; and
 - (iv) the details of the COVID-19 compliance officer;
 - (c) phase in the return of their employees to work to manage the return of employees from other provinces, metropolitan and district areas; and
 - (d) develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.

Workplan

ANNEXURE E WORKPLACE PLANS

Regulation 16(6)(b)

A COVID-ready Workplace Plan must be developed prior to the reopening of an enterprise employing persons or serving the public.

For small businesses, the plan can be basic reflecting the size of the business, while for medium and larger businesses, a more detailed written plan should be developed given the larger number of persons at the workplace.

The Plan for medium and large businesses must include the following:

1. The date the business will open and the hours of opening;
2. The timetable setting out the phased return-to-work of employees, to enable appropriate measures to be taken to avoid and reduce the spread of the virus in the workplace;
3. The steps taken to get the workplace COVID-19 ready;
4. A list of staff who can work from home; staff who are 60 years or older; and staff with comorbidities who will be required to stay at home or work from home;
5. Arrangements for staff in the establishment:
 - (a) sanitary and social distancing measures and facilities at the entrance and exit to the workplace;
 - (b) screening facilities and systems;
 - (c) the attendance-record system and infrastructure;
 - (d) the work-area of employees;
 - (e) any designated area where the public is served;
 - (f) canteen and bathroom facilities;
 - (g) testing facilities (for establishments with more than 500 employees);
 - (h) staff rotational arrangements (for establishments where fewer than 100% of employees will be permitted to work).
6. Arrangements for customers or members of the public, including sanitation and social distancing measures.

Risk Assessment

16. Every employer must establish the following administrative measures:

16.1 It must undertake a risk assessment to give effect to the minimum measures required by this Directive taking into account the specific circumstances of the workplace.

Policy

- 16.2 If the employer employs 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 to-
- 16.2.1 Its health and safety committee established in terms of section 19 of OHSA; and
 - 16.2.2 The Department of Employment and Labour.⁴

Covid-19 Requirements

- Client – amend/add an addendum to the baseline RA and SSHSS to incorporate these requirements throughout the site
- Principal Contractor – Plan should include Work plan, RA and appointment(s)
- Contractor – as per PC if applicable
- Every Employer = Client/PC /Contractor unless otherwise agreed upon, many variables

Risk Assessment



health

Department:
Health
REPUBLIC OF SOUTH AFRICA



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Specialised health risk assessment for workplaces (by employers and self-employed persons)

This document may be updated depending on the Covid-19 pandemic response
Version 1, 1 May 2020

Purpose

This guide is to be used by employers or self-employed persons to assess the potential risk of exposure to SARS-CoV-2 virus and control measures at all workplaces. (*SARS-CoV-2 virus is the causative virus of Covid-19*).

Objectives

- i) To identify and assess the potential risk of exposure to SARS-CoV-2 virus at workplaces
- ii) To identify control measures (or the absence of control measures) and assess their effectiveness to reduce the risk of transmission of SARS-CoV-2 virus from recognised and unrecognised sources of infection in a workplace
- iii) To inform the employer of the risk of potential exposure to SARS-CoV-2 virus and additional controls that might be required.

Requirements for the protection of employees against hazardous biological agents (HBA) such as SARS-CoV-2 virus are covered in the South African Occupational Health and Safety Act, 1993, Regulations for Hazardous Biological Agents, 2001.

This guide serves as a departure point for employers, self-employed persons and appropriately qualified persons to guide their COVID-19 Risk Assessments. This content must not be regarded as the absolute content of a Risk Assessment, rather it is the minimum requirements.

DEL Workplace Preparedness Plan



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Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

The Department of Employment and Labour

**Workplace Preparedness:
COVID-19 (SARS-CoV-19 virus)**

High Contact Activities/Areas

Activities	Areas
Labour Intensive activities	Toilet Facilities
Working below other persons	Changing Rooms
Conducting on site Toolbox Talks	Shower Facilities
Handling of Tools Equipment/Materials	Canteen and Eating Areas
Working in confined spaces	Open Plan Workspaces
Working on a suspended platform	Workshops/Storage Areas
Working on scaffolding	Common Areas within or outside the site

For Eg. Site Access

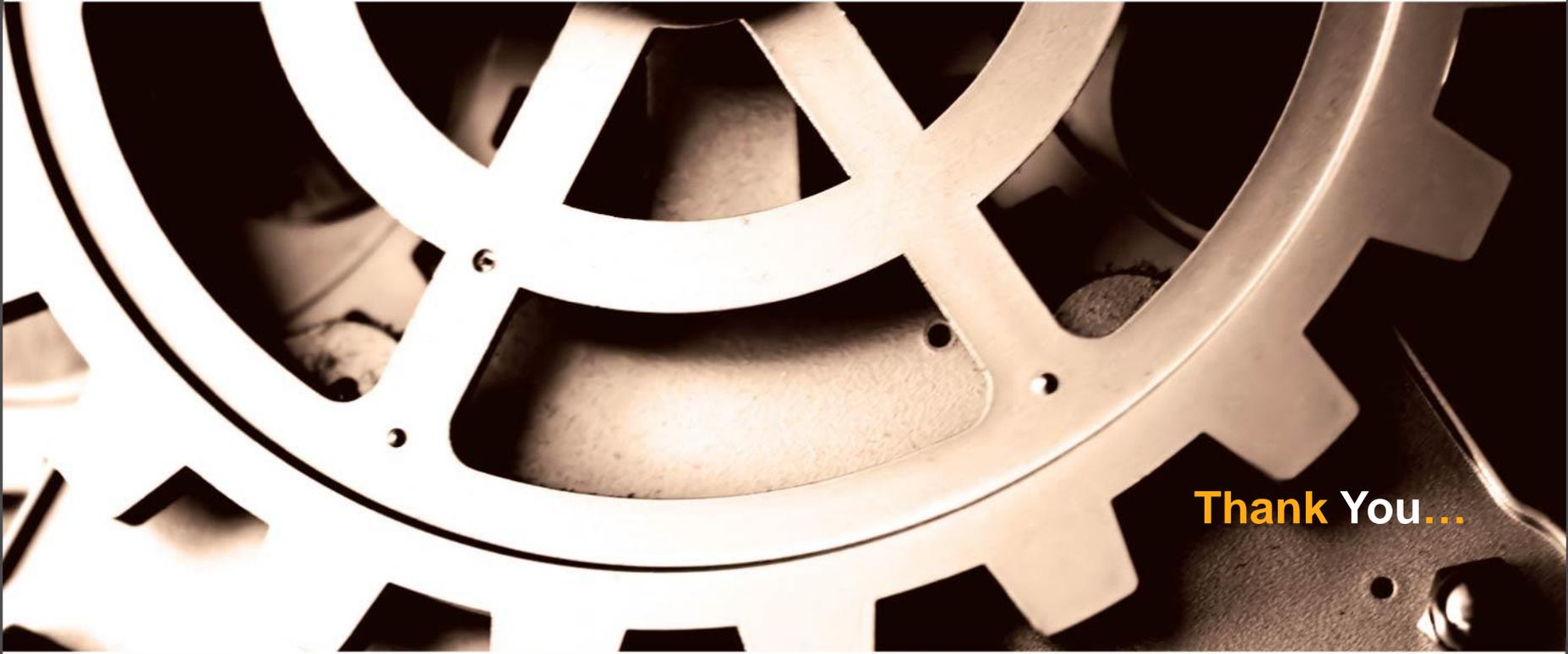
- Must be controlled
- Entry/Exit at difference times for employees
- Have designated compliance employees
- Wash/Sanitize
- Screening (eg. thermometer/questionnaire)
- Register with traceable contact details, no sharing of pen, compliance employee to complete or each bring own pen or sanitize

For eg. Toolbox Talks

- Have toolbox talks in limited groups
- Ensure distancing and work out the number of employees to attend per session
- Open space or in a well ventilated area
- Include a covid-19 health and safety component related to toolbox talks eg. Sanitizing equipment, storeroom/register should be controlled by one designated person if possible

Complaints/Deviations to...

	Provincial Chief Inspectors	OHS Specialist
GP	Adv. Michael Msiza; Cell: 0829008131 Michael.Msiza@labour.gov.za	Mr Lesibe Raphale; Cell: 0767649964 Lesibe.Raphela@labour.gov.za
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Thank You...