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## **FAQs: Health and Safety Protocols for Agribusinesses in light of the Covid-19**

### **Introduction**

Dear Agbiz member. As you are aware, South Africa has transitioned to a system of graded alert levels and the organised business community is encouraging industry associations to summarise the health and safety protocols that have been prescribed for industries. These Health and Safety Protocols are based on the directives issued by the Minister of Labour.

### **Disclaimer**

This document was compiled based on the best information available at the time of drafting. We have done our utmost to ensure the accuracy of the information conveyed in this notice, however we caution that this document is merely a guideline developed to assist the dissemination of critical information to businesses. This document does not have any legal standing in its own right, but is merely a summary of the legal situation. The situation remains fluid and the nature of the challenge may necessitate changes or updates at very short notice, so please be on the lookout for further communication from Agbiz.

## What are my legal responsibilities as an employer?

Under the Occupational Health and Safety Act (OHSA), employers are required to maintain a working environment that is not harmful to the health and well-being of their employees as far as is reasonably practicable. This is a general duty and employers have to self-assess and identify circumstances that are unique to their workplace, but the Minister of Labour also prescribed specific requirements for businesses who are operating under the lock-down period. These ['Directions'](#) entered into operation on the 28<sup>th</sup> of April and form the basis of this document.

## Risk assessments and written policies to mitigate the risk posed by Covid-19

Every employer must undertake a risk assessment for his workplace to determine which areas, activities etc. may present a risk of transmission. If the employer employs  $\geq 500$  persons, a record of the risk assessment as well as a written policy outlining the measures put in place to prevent the spread of Covid-19 at the workplace must be sent to;

- The health and safety committee; and
- The Department of Employment and Labour;

A manager must be designated to address employees or workplace representatives on hazards and mitigation measures. A template has been developed that businesses can use for both the risk assessment as well as the written policy on what measures are being put in place to minimise the risk. Employers with more than 500 employees are also required to submit a declaration and can use this template.

## How do I implement 'social distancing' at the workplace?

Each workplace is unique and as such employers will have to implement the option that is most practical for them but measures must be put in place to prevent contact between people.

- Where possible, employers should implement a rotation policy, staggered work shifts or remote working arrangements to reduce the number of people at work at any given time.
- Rules should also be put in place to ensure a minimum distance of 1,5 m between employees. This can be aided by marking out working spaces or spacing desks. These

social-distancing measures must be monitored and enforced via supervision at workplaces, common areas inside or outside, and through queue control at canteens and lavatories;

- This may include staggering break-times.
- Where distancing is not possible, physical barriers must be put in place to separate workers; and
- Workers must be supplied with appropriate personal protective equipment at the employer's cost.

### Do all employees have to wear masks while at work?

All employees must wear a cloth face mask that conforms to the minimum requirements set out in the [guideline document](#) issued by the DTI, namely that it must consist of at least 2 layers of cloth, covering the nose and mouth but still allow for air to pass through.

An employer must:

- Provide each of its own employees with 2 masks and train the employees on the correct use of the mask;
- Employees must wash the masks and where they cannot do themselves, arrangements must be made by the employer (eg. make facilities available at work);
- Ensure that all workers (whether his/her own employees or contractors at the workplace) wear the masks at all times. This applies to all staff whether in the field, technicians, factory workers or office workers etc.
- Some employers have considered using plastic face masks in lieu of cloth masks, but they do so at their own risk as the legislation specifically refers to cloth masks.

### What hygiene and sanitation measures do I have to apply?

- The law is not 100% prescriptive but each employer must ensure that a 'sufficient quantity' of hand sanitisers must be available at the workplace.
- Where an employee is required to travel out of the workplace they must be provided with their own hand sanitiser; and
- There must be hand sanitisers available where members of the public have access to the workplace;
- Hand sanitisers must have an alcohol content of at least 70%;

- Workstations must be disinfected before work begins, after work and at intervals (not specified) in between;
- All common areas, toilets, door handles, shared electronics must be regularly disinfected;
- Biometric systems must be disabled or made Covid-19-proof;

## Do I have to screen employees for symptoms?

Every employer must take measures to:

- Screen workers for symptoms in the prescribed manner (to be prescribed by the Minister of Health) when they report to work;
- Require workers to report symptoms;
- Prohibit an employee displaying symptoms from entering the workplace; and
- Apply the same measures to clients or members of the public if the public has access to the workplace.

## What should I do if someone is infected or is suspected of being infected?

- If a worker is diagnosed with Covid-19, the employer must;
  - Notify the authorities by contacting the **24-hour hotline: 0800 029 999**;
  - Immediately isolate the worker and provide him/her with a FFP1 surgical mask;
  - Transport the worker to be self-isolated or to medical treatment in a manner that does not place other workers at risk;
  - Disinfect the worker's workstation;
  - Report it to the Department of Labour; and
  - Investigate the cause and any potential control failures;
- The employee may not come to work and must take paid sick leave in terms of section 22 of the BCEA (TERS may be claimed);
- A claim for compensation under COIDA can be lodged if there is evidence that the infection resulted from work;

## Do I need to close the whole workplace down?

If a positive case is reported, the law is not completely prescriptive in terms of whether the whole company needs to close down or not. Anyone who may have come into contact with an

infected person must self-isolate for 14 days and undergo testing. Such persons will likely also have to take paid sick leave in terms of section 22 of the BCEA. The WHO guidelines state that the area which the infected employee came into contact with must be disinfected but it does not prescribe that the entire company must close down. A risk-based approach will likely be best in that all possible staff which the person came into contact with must be isolated and tested and any workplace area which the employee accessed should be disinfected.

### When can a recovered employee return to work?

An employee who has either recovered or undergone self-isolation and tested negative may only come back to work under the following conditions:

- The worker has undergone a medical evaluation confirming that he/she tested negative;
- The employer ensures that the worker complies with personal hygiene, wearing of masks, social distancing and cough etiquette; and
- The employer closely monitors the worker for symptoms on return to work.

### What is Agbiz and other associations doing to assist companies in the agricultural value chain?

Agbiz is taking every possible measure to assist companies in the agricultural value chain at this time. The CEO, Dr Purchase, has been chosen to lead the industry engagements for agriculture via Business for South Africa where regular feedback, proposals and communication is made with Government on the top level. The Agbiz office is also available to assist companies and answer queries as to legal developments or to assist where companies are experiencing challenges in relation to the enforcement of the lockdown regulations.

It is also critically important that we can rapidly identify blockages and breakdowns in any of the multitude of supply chains in our agro-food system, and then respond with speed and appropriate measures to remedy any dysfunctionality. The same applies to the food distribution networks to the vulnerable, which has been identified as one of the major risk areas. To this end BFAP has assisted greatly in developing a web-based monitoring and reporting mechanism as we have committed to provide both Minister Didiza and Minister Patel with reports every 48 hours on the food security situation and efficiency of supply chains. Approximately 100 leaders (many CEOs of Agbiz members) will form part of this reporting system. Please do cooperate! We hope to test-run on Thursday and become operational by Friday. You can already go onto the BFAP website and access the [COVID-19 Food system Impact portal](#).

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