Employers' COVID-19 containment in practice

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15 April 2021

Employers' COVID-19 containment in practice

and

The Good,

the Bad and the Ugly

SARS-CoV-2 & COVID-19
National Health and Disaster Laws to deal with Pandemic

1. SARS-CoV-2 declared Category 1 Notifiable Disease

2. National Health Act and Regulations relating to notifiable conditions

3. SARS-CoV-2, a medical emergency requiring urgent and drastic Disaster measures =

   1. Disaster Management Act, 2002 and Regulations

   2. Directions: DEL, DMR, RSR, Compensation Workplace-acquired COVID-19,..

   3. Health Guidelines incorporated in Disaster Directives

Employment Regulation @ COVID-19 pandemic

1. Common law: duties of employer and of employee

2. Contract of employment

3. Statutes

    1. Occupational Health and Safety Act & Regulations for HBA
    2. Mine Health and Safety Act
    3. Basic Conditions of Employment Act: sick pay
    4. Labour Relations Act: employment conditions, ill health incapacity, retrenchment
    5. Employment Equity Act: medical testing
    6. Unemployment Insurance Act: unemployment-, sick-pay
    7. Compensation for Occupational Injuries and Diseases Act: work-acquired C19

COVID-19 Risk at work

Contagion spread

1. C19 introduced to workplace
    1. Sick employee
    2. Contagious employee

2. Work-related C19 within workplace

Contagion

1. C19 illness of employee

2. C19 illness customer/visitor

3. C19 contagion family member

COVID-19 containment at work

Employer

1. Provide healthy workplace
    a) For employees
    b) For others
2. Risk-based C19 containment
3. Deploy necessary resources
4. Statutory compliance
    a) Disaster Management Regs
    b) DoEL Direction- DMR Guideline

Employee

1. Look after own Health
2. Look after Other's Health
3. Obey Policy & Rules
4. Report ill-health
5. Report non-conformities

C 19 Big Four Containment Controls

1. **No C19 contagious person in the workplace**

2. **No droplet/airborne contagion**

3. **No fomite contagion**

4. **Evacuate C19 suspect-/ill- employees immediately**

1. No C19 contagious person in the workplace 'sick employee'

1. **DoEL**

   1. **Screen when reporting to work and do not allow C19+ to enter workplace**

   2. **'Cough, sore throat, shortness of breath (or difficulty in breathing), or loss of smell or taste, fever, body aches, redness of eyes, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness'**

   3. **No explicit duty to take temperature**

2. **DMR Guideline**

   1. **Screen at start of every shift**

   2. **Must include taking temperature**

3. **'Gist' of law = sick employee does not come to work and employer does not allow a PUI or 'suspect case' to enter workplace**

1. No C19 contagious person in the workplace 'sick employee'

Compliance

1. Reporting duty by employee
2. 'Symptom screening'
3. 'Not permit worker to enter if positive screening'

Non-compliance

1. No screening done (anymore)
2. Screening after entry
3. Screening incomplete
4. Temperature only
5. Screening not by competent person
6. Screened + enters anyway

1. No C19 contagious person in the workplace 'contagious employee'

1. DoEL worker obligation to 'comply with employers' duties in directions'

2. DMR Guideline 'applies to employees'

3. DOH Regulations Relating to Surveillance and Control of Notifiable Conditions
   A **health care provider** must
   1. Notify focal person of any diagnosed COVID-19 case
   2. Ensure adherence to Regulations
   3. Adhere to DOH guidelines on surveillance and control of notifiable medical conditions

1. No C19 contagious person in the workplace: 'contagious employee'

NIOH Clinical Management of Suspected or Confirmed C19 Disease

1. A suspected COVID-19 case
   1. Any person presenting with acute (≤14 days) respiratory tract infection or other clinical illness compatible with C19, or
   2. Asymptomatic person who is a close contact to a confirmed case.

2. Key respiratory syndrome consists of ANY of: Cough, sore throat, Shortness of breath, Anosmia or dysgeusia ... with or without fever, weakness, myalgia, or diarrhoea) + acute exacerbation of chronic pulmonary condition (COPD, asthma) may be COVID-19

3. A close contact includes all persons living in the same household

1. No C19 contagious person in the workplace 'contagious employee'

Compliance

1. **Reporting duty by employee**
   1. Own health
   2. Close contact outside work
2. **Case management by medical practitioners**
3. **Return to work**

Non-compliance

1. **Non-reporting own symptoms**
2. **Non-reporting family CC**
3. **GP: 'URTI', 'flu.', 'cold', 'diarrhoea'..**

2. No droplet/airborne contagion

1. Minimise numbers at workplace (rotation, staggering hours, shift, remote work)

2. Minimise contact workers-workers & workers-public

3. Determine floor area & number of customers and workers in workplace

4. Distance >1.50 m between workers, workers & public, members of public

5. Physical barriers at counters

6. Provide workers with face shields

7. Workplace well ventilated by natural or mechanical means

8. Cloth masks at all times, by all

9. Compliance officer assigned to ensure that measures are complied with

2. No droplet/airborne contagion

Compliance

1. No bunching
2. Social distance > 1.5 m
3. 6 air changes/h
4. Cloth mask - FFP2/N95 & shield PPE

Non-compliance

1. Bunching at entry/exit
2. < 1.50 m work uncontrolled
3. No ventilation or < 2 ACH
4. No masks (offices)
5. 'Fogging'

3. No fomite contagion

1. **Hand & Surface washing and sanitizing**

2. **Work surfaces, equipment & facilities disinfected before and regularly during**

3. **Biometric systems C19-proof**

4. **Adequate facilities hand wash; soap, water, paper towels**

3. No fomite contagion

Compliance

1. Hand wash practice & resources
2. Sanitizing planned validated routine

Non-compliance

1. Handling of mask/PPE
2. Facility sanitizing (between users)
3. Spray without sweep
4. Incorrect sanitizer
5. 'deep clean' contractors

4. Evacuate C19 suspect-/ill- employees immediately

1. Workers with C19 symptoms not permitted to enter workplace

2. C19 symptoms/ill at work:
   1. Worker isolated + surgical mask
   2. Special transport to health facility arranged
   3. RA for transmission @ work
   4. Disinfect area and workstation
   5. Contact tracing and referral

4. Evacuate C19 suspect-/ill- employees immediately

Compliance

1. Reporting by worker

2. Compliance by <u>all</u>

3. Isolate & evacuate resource & SOP

4. Investigation and corrective action

5. Work-acquired C19 COIDA SOP

Non-compliance

1. Sick employees at work

2. Not managed by compliance officer

3. Not investigated

4. Work-acquired C19 not reported

5. Workplace closed-down

Other C19 duties commonly not addressed at Workplaces

1. **Updated C19 risk assessment**

2. **Vulnerable employee identification**

3. **Vulnerable employee management**

4. **Employer > 50 e: reporting NIOH**

5. **Contractor/visitor/customer management**

C19 vaccination, the workplace and the employer

1. Complicated…..watch this space

2. Question 1: what occupational containment is offered by current C19 vaccines?
   - 'Vaccinated worker will not get infected'?
   - 'Vaccinated worker can not infect another'?
   - 'Vaccinated worker does not require to apply non-pharma controls?'
   - 'Vaccinated workers offer (herd) occupational community immunity'?

3. Question 2: if there was sufficient evidence that vaccination is a reasonably practicable occupational risk containment…..should it then also not be compulsory in society at large?

4. Question 3: which 'benefits/right' does society added to the 'vaccinated cohort'?

Let us not get to this……………..

'………new cases of COVID-19 in Europe rose 9% ……..

..resurgence in …. in several European countries, where rates were already high…

We need to get back to the basics

1. **Improved testing and isolation of cases, tracing and quarantining contacts**

2. **Stronger focus on prevention and control**

3. **More effort to re-engage communities**

4. **Counter pandemic fatigue**

5. **An accelerated roll-out of vaccines**
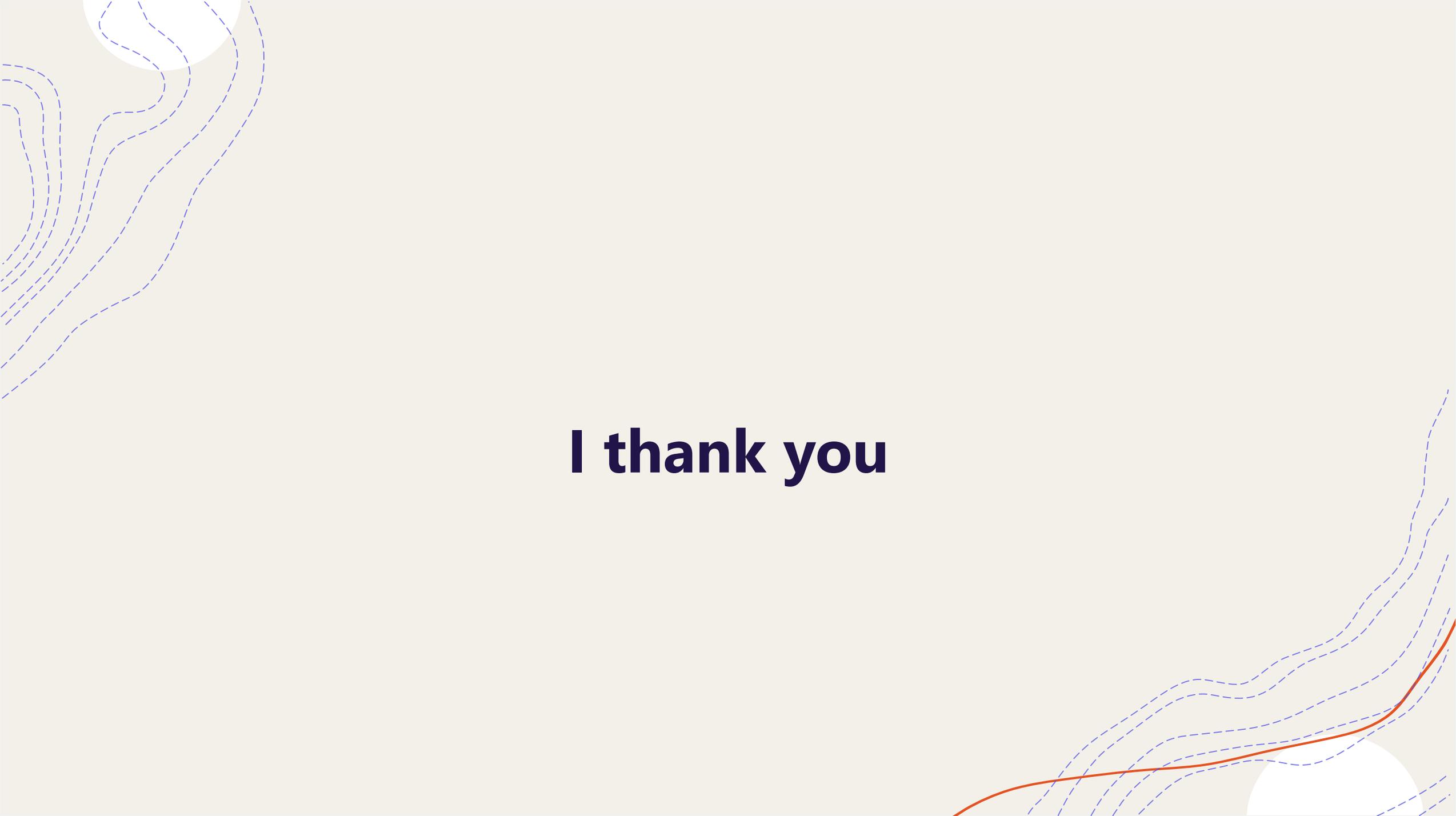
I thank you

COVID-19 Legal Compliance Verification

The below list of requirements emanates from

1. Disaster Management Regulations issued on 28 February 2021

2. Consolidated Directions on occupational health and safety measures in certain workplaces of 1 October 2020

Date......................…	
Department..........…	
Auditor ....…	

Is the C19 Policy defined, distributed, displayed and signed by CEO?
Is there a C19 risk assessment (RA) documented?
Are all controls defined in the C19 RA in place?
Does the C19 risk assessment conform to OHSA Regs for Hazardous Biological Agents?
Is there a C19 Plan, which is documented, still relevant and includes phased return (if still applicable)?
Does the C19 plan include the name of the COVID -19 compliance officer(s)?
Is the C19 plan is available on site?
Are both the C19 RA and C19 Plan consulted with representative trade union?
Are both the C19 RA and C19 Plan communicated to H&S committee?
Are both the C19 RA and C19 Plan available on site to inspector?
Is there a C19 Plan, which is documented and still relevant and compliant?
Does the C19 plan include:
A phased return process of all employees to the workplace?
Date workplace opened & hours of opening?
List employees permitted to work on site?
List employees required to work from home– where applicable?
Plan and timetable for phased-in return of employees to the workplace, where applicable?
A system to identify and manage vulnerable employees?
Minimising number of workers at workplace?
Daily C19 health screening measures?
Screening of clients, contractors, couriers and visitors?

Date..................... Department.......... Auditor ....
If more that 50 employees in a workplace
Was the C19 RA submitted to Department of Employment and Labour?
Was the C19 policy submitted to Department of Employment and Labour?
Were the following special measures for C19 vulnerable employees applied:
All Vulnerable employees identified
All Vulnerable employees safely accommodated
All Vulnerable employees reported to NIOH
Does the C19 induction to employees, visitors, contractors working on site include:
Includes information, awareness and leaflets /notices?
All workers notified of the company's DEL C19 directions?
All workers are notified of the C19 plan?
All employees are notified they must not come to work when having C19 symptoms?
All employees are notified they must report C19 symptoms, experienced at work ,immediately?
All workers are informed, trained, instructed and supervised on correct use of cloth masks?
All workers have been communicated about the reporting to NIOH and the company's compliance with POPI?
Are the following active controls in place to ensure supervision and compliance to the C19 plan?
Employer has a C19 monitoring and supervision plan?
Supervision of social distancing measures in the workplace?
Supervision of social distancing queue in common areas (canteen, toilet)?
Supervision of social distancing queue outside the immediate workplace?
COVID -19 compliance officer appointed with specific duties of supervision and compliance check?
COVID -19 compliance officer effectively checks C19 plan implementation & adherence ?
COVID -19 compliance officer available to address employee concerns?
Is the COVID -19 compliance officer(s) available on site at all times when employees work?
Compliance officer is assigned to ensure that visitors comply?

Date.......................…	
Department...........…	
Auditor ....…	

Does any work-C19 case investigation include:
Format and contents comply to the Department of Health's Guidelines?
An investigation and determination of the Mode of exposure
An investigation and determination of Control failure, if any?
A documented review of the C19 risk assessment?
Immediate action to ensure that affected area is temporarily closed for assessment and decontamination?
Is the following Compulsory reporting (All employers) in place?
Every worker who reports C19 positive is reported to NIOH?
Every worker who reports work-acquired C19 is reported to Compensation Commissioner?
Is the following Compulsory reporting (for Employer > 50 employees in a workplace) to NIOH in place?
Vulnerable employee, with de-identified data?
Screening positive case, with de-identified data?
Employees with a positive C19 PCR test: identifies worker
High risk close contacts at work, with de-identified data?
Return to work after C19, with de-identified data?
Are the following physical arrangements in place?
All work area's floor space is determined in square metres and applies as to the number of persons that may be inside?
Queuing is organised and controlled at distance of 1.50 m?
Social distancing is min 1.50 m between workers at workstations?
If not spaced 1.50 m apart, there are solid physical barriers?
If not spaced 1.50 m apart and no barriers, then risk-based PPE is supplied and used?

| Date........................ |
| Department.......... |
| Auditor .... |

Are the following organisational arrangements in place?
Actions to minimise numbers of persons at workplace (rotation, staggered working hours, shift systems, remote working arrangements or similar measures)?
All persons are subject to C19 induction?
There are sufficient C19 information leaflets /notices?
There are rules that minimise contact between workers and other workers?
There are rules that minimise contact workers and the public/contractors/courier/visitors?
Are there staggered breaks required? And if so, are these adhered to?
Does the employer enable employees to work from home?
Are there initiatives to minimise the need for employees to be physically present at work?
Are there restrictions on face to face meetings?
Does the workplace ventilation comply to the following?
All Workplaces are well ventilated by natural or mechanical means: min 6 AE/h?
If local extraction, there is effective ventilation with HEPA filters?
Local extraction ventilation system has been technically assessed and approved?
The Local extraction ventilation system functions effectively?
The Local extraction ventilation system is regularly cleaned and maintained?
The Local extraction ventilation system does not recirculate the air?
Ventilation vents do not feedback in through open windows?

Date.....................

Department..........

Auditor ....

Are the following Meeting requirements in place?

All persons to wear a face mask at all times?

All persons must adhere to all C19 protocols?

Meeting room's floor area is measured and the number of users is calculated?

Meeting facility certificate of occupancy displays maximum number of persons the facility may hold?

Meeting rooms limited to 50 percent of the floor space?

Does the C19 Pre-work screening of employees include?

All employees have the prescribed symptom screening when reporting for work and prior to entry?

Screening includes: cough, sore throat, shortness of breath (or difficulty in breathing), or loss of smell or taste, fever, body aches, redness of eyes, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness?

Workers with C19 symptoms not permitted to enter workplace?

Biometric systems are COVID-19- proof?

When employees report C19 symptoms at work, are the following in place?

A C19 symptom reporting system is in place (dedicated person-isolation site etc.) for affected employees?

Every employee with C19 symptoms/ill at work is isolated + supplied with surgical mask?

There is a dedicated transport arrangement to a health facility arranged?

After an employee reports C19 symptoms/ill at work, an immediate RA for transmission is performed?

After an employee reports C19 symptoms/ill at work, the affected area is temporarily closed for decontamination?

After an employee reports C19 symptoms/ill at work the area and workstation are decontaminated?

After an employee reports C19 symptoms/ill at work, a contact tracing and referral system is applied?

Date.......................   Department.......... Auditor ....
Is the following in place to deal with instances where there is contact with a C19 case at work?
The contact is investigated and finally evaluated as 'high or low risk'?
If the contact was low risk, all employees who have contact are subjected to 10 days' C19 monitoring at work?
If the contact was high risk, all employees who have contact are subjected to 10 days quarantine ?
Is the following in place to deal with C19-infected employees who have healed and return to work?
Every employee is assessed by a doctor, as per DOH Guidelines, and allowed to return only if declared fit?
Only employees who have had a minimum of 10 days' of isolation may return?
Returned employees are subject to C19 health-monitoring at work?
Returned employees are required to use a surgical mask?
Are the following sanitizing rules in place?
Is there a documented sanitizing program?
Is the sanitizing program measured, inspected, verified, audited?
Does the program include directions for the decontamination of an area affected by a potential C19 infective person?
Do all Sanitizers contain $\geq$ 70% alcohol?
Are all surface disinfectant in use, compliant to the Department of Health standard?
Is there sufficient hand sanitizer available?
Is every Employee who works away from workplace, provided with sanitizer?
Are all employees who interact with public, supplied with sufficient supplies?
Are there sufficient hand sanitisers for use by the public and employees at the entrance?
Are all work surfaces and equipment disinfected before work begins?
Are all work surfaces and equipment disinfected regularly during working period?
Are all work surfaces and equipment disinfected after work ends?
Are Lavatories regularly cleaned and disinfected?
Are common areas regularly cleaned and disinfected?
Are door handles regularly cleaned and disinfected?
Is shared electronic equipment regularly cleaned and disinfected?

Do Employee facilities conform to the following?

Each facility has a determination of the floor area and of the number of users at any one time?

There is an access control system ensuring only the permissible number of users at any one time?

Waiting, queuing, using- distance can be done with at least 1.50 metres between workers?

There are adequate facilities for washing of hands with soap and clean water?

Washing facilities have paper towels?

The use of fabric towels is prohibited/

All facilities are included in the C19 Sanitation program?

Wrt to Cloth masks, are the following in place?

The Employer provides each employee, free of charge, with a minimum of 2 cloth masks?

These Cloth masks comply with the Recommended Guidelines Fabric Face Masks?

All employees are required to wear mask at work?

All employees comply with the wearing of a mask at work?

Wrt safe public access to the workplace, is the following in place?

The floor area of the used workplace is determined?

The number of customers and workers in workplace at any one time is determined and displayed?

There is a planned distance at least 1.50 metres between workers and public?

There is a planned distance at least 1.50 metres between members of the public?

At counters, there are physical barriers or counter-workers are supplied with and use face shields?

There is a Hand sanitizer for use by the public at entrance?

There is a system of symptom screening measures of persons other than its employees entering the workplace?

All Workers interacting with the public, sanitize between each interaction?

All Contact surfaces for workers are routinely cleaned and disinfected?

All Contact surfaces for members of the public are routinely cleaned and disinfected?

There is a display notice to the public: COMPULSORY MASKS?

There is a display notice to the public: ALL QUEUING AT 1.50M

| Date........................ |
| Department.......... |
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| Wrt safe visitors/couriers access to the workplace, is the following in place? |
| There is a system ensuring that courier and delivery services have minimal personal contact at the workplace? |
| Areas where visitors come have been evaluated and a safe number of visitors and workers is determined and complied with at any one time? |
| All interpersonal distance is planned and also effectively at least 1.50 metres apart? |
| If not 1.50 m, there are physical barriers at visitor counters or workers used face shields? |
| There is a system of symptom screening measures of visitors prior to entering the workplace ? |
| There is sufficient hand sanitizer for use by the visitors at entrance? |
| All Workers interacting with visitors, sanitize between each interaction? |
| All Contact surfaces for workers are routinely cleaned and disinfected? |
| All Contact surfaces for visitors are routinely cleaned and disinfected? |
| There is a display notice to the public: COMPULSORY MASKS? |
| There is a display notice to the public: ALL QUEUING AT 1.50M |
| Are all Persons on call issued with Curfew permits between 00H00 until 04H00 in Form 7 of Annexure A? |