

Guideline for a mandatory code of practice on the mitigation and management of COVID-19 outbreak at mines

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INTRODUCTION

Healthcare workers from Wuhan, China reported the first cases of a new disease in late 2019. This was later named COVID-19 by the World Health Organization (WHO). The WHO declared COVID-19 as a public health emergency of international concern in January 2020 and, later in March 2020, declared it a global pandemic.

The president of South Africa declared a national state of disaster on COVID-19 on 15 March 2020, in terms of the Disaster Management Act No. 57 of 2002, which introduced several restrictions aimed to curb the disease. The South African mining industry (SAMI) needed guidance and, on 26 March 2020, a document, 'Guiding Principles on the Prevention and Management of COVID-19 in SAMI', was developed through the Mine Health and Safety Council (MHSC) in consultation with tripartite stakeholders.

On 26 March 2020, a nationwide lockdown was declared in South Africa until the end of April 2020. Amended regulations were issued by the government on 16 April 2020 in terms of section 27(2) of the Disaster Management Act, stating that the mining sector could start operating at fifty percent labour capacity. In preparation for this, the minister of mineral resources and energy issued directions in line with the amended regulations in terms of section 27(2) of the Disaster Management Act.

BACKGROUND AND OBJECTIVES

The Department of Mineral Resources and Energy (DMRE), in consultation with the MHSC, developed a guideline in accordance with Section 9 of the Mine Health and Safety Act (MHSA) (Act No. 29 of 1996, as amended). A task team consisting of tripartite stakeholders was established to draft the guideline. It was guided by, amongst others, documents from the WHO, the National Institute for Communicable Diseases (NICD), the Department of Health (DoH), and other applicable statutory obligations related to COVID-19. The task team also had to consider occupational medicine expert inputs while drafting the guideline. The draft guideline was subsequently published for public comments, in terms of Section 9(3) of the MHSA. Public comments provided valuable inputs for consideration in finalising the guideline on COVID-19.

The objective of this guideline is to assist employers as far as reasonably practicable to establish and maintain a COVID-19 prevention, mitigation and management programme at mines.

LEGAL STATUS OF THE GUIDELINE

According to Section 9(2) of the MHSA, as amended, an employer must prepare and implement a code of practice (COP) on COVID-19. The COP must comply with all relevant guidelines and instructions issued by the chief inspector of mines (CIoM) [Section 9(3) of the MHSA], and all other applicable statutory obligations related to COVID-19.

SCOPE

The guideline provides minimum requirements and best practices for the compilation of a COP for the prevention, mitigation and management of the COVID-19 outbreak. The aim is to ensure that mine employees returning to work and any other person/s at mines, are protected from transmission of the SARS-CoV-2 at the workplace and, where reasonably

practicable, in the community, whilst providing guidance to all stakeholders regarding their roles and responsibilities in the management of the COVID-19 outbreak.

STATUS OF THE CODE OF PRACTICE

1. Due to the highly transmissible nature of the SARS-CoV-2, the employer is required to collaborate as far as possible with the local authorities in dealing with the control of the pandemic.
2. The guideline is considered to be a living document that may need to be updated as new developments on the prevention and management of COVID-19 emerge.

RISK MANAGEMENT

In this section, the employer is referred to Section 11 of the MHSA, which provides that the employer needs to identify hazards, assess the health and safety risks to which employees may be exposed while at work, and record the significant hazards identified and risks assessed.

KEY ELEMENTS TO BE ADDRESSED IN THE COP

Every employer is required to consider the following key elements when developing their COP:

1. Risk assessment and review: employers are referred to the WHO classification of the risk of SARS-CoV-2 infection into four risk groups, ranging from very high to low risk.
2. Start-up and on-going procedure for mines: the procedure is aligned to start-up procedure instructions issued by the chief inspector of mines (CIoM), and disinfection of working spaces with which employees would be in contact when returning to work.
3. COVID-19 management programme: this addresses, among others, screening of employees before returning to work; issues of quarantine and isolation; use of personal protective equipment; vulnerable employees and fitness to work determination by the occupational medical practitioner, considering that presence of a pre-existing condition does not automatically render the employee unfit.
4. Monitoring and reporting: this addresses reporting of COVID-19 positive cases to relevant institutions, including the DMRE.
5. Compensation for occupationally acquired COVID-19: employers are referred to the notice on compensation for occupationally acquired novel coronavirus disease under the Compensation for Occupational Injuries and Diseases Act (COIDA) (Act No. 130 of 1993, as amended), since the DMRE has no jurisdiction over compensation matters.

RECOMMENDATIONS AND CONCLUSION

Employers will need to have procedures in place to address the above aspects in line with their risk assessments. COVID-19 is a public health issue, thus it is important that the mining industry works in collaboration with the DoH. The guideline was drafted bearing in mind that mines differ in size and capacity, hence the recommendation that mines collaborate with the local authorities. The final guideline was promulgated on 18 May 2020 and can be found in the government gazette of 18 May 2020, gazette no. 43335. It is also available at www.gpwonline.co.za.