



# Know Your Rights **COVID 19**

## **Occupational Health and Safety**

Health care workers are at the frontlines of the epidemic in carrying their duties to save lives and they are at high risk of infection. They are women and men with rights like any other citizen of South Africa. They too have children, families, friends and family responsibilities beyond the call of duty to serve their country during this COVID19 outbreak.

## **Definition of occupational health and safety (2)**

In 1950, the Joint ILO/WHO Committee on Occupational Health stated that "Occupational health should aim at the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities". In summary: "the adaptation of work to persons, and of each person to his job."

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## The SA Constitution

**Our members and health care workers in general have a right to life as prescribed in Section 11 of the Constitution of the Republic of South Africa**

Section 24 of the Constitution states that "everyone has the right to an environment that is not harmful to their health or well-being and to have the environment protected through reasonable legislative measures". Therefore, this section makes provision for health care workers to be protected and for all necessary preventative and protective measures must be put in place to minimise occupational safety and health risks.

## Section 8 of the Occupational Health and Safety Act (Act 85 of 1993)

The Act prescribes the "General duties of the employers to their employees".

Section 8 (1) clearly stipulates that the employer is obligated to provide and maintain a workplace that is safe and without risk to the health of their employees.

Section 8 (2) Each employer shall comply with the provision of the Act.

## Employers Duty

- 8 (2) (a) **Provide and maintain safe systems of work** without risk to the health of employees.
- 8 (2) (b) Eliminate or mitigate any hazards or potential hazards to the safety or health of employees, before resorting to Personal Protective Equipment.
- 8 (2) (c) Provide for safe use of articles and substances.

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- 8 (2) (d) **Establish hazards** to the health or safety of persons to any work which is performed and apply precautionary measures in the use of articles, substances and plant and machinery.
- 8 (2) (e) Provide **information, instruction, training and supervision**.
- 8 (2) (f) Not permit employees to work unless precautionary measures are taken.
- 8 (2) (g) **Ensure compliance** with the Act on the premises.
- 8 (2) (h) Enforce measures in the interest of Occupational Health Safety (OHS).
- 8 (2) (i) Provide **supervision** by trained persons with necessary authority.
- 8 (2) (j) **Inform employees** of the scope of their authority.

**Health care workers are at the front line of the COVID 19 outbreak response and as such are exposed to hazards that put them at risk of infection.**

## **National Health Act, 2003 (Act No 61 of 2003)**

The National Health Act and Regulations also seeks to promote and protect the health and safety of healthcare workers. Regulation 8 of the Norms and Standards Regulations states that **“a health establishment must maintain a managed environment which minimises the risk of infection to users, health, personnel, and visitors.”**

**It further states that a health establishment must comply with the following regulations:**

- Must implement systems to promote health and prevent diseases.
- Must implement appropriate measures to protect users, healthcare personnel and the public from disease outbreaks and to help minimise the negative impact of health emergencies and disasters.
- Must ensure that there are hand-washing facilities for users and healthcare personnel.
- Must provide isolation units where users with contagious infections can be accommodated.
- Must ensure that health care personnel are protected from acquiring infections through the use of personal protective equipment and prophylactic immunisations.

**All health establishments must protect health care personnel from workplace hazards by establishing and implementing occupational health and safety systems accordance with the requirements of the Occupational Health and Safety Act, 1993.**

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- **Incidence of occupational exposure and unsafe conditions should be reported to the employer or health and safety representative.**
- **Health and safety concerns not dealt with by the employer must be reported to the Chief Inspector at the Department of Labour.**

**Where there is lack of OHS compliance, NEHAWU members are advised to also inform their branch representative or submit relevant information to NEHAWU Head Office via the union website [www.nehawu.org.za](http://www.nehawu.org.za)**

**Section 26 of OHS prohibits victimisation of reporters of such incidents in the work place by employers.**

**THE LIFE OF A HEALTH CARE WORKER MATTERS!!!**



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