

## GUIDELINES ON KEY COMPLIANCE REQUIREMENTS FOR LEGAL PRACTITIONERS AS EMPLOYERS

### PLAN FOR THE PHASED IN RETURN OF EMPLOYEES TO THE WORKPLACE

#### ALERT LEVEL 3

Law firms and legal practitioners with employees (practitioners) can render permitted services subject to several Directions issued by the Minister of Employment and Labour dated 4 June 2020 (the Directions). The purpose of the Directions is 'to stipulate measures that must be taken by employers in order to protect the health and safety of workers and members of the public who enter their workplaces or are exposed to their working activities'.

#### The Risk Assessment

Practitioners, when commencing operations, must undertake a risk assessment to:

- Give effect to the minimum measures required under the Directions considering the specific circumstances of the workplace; and
- take special measures, as required, to mitigate the risk of Covid-19 for vulnerable employees to facilitate their safe return to work or their working from home;

Practitioners must also ensure that the measures required by the Directions and the risk assessment plan are strictly complied with through monitoring and supervision.

#### The Phased-in Plan

Practitioners must, on the basis of the risk assessment, develop a plan outlining the protective measures in place for the phased return of its employees before opening, which must include:

- The date that the workplace will open and the hours of opening;
- A list of employees permitted to return to work and those who are required to work from home;
- The plan and timetable for the phased -in return of employees to the workplace;
- The identification of vulnerable employees;
- The identification of ways to minimize the number of workers at the workplace at any one time contemplated; and
- Measures for the daily screening of employees and the screening of clients, contractors and visitors to the workplace.

The plan must also:

- Correspond with **Annexure E** (which form was published under the Regulations dated 29 April 2020);
- Be retained for inspection;
- Stipulate which employees are permitted to work;
- Provide what the plans are for the phased-in return of their employees to the workplace are; and
- What health protocols are in place to protect employees from COVID-19; and
- The details of the COVID -19 compliance officer

The guiding principle is that: **All persons who are able to work from home must do so.**

#### Key requirements

Practitioners will under Alert Level 3 be permitted to perform any type of work outside the home, and to travel to and from work and for work, subject to:

- a. strict health protocols, and social distancing rules;
- b. return to work to be phased in order to put in place measures to make the workplace Covid-19 ready;
- c. return to work to be done in a manner that avoids and reduces risks of infection; and
- d. the work not being listed under the specific economic exclusions in Table 2.

**Practitioners must, amongst other:**

1. Appoint a manager as a compliance officer to a Covid-19 compliance officer who will oversee the implementation of the phased-in plan and adherence to the health protocols relating to Covid-19.
2. Oversee the implementation of the Phased-in Plan and adherence to the applicable, health and safety measures established in the workplace.
3. Arrange the workplace to ensure minimal contact between workers and, as far as practicable, ensure that there is at least one and half metres apart. In some instances, the distance may need to be greater.
4. If not practicable to arrange for work stations to be at least one and half metres apart, arrange physical barriers; or when required, supply the employee free of charge with appropriate PPE based on a risk assessment of the working place.
5. Ensure the relevant measures are implemented through supervision both in the workplace and in the common areas outside the immediate workplace.
6. Screen all workers when they report for work to determine whether they have any of the Covid-19-related symptoms (i.e.: cough, sore throat, shortness of breath or difficulty in breathing, or loss of smell or taste) and to determine whether they suffer from any of the following additional symptoms: fever, body aches, redness of eyes, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness.
7. Require workers to immediately inform the employer if they experience any of the symptoms while at work.
8. Ensure that employees that present with the symptoms are not permitted to work, i.e.: fever, cough, sore throat, redness of eyes, shortness of breath, or difficulty in breathing)
9. Provide each of its employees, free of charge, with a minimum of two cloth masks or require an employee to wear some form of cloth covering over their mouth and nose while at work and provide information, instruction and training as to the correct use of cloth masks.
10. Notify employees if they are sick or have Covid-19 symptoms that they must not come to work and to take paid sick leave in terms of the BCEA.
11. Free of charge, ensure that there are sufficient quantities of hand sanitizer at the workplace for employees and visitors.
12. Provide the employee who interacts with the public, with sufficient supplies of hand-sanitizer at that employee's workstation for both the employee and the person with whom the worker is interacting.
13. Ensure all areas such as toilets, common areas, door handles, shared electronic equipment are regularly cleaned and disinfected.
14. Disable biometric systems or make them Covid-19-proof.
15. Ensure that there are adequate facilities for the washing of hands with soap and clean water.
16. Employees are required to wash their hands and sanitize their hands regularly while at work.
17. Employees who interact with the public are instructed to sanitize their hands between each interaction with public.
18. Surfaces that employees and members of the public come into contact with are routinely cleaned and disinfected.
19. Require every worker to report whether they suffer from any of the following additional symptoms: body aches, loss of smell, loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness, or tiredness

20. Immediately contact the COVID-19 hotline: 0800 02 9999 if a worker has been diagnosed with Covid-19.

### **PRACTITIONERS WITH LESS THAN 10 EMPLOYEES**

Practitioners with less than 10 employees must take the following measures:

- Develop a basic plan for the phasing in the return of its employees taking into account those that are able to work remotely and those over the age of 60 years or who have comorbidities;
- Arrange the workplace to ensure that employees are at least one and half metres apart or, if not practicable, place physical barriers between them to prevent the possible transmission of the virus;
- Ensure that employees with the Covid-19 related symptoms are not permitted to work;
- Immediately contact the COVID-19 hotline: 0800 02 9999 for instruction and direct the employee to act in accordance with those instructions;
- Provide cloth masks or require an employee to wear some form of cloth covering over their mouth and nose while at work;
- Provide each employee with hand sanitizers, soap and clean water to wash their hands and disinfectants to sanitize their workstations;
- Ensure that each employee while at work washes with soap and sanitizes their hands;
- Ensure that their workstations are disinfected regularly; and
- Take any other measures indicated by a risk assessment of the workplace including the such measures as are appropriate if the public have access to the workplace.

### **DISCLAIMER**

These guidelines are not meant to provide a comprehensive list of the requirements that must be complied with by practitioners pursuant to the applicable legislation, Regulations or Directions. Practitioners must consult the relevant law, Regulations and Direction to ensure compliance.