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OHS in the Workplace

Presenter: **Lettie Janse van Vuuren CA(SA)**

30 JULY 2020

Occupational Health & Safety

Regulations, Guidelines and additional directives that should be followed to prevent the escalation of COVID-19 infections in the workplace

Presenter

Lettie Janse van Vuuren CA(SA)

- Lettie joined SA Accounting Academy in November 2017 as Head of Technical. She is a Chartered Accountant, Registered Auditor and Certified Business Accountant.
- She is a **professional trainer and webinar host**, and with her relaxed and humorous presentation style, she is able to hold the attention of an audience. She has a unique ability to communicate with delegates at their respective levels of knowledge and experience. Over the last 20 years, she has trained thousands of partners, managers, trainee accountants and other professionals.
- She is responsible for our MCLU (Monthly Compliance and Legislation Updates).
- She was the Professional Development Manager at SAICA for 4 years and in charge of accrediting new training offices and monitoring existing ones (including the moderation of training offices and trainee assessments).
- Lettie is passionate about improving the efficiency and standardisation at practices. She has extensive experience on a variety of technical and practical topics which she consults on, including: SAICA re-accreditation assistance and preparation, IRBA inspection assistance and preparation, audit file reviews (post-issuance monitoring and EQCR), Quality control implementation, other office-specific manuals, and FASSET skills development facilitation.



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Where appropriate, a **Q & A Summary will be uploaded to your profile as soon as all answers have been documented.**

WHAT'S ON THE AGENDA?

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Quote

*“Safety doesn’t happen
by accident”*

- Reynolds Training Services

MODULE 1

INTRODUCTION

Module 1

Module 1: Introduction

The following items are dealt with here:

1. Objectives of the OHSA and who it applies to
2. Handy summaries
3. Penalties and offences

Basics to the OHSA

The OHSA, read with its regulations and incorporated standards, requires the employer to provide and maintain as far as is reasonably practicable a working environment that is safe and without risks to the health of workers and to take such steps as may be reasonably practicable to eliminate or mitigate the hazard or potential hazard.

- ❑ The OHSA further requires employers, to ensure, as far as is reasonably practicable, that all persons who may be directly affected by their activities (such as customers, clients or contractors and their workers who enter their workplace or come into contact with their employees) are not exposed to hazards to their health or safety. This obligation also applies to self-employed persons (for example, plumbers or electricians) whose working activities bring them into contact with members of the public.

Handy summaries

- ❑ CDH Employment Survival Guide
 - ❑ CDH Updated Employment Revival Guide for Alert Level 3 Regulations
 - ❑ CDH summary on Vulnerable employees
-
- *Refer to Source Document available to you*
 - *Refer to Webinar Material for detail*

Updated Employment Revival Guide AL3

Deals with:

Employer's duties, Compliance Officer, Social & physical distancing, Manufacturing, construction, business and financial firms who employ more than 500 employees, Prohibited economic activities, **Vulnerable Employees** and Workplace Accommodation

PLUS 67 Questions and Answers

- 18-page document
- published by CDH (Cliffe Dekker Hofmeyr) on 5 June 2020

➤ *Available to you as a Source Document – for background information*

Penalties

- ❑ Refer to Clause 38 of the OHSA
- ❑ Fines range from
 - ❑ Up to R50 000 and/or up to 1 year imprisonment
 - ❑ Up to R100 000 and/or up to 2 years imprisonment

- *Refer to Webinar Material for detail*

MODULE 2

LEGISLATION, REGULATIONS, GUIDELINES & DIRECTIVES

Module 2

Module 2: Legislation, Regulations, Guidelines & Directives

The following items are dealt with here:

1. Main Legislative documents you must be aware of
2. Main areas updated in the Amended Regulations
3. Contents of the Latest OHS Consolidated Directive
4. OHS Toolkits

Latest OHS changes

Return to work policy &

Updating workplace plans to include “*vulnerable persons*”

- 3-page summary on Vulnerable persons
- CDH’s Updated Employment Revival Guide for Alert Level 3 Regulations contains **Questions 13 to 28 (of 67) on OHS topics**
- **NB = getting the workplace ready & ongoing monitoring**
- *Refer to Webinar Material for detail*

Contents of Latest Directive

We will be focussing on a few areas set out in this Directive:

- Social distancing
 - H & S Measures
 - Small businesses
 - Refusal to work due to COVID-19 exposure
-
- *Refer to Source Document available to you*
 - *Refer to Webinar Material for detail*

MODULE 3

VULNERABLE PERSONS

Module 3

Module 3: Vulnerable Persons

The following items are dealt with here:

1. Vulnerable Persons in a Nutshell...
2. DoL Guide on Vulnerable persons and Workplace Accommodation
3. CDH 3-page summary on Vulnerable persons

Vulnerable persons

Guideline referred to in Annexure A of Directive

- Who is a vulnerable employee in the context of COVID-19?
 - Identifying vulnerable employees
 - Assessing a vulnerable employee
 - Protecting and managing vulnerable employees in the workplace
 - Return to work (RTW) and incapacity management of the vulnerable employee post COVID-19 illness
- CDH 3-page summary
- *Refer to Source Document available to you*
- *Refer to Webinar Material for detail*

MODULE 4

HOW TO...

Module 4

Module 4: How to...

The following items are dealt with here:

1. How to deal with a positive COVID-19 case in the workplace
2. How to deal with a refusal by an employee to work

How to deal with positive COVID-19 at work

Paragraph 27 of the Consolidated COVID-19 Direction on Health and Safety in the Workplace published on 4 June 2020 details the steps an employer must take where a worker presents with symptoms related to COVID-19

- ❑ Do not permit entry to the workplace or allow the worker to report to work
- ❑ If the worker is already at work:
 - Isolate, provide mask, arrange transport
 - Self-isolation
 - Assess transmission risk, disinfect areas
 - Contact tracing, refer all who were in contact for screening

➤ *Refer to Webinar Material for detail*

Refusal to work due to COVID-19

- 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 clause 48.
- Among the amended regulations is a directive that an employee may refuse to perform any work, including attending work, where “with reasonable justification”, it appears to the employee that performing such work will pose a serious or imminent risk of exposure to Covid-19.
- Although a no-work-no-pay policy will apply, the employer may not take any disciplinary action against such an employee for exercising this right.
- The difficulty with this issue is that “reasonable justification” will have to be determined on a case by case basis and creates a massive opportunity for abuse by employees who simply do not want to come to work.

➤ *Refer to Webinar Material for detail*

MODULE 5

YOUR WORKPLACE PLAN

Module 5

Module 5: Your Workplace Plan

The following items are dealt with here:

1. How to document your OHS Workplace Plan
2. Example

Workplace Plan

Must be compiled

- Can be supplemented by a COVID-19 Checklist
- Refer to example

- Example of Workplace plan
 - “COVID-19 READY WORKPLACE PLAN”
 - Provided by NEASA

- *Refer to Source Documents available to you*

Practical issues

Consider the following issues:

- Vulnerable groups
 - Clinically extremely vulnerable groups are strongly recommended to stay at home at all times and avoid contact
- 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

MODULE 6

BONUS DOCUMENTS, USEFUL RESOURCES & LINKS

Module 6

Bonus Documents, Useful Resources & Links

The following items are dealt with here:

- Alert Level 3 Lockdown Regulations
- SAAA Employer Toolkit
- NEASA Summary & Links
- Department of Health (including links to DoH guides)
- Acts Online

SAAA OHS Toolkits

3 Toolkits available:

- ❑ Post-lockdown labour plan and toolkit
- ❑ COVID-19 occupational health and safety management toolkit
- ❑ Haibo Coronavirus© Wall Poster Series

➤ *Refer to Webinar Material for detail*

QUESTIONS?



Formal Q&A Session

We will now take a **quick comfort break** before we discuss some questions received during the webinar.

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If you would like to e-mail a question please use:

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