

State of Disaster: The end... but not the end for employers

Monday's Presidential address may have brought an end to the National State of Disaster, but that doesn't mean employers can scrap their Covid-19 safety regulations and protocols.



Image source: Edmond Dantès from [Pexels](#)

Besides the fact that there are transitional provisions that stakeholders will have to comply with, such as the wearing of masks in indoor public places and the limitations on gatherings, there are three core laws that need to be complied with.

"The Code of Practice on Managing Covid-19 at the workplace applies immediately and requires employers with more than 20 employees to conduct a risk assessment, design a risk mitigation plan that addresses the potential need for mandatory vaccinations as well as other mitigatory provisions such as sanitisation, mask-wearing, social distancing and ventilation, consultation on the plan with unions and OHS committees and implementation of the plan," says HR expert, John Botha.

Further to this, the Hazardous Biological Agents Regulations that have been recently amended need to be integrated into this plan where, for example, the revised definition of "fully vaccinated" now applies. Fully vaccinated now includes the boosters. The third law being finalised is the National Health Act Amendments.



Covid-19 Health Regulations published for public comment

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"With the President bringing forward the expected end of the State of Disaster from 15 April 2022 to [5 April]," continues Botha, "employers have to take quick action as breaches of these laws hold both potential imprisonment and fines clauses."

In addition, there are significant administrative record-keeping obligations including that Covid-19 records must be kept for 40 years. Employers are now allowed to collect various data fields on their staff including comorbidities and vaccination status as the Code expressly provides for this.

"However, the protections of the PoPI Act and the need to secure the data is crucial. Given the wording of the law that continues beyond the State of Disaster, there is no doubt that government views vaccinations as the primary mechanism to protect employees and third parties at the workplace as employers are required to pursue this if the risk assessment justifies this," concludes Botha.

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