

MY EMPLOYEE HAS TESTED POSITIVE FOR COVID-19

What should I do?

Given the increase of infections in South Africa COVID-19 currently has the potential to infiltrate into the workplace. What should companies do when an employee tests positive?

In terms of the promulgated regulations issued in terms of section 27 (2) of the Disaster Management Act, 2002, companies are required to safeguard the work environment by ensuring that employees are screened when entering the premises. Screening includes assessing for COVID-19 symptoms, amongst others, coughing, flu like symptoms, fever, shortness of breath, redness of eyes, pneumonia, diarrhea and vomiting.

The company should not permit an employee with COVID-19 symptoms to report for work.

1. If an employee is already on duty, the employee will be requested to immediately be isolated and provided with a surgical mask. Where possible, the employer will arrange for the employee to be transported in a manner that does not place other employees or members of the public at risk, for a medical examination, for testing or to be self-isolated.
2. If an employee does not need hospital admission and is sent home, the employer is to ensure that he/she undergoes self-isolation at home if appropriate, or at a designated isolation accommodation identified by the employer, in line with the National Department of Health guidelines. Self-isolation is a separation of ill or contaminated persons for 14 days in such a manner as to prevent the spread of infection or contamination.
3. The company will immediately assess the risk of transmission and if appropriate, may require temporary closure to disinfect the area and workstation. It is essential for companies to ensure that they receive specialist assistance in disinfecting the workstation. Although this is costly it comes with the guarantee that the workstation is completely disinfected. The [National Department of Health](#) has however advised that 0,5% sodium hypochlorite solution be used as a disinfectant.
4. Refer other employees who may also be at the risk of symptoms for screening at a medical practitioner.
5. The employee will be placed on paid sick leave in terms of section 22 of the Basic Conditions of Employment Act¹ (BCEA), or if the sick leave is exhausted, make application for illness benefits from the U.I.F in terms of the Directive issued on 25 March 2020.
6. If an employee has been diagnosed with COVID-19 and isolated in accordance with the Department of Health Guidelines, the employee may only return to work if:
 - a. the employee has undergone a medical examination confirming that he/she has been tested negative for COVID-19 after at least 14 days of isolation;
 - b. the employee wears the minimum of a surgical mask at all times for the remaining period of 21 days from date of initial testing;

¹ Act 75 of 1997.

- c. the company will ensure that the employee adheres to social distancing hygiene and cough etiquette; and
 - d. the company will closely monitor the employee's symptoms on return to work.
7. The company will report all alleged, presumed and confirmed cases of COVID-19 to Occupational Disease to the Compensation Commissioner in the prescribed format using the relevant documentation as required in terms of the Compensation for Occupational Injuries and Diseases² (COIDA) in order to facilitate procedures for all employee's compensation benefit available to employees:
 - a. leave for temporary disability;
 - b. assessment by occupational medicine specialist in case of complex disease that may result in permanent disability;
 - c. cover of medical expenses for treatment and testing, as well as permanent disability;
 - d. cover of medical expenses for treatment and testing, as well as permanent disability assessments; and
 - e. compensation to dependents in cause of death.

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- b. the employee wears the minimum of a surgical mask at all times for the remaining period of 21 days from the date of initial testing;
- c. the employer ensures that the employee adheres to social distancing hygiene and cough etiquette; and
- d. the employer closely monitors the employee for symptoms on return to work.³

The abovementioned is in line with legal obligations of an employer and is in terms of the directions of the Occupational Health and Safety⁴.

STEP BY STEP GUIDE ON WHAT TO DO WHEN YOU FIND OUT THAT YOU HAVE A COVID 19 POSITIVE EMPLOYEE

One of our Executive Committee members Mr Gerhard Bessenger, has in the past weeks due to the influx of positive cases has closed down and reopened fifteen companies. This is his step-by-step guidance on what to do.

² Act 130 of 1993.

³ Practice Note: Workplace Readiness

:/Users/User/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/UKQY4A52/Practice%20Note%/20-%20Workplace%20readiness%20%20(1).pdf, accessed 13/07/2020.

⁴ Act 85 of 1993.

So here is a guide to ensure the reopening within 24 to 48 Hours:

1. Ensure that all paperwork is in place, work place Risk Plan and screening conducted when employees and clients came into the workplace. These records will save you time.
2. Ensure that you have records on the training of employees on COVID-19,
3. When you are informed or find a person who has or has similar symptoms to COVID-19, send the person home immediately.
4. Should the employee test positive inform all employees of the Status and find out who had been in contact with the employee. Make a list, of names, identity numbers, addresses and cell phone numbers, as these documents will be required by the Department of Health.
5. Immediately close the doors of the company and send everyone home.
6. Contact the Department of Health and inform them that you have a positive case, they will come to your premises.
7. Disinfect with trained staff, **YOU DON'T NEED AN OUTSIDE COMPANY** to disinfect the premises.
8. Take photographs of disinfecting the premises. This is proof that the premises have been disinfected.
9. When the Department of Health visits the premises the following documents will be requested:
 - a. Name, ID, cell phone Number and Home address of the employee who tested positive.
 - b. List of employees that had contact with the infected employee.
 - c. Copies of Risk Plan, and procedures followed.
 - d. Confirmation that Company has disinfected the premises.
 - e. The Department of Health will give you clearance to open again, don't wait for written clearance it is work of mouth.

If you follow these simple steps you will be able to open within 24 to 48 Hours after infection had taken place.