



JUNE 2021 – SOUTH AFRICA COVID-19 VACCINATION IN THE WORKPLACE

It is important that employers note the following:

Consolidated direction on Occupational Health and Safety (OHS) measures

Government Gazette No. 44700 was published on 11 June 2021 to issue a consolidated direction on OHS measures in the workplace.

The new consolidated OHS direction provides employers with reasonable solutions that accommodate all parties should an employee(s) refuse to be vaccinated for medical or constitutional grounds. In addition, it gives an employer 21 days to decide on whether it intends to make vaccination mandatory, taking into account the operational requirements of the workplace.

- The consolidated OHS direction requires an employer to include in its risk assessment whether it intends to make vaccinations compulsory. This is a three-step enquiry:
 - Firstly, it must make an assessment considering the operational requirements of the workplace. Although the direction does not make the vaccine mandatory, the employer must provide a working environment that is safe and without risk to the health of its employees and any persons exposed.
 - Secondly, if the employer decides to make it mandatory, it must then identify those employees whose work poses a risk of transmission or risk of severe Covid-19 disease or death because of their age or medical condition of two coexisting diseases.
 - Thirdly, employers are required to amend their plan to include the measures to implement the vaccination of those employees as and when Covid-19 vaccines become available. The employer may only make it an obligation once the employee becomes eligible and registered for vaccination.

The employer should also provide transport to the vaccination site for the employee and is required to give the employee paid time off to recover from any side effects following the vaccination. An employer will not be permitted to make any deduction from an employee's remuneration or require an employee to make any payment to the employer in respect of anything which the employer is obliged to provide the employee under the direction.

Should an employee refuse to be vaccinated on constitutional or medical grounds, the employer should reasonably accommodate the employee by allowing the employee to seek guidance and provide a medical evaluation.

To read the OHS directive, follow the [link](#).

Contact our legislation team at info@crs.co.za if you require any additional information.

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