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**AU COVID-19 AT WORKPLACE JOINT COMMUNIQUE BY
CHAIR OF THE AU SPECIALIZED TECHNICAL COMMITTEE ON
SOCIAL DEVELOPMENT, LABOUR AND EMPLOYMENT**

AND

THE AFRICAN UNION COMMISSION

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This communique is issued following consultation with Business Africa for Employers, OATUU and ITUC-Africa for Workers, in the COVID-19 Pandemic at workplace. It aims to provide useful information for employers to reduce the spread of the disease and mitigate the impact of COVID-19 on workers and the public by implementing appropriate control measures in the workplace.

Introduction:

On 30 January 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the Coronavirus Disease (COVID-19) a Public Health Emergency of International Concern (PHEIC).

On 27 February 2020, the WHO published advice on getting your workplace ready for COVID-19. The publication advised that the Ministries of Labour collaborate with Ministries of Health to define COVID-19 Guidance for Businesses, Employers and Employees.

This declaration came as the world of work in Africa is operating within the context of the Africa Continental Free Trade Area (AfCFTA) and progressive accelerated industrialization trends. To keep and lift the place of Africa in the global competition, there is need to preserve the skilled and healthy workforce on the continent in the context of the COVID Pandemic.

Governments on the continent are issuing guidelines to prevent COVID-19 at the workplace and mitigate its impact on the workers. For example, on 17 March 2020, the Department of Employment and Labour of South Africa unveiled guidelines to deal with COVID-19 at workplaces. Likewise, Uganda Ministry of Gender, Labour and Social Development issued guidelines and considerations for Employers on 20 March 2020. Senegal published a 'Workplace and COVID-19' guidance. In Namibia, the Ministries of Labour and Health set up a SMS Line for reporting on COVID-19 related complaints at the Workplace. Kenya set up an Occupational Safety and Health Advisory to help minimize the spread and reduce the economic impact of COVID-19 in workplaces. The Ministry of labour of several other countries have adopted COVID-19 guidelines for employers (Morocco) or in the world of work (Algeria).

The laws and regulations on mandatory Occupational Safety and Health (OSH) standards require employers to protect the employees from contract the virus which will help in minimizing the spread of the infection. This requires that employers to provide employees with a workplace free from recognized hazards likely to death or serious physical harm. Organisations must protect the employees from the risk of infection that exists at work due to contact with colleagues and other users of the enterprise as is the case with COVID-19, an easily transmissible infection disease with significant health risk. Among other relevant instruments for the prevention and mitigation measures are the Employment Act and Collective Bargain Agreement.

Employers should develop appropriate policies and strategies in their efforts to address health condition workers related to the COVID-19 in the work place.

However, in the absence of unemployment insurance in majority of Member States, there are very limited resource to cushion the COVID-19 impact on the welfare of employees who can lose their job.

Exposure to COVID-19?

Occupational exposure risk of workers to the COVID-19 can range from very high to high, medium, or lower (caution) risk, depending of the nature of the industry, contact with other persons in the enterprise, work environment or supply chain.

Duties for Employers and workers

The duties for employers and workers are based on the provisions of the labour and social security legal instruments in countries. The experience gained in implementing Occupational Safety and Health (OSH) measures at the workplace, including the OSH Committees, constitute a precious advantage in facing the COVID 19 at workplace.

This guidance at workplace is based on traditional infection prevention and industrial hygiene practices. It focuses on implementation of engineering, administrative, and work practice controls and personal protective equipment (PPE). Employers should consider developing a COVID-19 Preparedness and Response Plan. The Plan should among other contain the following:

- Prevention measures
- Policies and procedures for prompt identification and isolation of sick workers
- Workplace controls to reduce exposure to hazards
- Administrative Controls
- Safework practices
- Personal Protective Equipment (PPE)
- Communicate about workplace arrangements and protections

Consult with the Ministry of Labour on Measures lay off/termination of workers and reduction in productivity levels among others is also critical.

Workers should:

- Comply with the general measures recommended and follow the safety instructions by the employer;
- Inform the employer of any appearance of symptoms of infection;
- Adopt responsible behaviour by avoiding any exposure (contact, unnecessary trips, etc.), discrimination and stigmatization;
- Inform the employer in the event of exposure and displacement or return from a risk zone;
- Immediately report to immediate supervisor, the staff representatives and relevant Labour Inspector in any situation where there is reasonable grounds for a serious and imminent danger to life or health of other persons.

Communication and stakeholder engagement

A clear and comprehensive communication protocol will support this approach by building confidence. Timely and efficient communication is necessary on the actions and responses taken by the enterprise. Keeping the employees and other stakeholders aware of the developing situation and engaged should be adhered to always.

Legal implications to consider

COVID-19 at workplace involves associated issues for employees' rights as contractual workers. There is need to accord attention to legal obligations to protect the health of workers and the continuity of business operations. Advice and guidance on how to implement legal obligations can be sought from the Ministry of Labour. Also consultation with representatives of workers will provide some guidance.

Institutional engagement:

Ministry of Labour, including the social security agencies should develop OSHA Guidance on Preparing Workplaces for COVID-19, to help employers respond in the event of coronavirus in the workplace. When possible, they can cooperate with the Ministry of Health.

Social security institutions:

The Social Security Institutions should devise and implement appropriate measures in light of the COVID-19 outbreak to ease the burden on the enterprises during the period of prevention and containment of the spread of the disease (e.g. reduction in contribution rates, temporary exemption from contribution obligations, extension of payment deadlines). This should not adversely impact the employee's rights to social security benefits. They will consider collaborating with decentralized health structures to provide assistance to workers and self-employed in the micro and small enterprises in the informal economy.

Social dialogue:

The government will facilitate the engagement of existing relevant institutions in the labour market with the aim of building consensus on COVID-19 prevention and mitigation measures. Where these exist, social dialogue institutions should play a role, while including representation of workers in the informal economy and rural sector. Consultations could expand to include representatives of Ministry of Health and Ministry of finance and economy. The dialogue should extend to the definition of a recovery plan to facilitate reopening of businesses.

Protection of workers in specific condition of vulnerability

Considering that COVID-19 presents fatal persons to vulnerable individual such as older persons, individuals with chronic medical conditions, including those with immunosuppression, pregnancy among others, there is need to ensure that this calibre of persons is protected and given special assistance.

Healthcare workers:

Considering the state of the health systems in the Member States, priority should be given to protect the healthcare workers. They should be provided with accommodation and PPE including personal respiratory devices to ensure the continued provision of services to the populations. Working conditions should allow for flexibility to avoid exhaustion.

Cleaning Workers: Deep cleaning, disinfecting and scrubbing the surfaces, among those at high risk of contracting COVID-19 should be adhered. This category of vulnerable workers includes domestic workers, housekeeping and office cleaning crews, etc. Additional risk factors: elderly and women.

Female workers with family responsibilities:

Measures to close schools will increase the family caring responsibilities of female workers. The closures with arrangements for online schooling at home increasing their responsibility at home. This requires the consideration of flexible working hours and conditions for the employees. Measures should be considered for pregnant and lactating women.

Workers in the informal economy, Micro, Small and Medium Sized Enterprises:

The impact that the novel COVID-19 is having on small to medium, private and family businesses is different to that of large organizations.

The informal economy on average accounts for 39% of the GDP in Africa and provides for at least 80% of jobs creation. Workers (all categories, including domestic workers) in this sector are not covered by statutory social security services, making them vulnerable. Self-employed persons will take reasonable steps to protect their own and other people's health and safety.

Governments should consider engaging with the professional organizations of the informal economy and rural sector, and structures in charge of their promotion, to facilitate the protection of workers in the informal economy, in particular the handicraft enterprises, with basic protection and housekeeping measures. For a comprehensive statutory social protection, Governments will consider taking steps on the basis of the AU Social Protection Plan for Informal Economy and Rural Workers (SPIREWORK), the Programme on Promoting Social Protection in SMEs (2015) and ILO relevant frameworks.

As an initial step to provide protection to these workers, the social security institutions structures can collaborate with the community health structures for a progressive reach out of these workers, including through joint communication/education activities and training of the leaders.

Migrant workers:

Migrant workers are entitled to social security benefits and health coverage. Several regional instruments (e.g. ECOWAS) further recognize and regulate the rights to social security for migrant workers. These rights are reflected in the African Union Protocol on Free Movement of Persons still to come into force.

Health and COVID-related new immigration regulation are taken by countries of destination in Europe, Asia, Latin America, Canada and the USA as well.

Ministry of Labour and Ministry of Health will work with the public and private agencies operating on overseas employment to protect their nationals working abroad, including in collaboration with Embassies in countries of destination.

Africa- CDC will compile the COVID-19 and other health related regulations on immigration to assist Member States. The information will be made available on Africa-CDC website.

Retired workers:

Though not in formal employment, retirees are under the responsibility of the social security system to which they contributed during their working years. Some retirees fall under the vulnerable persons' category for COVID-19 and account for the majority of deaths. The Retirement/Pension Fund institutions should take measures to avoid or reduce their exposure to the virus, in particular during pension payment with long queues poorly managed. They will consider special measures for the treatment of those infected by the virus, and support their family.

Maritime industry, blue economy and seafarers' welfare:

Maritime industry is a vital sector for African economies, as recognized by the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter). The workers in the industry are also exposed to the pandemic. Measures should be taken in line with the Charter and its annexures, the WHO International Health Regulations (IHR) Ship Sanitation Certificates, the ILO Maritime Labour Convention (2006), and the WHO Interim guidance "Operational considerations for managing COVID-19 cases and outbreaks on board ships" (24 February 2020).

Implementation of the Joint Communiqué:

For ease of implementation of this Joint Communiqué, a COVID-19 at Workplace Guidance is attached herewith as part of the Communiqué.

COVID-19 at Workplace Good Practices (Community of Practices-COP)

Platform: The Platform will be accessible at the Africa CDC COVID-19 website: africacdc.org



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