EMPLOYMENT

Directive on compensation for workplace-acquired COVID-19

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On 23 July 2020 the Minister of Employment and Labour, Thembelani Waltermade Nxesi, published a directive on compensation for workplace-acquired Covid-19 ("**Directive**"). The Directive is published in terms of the regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of the National Disaster Management Act 57 of 2002. The Directive replaces the Notice issued on 23 March 2020 ("**Notice**") in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 ("**COIDA**").

While the Directive largely reiterates the provisions of the Notice it does make some notable changes. The notable changes include the following:

1. The Directive refers to "employees" rather than "workers" which was referred to in the Notice. The term "employees" limits the scope of application of the Directive (i.e. the term 'workers' has been used elsewhere to refer to more than just employees). This is also in line with COIDA, as COIDA is only applicable to employees.
2. Healthcare employees conducting cardio-respiratory function testing are now categorised as employees in a very high exposure risk occupation.
3. In determining the risk of exposure in occupations, the Directive identifies close contact as being within 1.5 metres of either, people who may be infected with Severe Acute Respiratory Syndrome Corona Virus 2 ("**SARS-Cov-2**") (medium risk exposure occupation) or the general public (low risk exposure occupation). This is opposed to the 2 metres previously referred to in the Notice.
4. The Directive clarifies that the Compensation Fund does not provide compensation for unconfirmed cases which are still being investigated.
5. For employees who are self-isolating or in self-quarantine, employers must comply with the obligations in the Covid-19 Temporary Employee / Employer Relief Scheme ("**TERS**") directive or the Consolidated Covid-19 Directive on Health and Safety in the Workplace.

The Directive may be accessed at: https://www.gov.za/sites/default/files/gcis_document/202007/43540gen387.pdf



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