

Don't be penalised for Covid-19 non-compliance

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A growing number of businesses are getting into hot water for not taking the necessary steps to minimise Covid-19 risk and exposure in their workplaces.

While companies are required to ensure their strict adherence to the various Acts and Covid-19 Regulations, many are still not taking precautions seriously enough or are sidestepping them entirely. According to the Department of Employment and Labour, inspectors responding largely to whistleblower complaints, found that compliance with Covid-19 prevention requirements was only 47% in the public sector and 57% in the private sector. As of mid-July, the department had issued 2,500 notices and almost 400 prohibition notices. In addition, a number of employees and unions are accusing certain organisations of underplaying the Covid-19 issue and their concerns.

So, what are the repercussions businesses could face for failing to comply?

“Those who don’t adhere to their legal duty to protect their employees and business stakeholders may face consequences including fines, legal action that could lead to imprisonment, and shutdown orders, depending on the nature and severity of the transgression,” says Greg Brown, divisional director: legal information and compliance at LexisNexis South Africa.

“Workplaces already found to be in breach of Covid-19 regulations and legislation as stipulated by the Department of Employment and Labour have been receiving correction notices, compliance orders and even prohibition orders,” he cautions.

Examples include a public entity accused by the Communication Workers Union (CWU) of breaching Covid-19 health and safety regulations by failing to screen workers and deep clean its workplaces after an employee at a regional office tested positive for Covid-19.

There have been numerous allegations of private sector breaches, too.

In June, about 86 employees of a packaging company in Germiston, Johannesburg refused to work because a number of their colleagues had tested positive for Covid-19 and they had concerns that the workplace was not cleaned.

In Saldanha, a fishing company was forced to shut doors for allegedly not complying with Covid-19 regulations after 80 of its staff members tested positive for Covid-19.

A Durban factory was recently fined heavily for forced labour, failing to maintain a safe working environment and contravening the disaster management regulations.

Also in Durban, a call centre had 100 complaints raised against it by staff who said that social distancing was not being



Greg Brown, divisional director: legal information and compliance at LexisNexis South Africa

implemented at its premises and workers were not given masks or sanitiser for their protection.

In the eThekweni Covid-19 hotspot of Isipingo, at least 13 businesses were closed for non-compliance and not having a licence to trade, including a supermarket fined R17,500 for various health transgressions.

After the president's most recent national address, it is clear that the government intends to act even harder against Covid-19 transgressions.

Under the stricter regulations now being implemented, employers, owners, managers and other heads in any workplace or public premises, are required to ensure the wearing of a cloth face mask, homemade item or another appropriate item which covers the nose and mouth, by any person in premises or public spaces under their authority or care. Failure to do so can result in convictions that lead to a fine, a prison term of up to six months or both.

As Covid-19 cases continue to spiral across the country, businesses will be under increased pressure to ensure their workplaces are safe and clean for adequate infection prevention, and that any incidents or suspected cases are reported in the correct manner in accordance with the directives issued by the Minister of Employment and Labour.

Not helping to identify and isolate infected workers puts many more at risk, both on the job and in their communities. While workers often demand 'deep cleaning' when a colleague tests positive, most analyses show that Covid-19 is spread mostly through the air, and especially through close contact between people in confined spaces, rather than from surfaces. Normal cleaning with disinfectants such as bleach is deemed adequate to kill the virus on surfaces.

Want to ensure your business remains compliant? It's easier when you know the steps. If you're unsure, download either the [Covid-19 Compliance Checklist](#), [Covid-19 Incident Report](#) or the [OHSA Covid-19 Cleaning Procedure](#) now.

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