

Business for South Africa warns employers to heed mandatory health regulations under level 4 lockdown restrictions

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Johannesburg

Business for South Africa (B4SA) has urged employers to be meticulous in their implementation of the Level 4 restrictions that come to effect today, 1 May 2020, as South Africa enters a new phase of its response to COVID-19 in terms of further regulations promulgated under the Disaster Management Act, 2002. The Regulations repeal and replace the previous lockdown regulations of 18 March 2020, as amended.

“The Regulations provide a more detailed framework for businesses to know whether and the extent to which they are permitted to operate if they decide to return to work. It is vital for employers to pay attention to Health protocols and hygiene restrictions, that for the first time, are subject to a degree of standardization across sectors”, says Daniel Pretorius, legal Advisor, Business for South Africa.

The promulgation of the Regulations followed President Ramaphosa’s announcement on 23 April 2020 that the COVID-19 response would be regulated in accordance with five “Alert Levels”, with the most severe restrictions applicable during Alert Level 5, and the least during Alert Level 1. While the progression from Level 5 to Level 1 will not necessarily be linear and different levels may apply to different areas of the country at any given time, the nationwide movement to Level 4 on 1 May provides some respite for certain businesses.

“The general position under Alert Level 4 remains that every person is confined to his or her place of residence” subject to exceptions listed in a table of permitted industries and activities. Thus, the movement of persons is still strictly regulated and constrained to performing or obtaining permitted services or purchasing essential goods, as well as the travel required for these purposes”, adds Pretorius

MANDATORY HEALTH INTERVENTIONS

The major addition to the new Regulations is clarification as to what employers are required to do if they intend to (and are permitted to) reopen. Regulation 16 provides that all businesses and entities, in both the public and private sector, must develop a plan for phased reopening which meets the standards of health protocols and required physical distancing measures. The nature of the plan depends on the size of the business. Small businesses will probably not require written plans. Medium and large businesses must take specific account of the factors listed under items 1-6 of Annexure E to the Regulations.

“Each business must designate a COVID-19 compliance officer to oversee implementation of the workplace plan and adherence to the applicable health protocols. These include mandatory physical distancing measures, such as enabling remote working, restricting face-to-face meetings, ensuring that there is adequate space between employees, and taking special measures for employees over the age of 60 and other employees with known or disclosed health conditions which place them at a higher risk if they are infected with COVID-19” says Pretorius.

All businesses are expected provide hand sanitiser which must be accessible to staff and customers.

“ Businesses need to further note that everyone will be required to wear a mask, or another item which covers their nose and mouth, on public transport, when they enter premises, and whenever they are in a public place. Where an employee has contact with the general public as part of their duties at work, it is the employer’s obligation to ensure that they are provided with a suitable mask” says Pretorius.

For more information enterprises are invited to visit the Business For South Africa website at www.businessforsa.org

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