

Unpacking the mining employers' guidelines for Covid-19

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The Department of Mineral Resources and Energy has issued [Guidelines for a Mandatory Code of Practice \(COP\) on the Mitigation and Management of Covid-19](#). Employers have until 25 May 2020 to implement them.



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Prior to the implementation of the mandatory COP, employers are required to comply with the standard operating procedure (SOP), in addition to all relevant regulations and directives. Once effective (from 25 May) employer's will be assessed against compliance with the guideline. Failing to prepare and implement a COP in line with the guideline is a breach of the Mine Health and Safety Act (MHSA) and a criminal offence.

The COP aims to ensure that mine employees and any other persons at mines are protected from transmission of Covid-19 at the workplace and now also notably "where reasonably practicable in the community".

The guideline assists employers in establishing and maintaining a Covid-19 prevention, mitigation and management programme at mines and provides several key considerations which employers must bear in mind in drafting and implementing their COPs. It requires that procedures be put in place to be followed by employees to exercise their rights in terms of section 23 of the MHSA during the Covid-19 outbreak. The intention appears to be that a specific Covid-19 related procedure dealing with section 23 of the MHSA be prepared as reference has not been made to existing procedures dealing with section 23 of the MHSA.

The guideline must be read in conjunction with existing regulations and directives and should be overseen by appointed Covid-19 compliance officer in conjunction with existing managerial systems.

The guideline provides for five key elements to be addressed in the mine's COP.

1. Risk assessment & review - employers must conduct a risk-based assessment

The guideline requires that the risk assessment covers all workings at the mine and lists the minimum considerations that must be included in the risk assessment including aspects such as all sources of transmission, operations and workplaces with potential risk of transmission, occupations and skills that may be impacted and the risk of vulnerable employees while at work.

Control measures include the de-densification of employees, review of human resources policies and frequent monitoring.

Employers must conduct a risk-based assessment considering the World Health Organisation's (WHO) classification of SARS-CoV-2 infection risk groups, namely: very high exposure risk/high exposure risk/medium exposure risk/low exposure risk.

The risk assessment must be reviewed regularly and whenever circumstances arise or change at the mine that could have an impact on the original assessments and the risk of contracting Covid-19 in the workplace.

2. Start-up & on-going procedure for mines - employers must develop a safe start-up procedure

The start-up procedure in the COP must be aligned with previously issued instructions from the chief inspector of mines. Some aspects that must be addressed include:

- cleaning and disinfecting or industrial sanitising of surfaces which employees come into contact with;
- screening and testing procedures;
- withdrawal procedures, to be used by mines in the event of a localised Covid-19 outbreak, and
- measures in place to collaborate with the Department of Health for the prevention and management of Covid-19 for migrant workers at ports of entry.

3. Management Programme - employers must develop a mitigation & management programme

The employer must set out a mitigation and management programme in order to manage the transmission of infection. The guideline lists key principles that the employer must consider.

- Employers must ensure that employees returning from areas which are regarded as epicentres of Covid-19 are quarantined for 14 days, before they can be permitted to return to work.
- Clear procedures must be implemented to report when employees are sick or experiencing symptoms and "who, where and the duration of isolation will take place for employees suspected of being infected with Covid-19". Details of where employees who are suspected of Covid-19 infection must be screened, diagnosed and tested (including what will lead to admission to a health care facility and all associated transport arrangements). Self-isolation requirements must also be set out.
- The management programme must provide support for employees who display symptoms consistent with Covid-19 and employees who have been in contact with confirmed Covid-19 cases, whether symptomatic or not. Support includes establishing a dedicated 24-hour hotline which employees will use to reach the mine's dedicated healthcare workers. The management programme must also deal with issues around screening, isolation, monitoring of employees etc.

Employers must consider several topics when preparing the COP. Some of these are:

- Providing adequate, useable and appropriate training and information material. This must include proper hygiene and controls, prevention of discrimination, disclosure of pre-existing conditions and available support and assistance.
- Acquiring knowledge of pre-existing medical conditions. Such employees will only be permitted to return to work after receiving a certificate of fitness from the OMP.
- Developing procedures for returning employees.
- Communicating and collaborating with the Department of Health (DOH) in order to be familiar with the district's plan including arrangements for hospitalisation of employees if a mine does not have a hospital.
- Ensuring enough resources including isolation and quarantine areas, staff, equipment and medical supplies and flu vaccinations. Requirements for such self-isolation are set, where this is possible.
- Screening of employees and, as far as possible, communicating new procedures to employees before they return to work. A specific procedure dealing with screening including when and where this must take place must be addressed.
- Determining appropriate PPE and application of de-densification including applying a staggered approach on the number of employees to be screened per day to limit crowding. At areas where there may be crowding, maximum capacity must be determined and maintained.
- Implementing a contact tracing system for cases identified on the mine and communicating with the DOH on tracing of contacts beyond the mine. The National Institute of Communicable Diseases (NICD) contact tracing protocol must be followed.
- Implementing follow up systems including further medical assessments and fitness to work assessments and referrals for further management of other conditions other than Covid-19.
- Putting in place procedures to prevent infection to employees and visitors to the mine including procedures to deal with potential cross infection during the medical surveillance systems and the suspending of all spirometry and/or audiometry unless enough infection prevention controls are in place. Programmes of personal hygiene must be limited.
- Breathalyser testing and biometrics are permitted but only where measures have been taken to assess risks and prevent cross infection.

4. Monitoring & reporting - employers must record and report Covid-19 cases in the workplace

The guideline requires the employer's Covid-19 steering committee to develop a system for investigating all confirmed Covid-19 positive cases at the mine and recording and reporting such information to the NICD and the health and safety structure in the workplace. The steering committee must also consolidate the NICD reports into a monthly report, which is then reported to the principal inspector of mines. The employer must report confirmed positive cases at the mine to the principal inspector of mines with 24 hours and conduct investigations in terms of section 11(5) of the MHSA.

5. Compensation - employers must apply for compensation on behalf of the employee

The employer must follow the process stipulated in the Notice on Compensation for occupationally acquired Covid-19.

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