



# **Vulnerable employees and covid-19 workplace accommodation**

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As many South Africans prepare to return to work in level 3 of the lockdown, the Department of Health published their latest interim guide on 25 May 2020 to assist employers to evaluate and manage vulnerable employees. This interim advice may change as the Covid-19 pandemic develops.

Employers have an obligation to, as far as reasonably practical, provide a working environment that is safe and without risk to the health of their employees. The Occupational Health and Safety Directives still apply, and the Department of Health has now created a useful guide to its directives which we have summarised below.

# An Employer's obligations

## Identify vulnerable persons



Who is a vulnerable employee? Employees with known or disclosed health issues or any condition that places them at a higher risk of complications or death if infected with Covid-19.

The major categories include employees who are above the age of 60 and employees of any age who have chronic medical conditions, particularly if not controlled. The following medical conditions are considered as 'high risk': moderate to severe asthma, chronic lung disease, serious heart conditions, immune-compromised people, severe obesity, diabetes, chronic kidney disease undergoing dialysis, and liver disease. The process of identification includes not only those who are at high risk of infection but also those employees who reside or care for persons who are at high risk.

# Assessing vulnerable employees

Employees should be assessed by their doctor and if they cannot afford the costs, then the employer should bear the cost while respecting doctor-employee confidentiality. Doctors with insight into workplace processes are preferred.

Doctors should provide a confidential note to the employer (without specifying diagnosis) identifying the presence of any of the high risk conditions that would classify the employee as 'vulnerable' and should refrain from commenting on the employee's fitness to work. The doctor should further ensure that an employee's health is optimised which may include vaccinations (for flu, for example) and ongoing advice on maintaining compliance with a treatment plan.

# Protection and management

A clear and transparent policy stipulating procedures concerning vulnerable employees should be developed. This is a separate policy from the policy applicable to all employees in respect of the workplace risk control measures. These policies and procedures should be sector-specific.

Potential exposure must be eliminated or reduced – if this cannot be achieved the employer in consultation with the employee should consider other options such as temporary workplace accommodation to prevent the risk of infection. These accommodations should be granted without any reduction in benefits and include training where necessary.

If temporary accommodation is not feasible, the employer should consider permitting the employee to work from home and provide the necessary equipment to facilitate that process – i.e. a laptop, internet connectivity.

Employers should ensure that employees existing health benefits are maintained such as employer-related medical aid benefits for those employees who are eligible for these benefits.

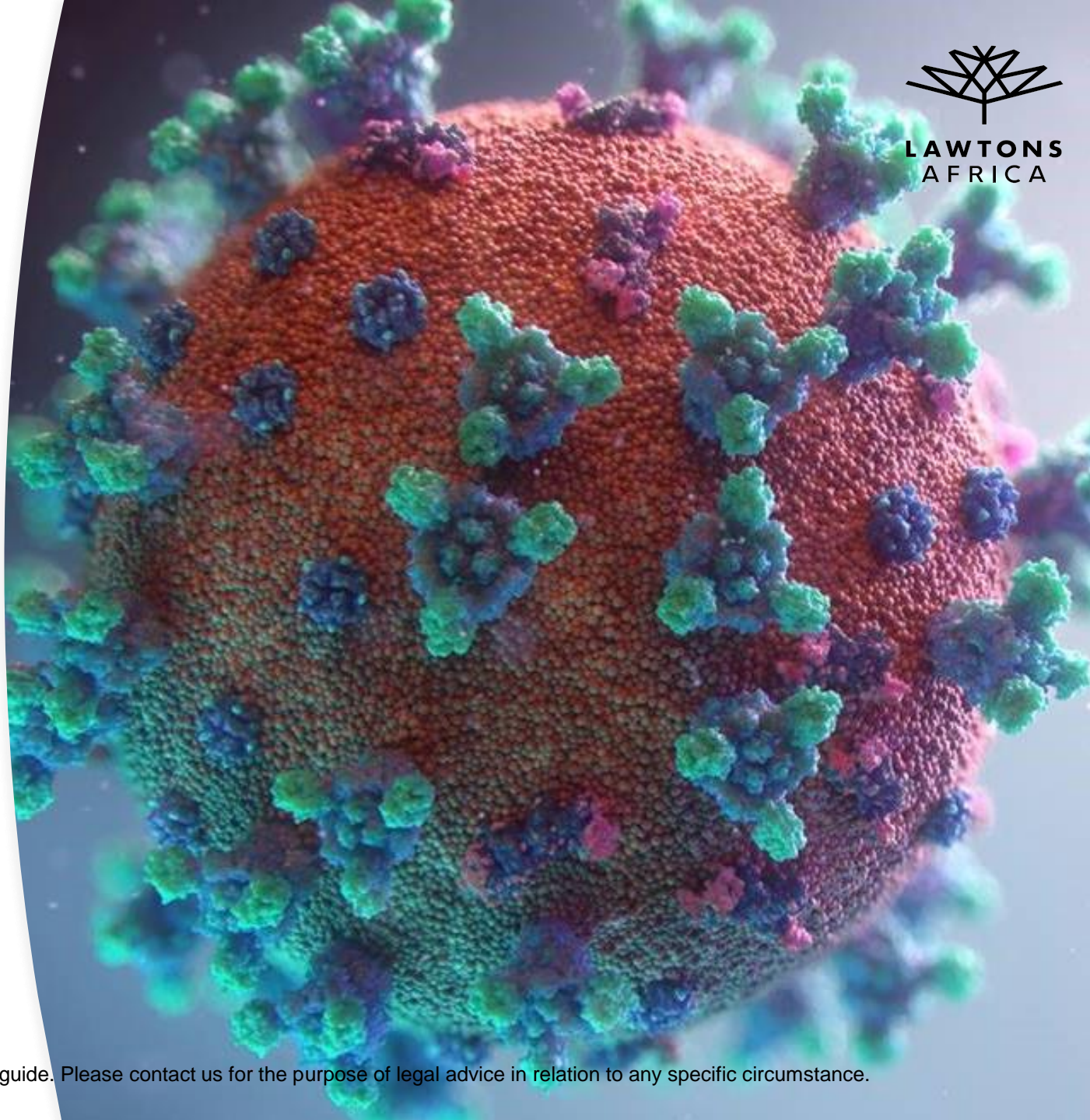
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## Managing incapacity and the Return to Work

### Employers should:

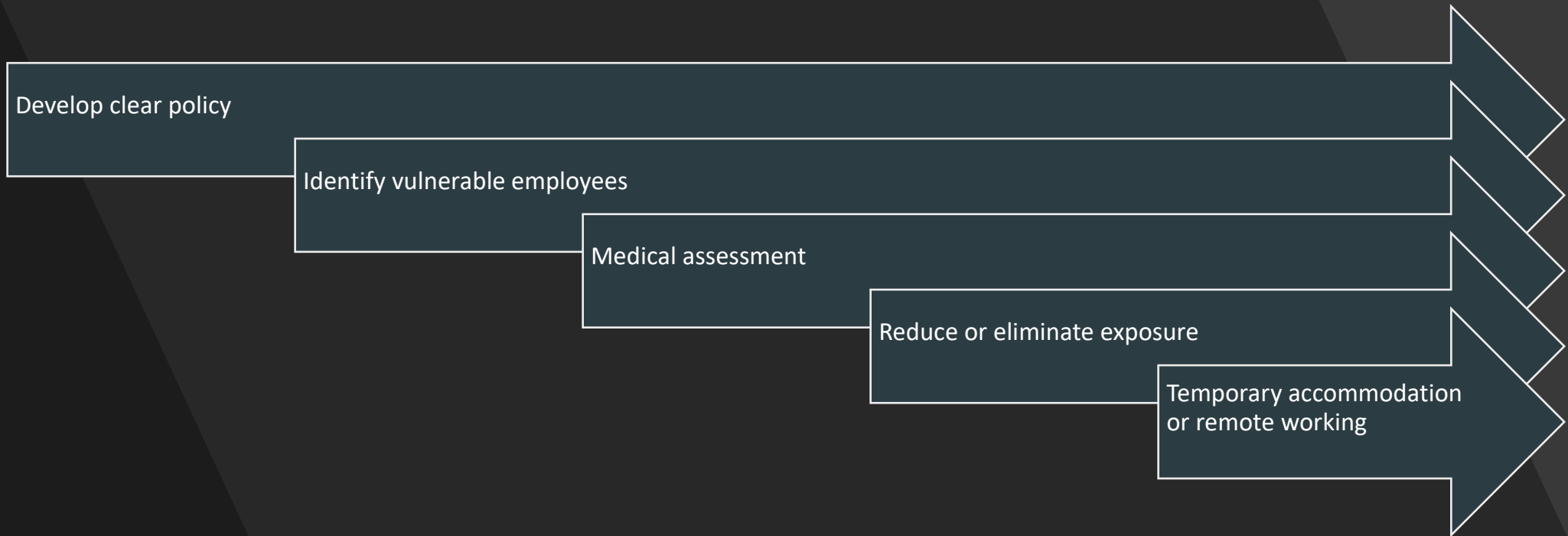
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- Ensure adequate worker's compensation claim processing and rehabilitation if the exposure was work-related;
- Ensure that any sick leave related to a workplace-acquired Covid-19 related illness is managed under COIDA procedures;
- If the employee has been hospitalised due to a prolonged illness, the employer is to facilitate their return to work integration; and
- A fitness to work medical evaluation should be performed with employees who suffered a moderate to severe illness by an occupational medical practitioner and occupational therapist where appropriate, as these employees may require a prolonged work adjustment.



# Flow diagram of the steps to be followed in the various scenarios

An employer's obligations:





# Returning to work



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