

# Planning for a safe return to work, all risks considered

Government's implementation of a risk-adjusted strategy in easing the nationwide lockdown entails the use of a system of alert levels applicable nationally and provincially.

By [Kate Collier](#), [Dhevarsha Ramjettan](#), [Kirsten Eiser](#), [Shane Johnson](#), [Bianca Viljoen](#), and [Zipho Tile](#) <sup>30 Apr 2020</sup>



© Aaron Amat – [123RF.com](#)

The alert levels are as follows:

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> <li>• Low virus spread</li> <li>• High health system readiness</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate virus spread</li> <li>• High health system readiness</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate virus spread</li> <li>• Moderate health system readiness</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate to high virus spread</li> <li>• Low to moderate readiness</li> </ul>	<ul style="list-style-type: none"> <li>• High virus spread</li> <li>• Low readiness</li> </ul>

Nationally, on 1 May 2020, South Africa will move from its current position at level 5 to level 4. This means that all essential services will be able to continue operating together with the following additional sectors: food retail stores will be permitted to sell full line of products, agriculture, forestry, mining, financial and professional services, postal and telecommunications services, information technology services and formal waste recycling services. Transport restrictions will largely be lifted (subject to limitations on vehicle capacity and hygiene requirements). No inter-provincial movement of people will be allowed except under exceptional circumstances.

However, this does not necessarily mean that employers and employees from the sectors listed above will be able to resume operations and return to work after the lockdown. This will depend on the alert level assigned to each province. The alert level per province will be determined with reference to the rate of infection and the health system's capacity to handle the virus at that particular point in time.

The alert levels for each province are still to be announced. In determining the alert levels, government will take three main criteria into account -

1. Risk of transmission
2. Expected impact on the sector of a continued lockdown
3. Value of the sector to the economy

The strategy also requires that the industries that return to work first should have an acceptably low transmission risk, be

critical to the value of the economy and be under severe economic stress.

Therefore, for employers who have a multi-provincial footprint, they may find that they may only be able to operate in a certain province(s) depending on risk levels across the provinces. With the above in mind, it is clear that there will be a gradual and phased approach to reopening economic activity and, after 1 May 2020, only certain categories of employers will be permitted to resume operations under specific conditions.

In planning for a safe return to work, employers who are able to resume operations after 1 May must take the below considerations into account. Most employers have already established in-house Covid-19 risk management committees. It is these committees that should pay special attention to the considerations listed below.

Employment considerations	Health & Safety considerations
<ul style="list-style-type: none"> <li>• Phased return of employees to workplace in stages and/or batches</li> <li>• Allowing employees to continue to work from home (particularly high risk employees)</li> <li>• There may not be a return to full production Employer may not be permitted to return to full production (depending on risk of transmission)</li> <li>• Leave for employees who may need to be quarantined or isolated</li> <li>• Applying for government assistance (Temporary Employee-Employer Relief Scheme) if operations remain partially closed</li> <li>• Protection of employees' medical information and privacy</li> <li>• Disciplinary and/or incapacity issues that may arise if an employee(s) refuses to report to work or fail to abide by health and safety standards</li> <li>• Potential discrimination claims where some employees have been requested to return to work and others have not</li> <li>• Measures to implement to avoid retrenchments</li> <li>• Accommodation of high risk employees</li> </ul>	<ul style="list-style-type: none"> <li>• Preparing the workplace for the return of employees (ie adopting necessary health and safety measures)</li> <li>• Gatherings will still be prohibited (including in the workplace)</li> <li>• Purchasing additional personal protective equipment (particularly and masks) and sanitizers and disinfectants</li> <li>• Purchasing cloth masks for employees to use while at work</li> <li>• Introducing administrative controls (including medical surveillance, symptoms screening and temperature checking)</li> <li>• Designating a particular area in the workplace for quarantine by employees who display symptoms</li> <li>• Maintaining social distancing and encouraging proper hygiene practises (including regular hand washing)</li> <li>• Introducing engineering controls (including proper ventilation systems in the workplace)</li> <li>• Medical testing of employees</li> <li>• Training on Covid-19 and health &amp; safety for employees</li> <li>• Building access control by employees, visitors, customers, clients or contractors</li> <li>• Transport and commuting of employees</li> <li>• Maintaining a travel policy</li> <li>• Clear emergency plan in the event that an employee(s) tests positive for Covid-19</li> </ul>

## ABOUT THE AUTHOR

Kate Collier, Dhevarsha Ranjettan, Kirsten Eiser, Shane Johnson, Bianca Viljoen, Ziphio Tile from Webber Wentzel