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National Health Act update

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National Health Act 61 of 2003

The Minister of Health ("**the Minister**") published, for public comment various regulations in terms of the National Health Act 61 of 2003 ("**NHA**") on 15 March 2022. The closing date for the submission of public comment is 14 April 2022 ("**NHA Regulations**").

Portions of the NHA Regulations are similar to the regulations under the Disaster Management Act 57 of 2002 ("**DMA**"). The NHA Regulations include the Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions ("**Surveillance Regulation**"). The Surveillance Regulation contains amongst others, certain provisions that are relevant to employers.

We highlight said provisions below.

General Measures to Contain the Spread of Notifiable Medical Conditions that can Spread through Droplets or Aerosol

The Surveillance Regulation requires that every business premises, including but not limited to a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy adopt measures to promote physical distancing of employees which includes:

- Allowing employees to work at home if necessary or minimizing physical presence at work where necessary;
- Persons queuing inside or outside premises should maintain a one-meter distance from one another;
- The provision of adequate workspace; and
- Restrictions on face-to-face meetings.

Control Measures for Public Spaces

The Surveillance Regulation provides that for events hosted in public spaces by private entities, government departments, or municipalities the following obligations must be observed:

- The appointment of a compliance officer to ensure the maintenance of hygiene conditions
- Ensure that public spaces are cleaned and disinfected
- Enable the practice of physical distancing.

Gatherings

The Surveillance Regulation provides, amongst others, that:

- Indoor gathering attendance should be limited to 1000 persons and outdoor attendance to 2000 persons where gatherings are held **without** proof of vaccination
- Provision should be made for sanitisers at all entrances to promote hygiene

- Every person attending a gathering is required to wear a face mask and adhere to health protocols.
- Social distancing for both indoor and outdoor gatherings is to be observed and the enforcement of mask-wearing for indoor gatherings has been maintained

Read more about mandatory vaccinations after the state of emergency is lifted.

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