

Guidelines issued by the Chief Inspector of Mines for the compilation of a mandatory Code of Practice on mitigation and management of the COVID-19 outbreak

25 May 2020

At a time when the NUM in Limpopo has called for the temporary closure of mines and for the area to revert to a level-5 lockdown, on 18 May 2020, the Chief Inspector of Mines (CIM) published guidelines for the compilation of a mandatory Code of Practice (COP) for the mitigation and management of the COVID-19 outbreak (Guideline). The Guideline has been published pursuant to the 1 May 2020 order handed down by the Labour Court in *AMCU v Minister of Mineral Resources and Energy*.

The Guideline has been developed to provide a framework to manage and mitigate the COVID-19 outbreak amongst employees in the South African mining industry. In accordance with Section 9(2) of the Mine Health and Safety Act 29 of 1996 (MHSA), an employer must prepare and implement a COP which complies with the Guideline. Failure to do so constitutes a criminal offence and a breach of the MHSA.

The Guideline provides the minimum requirements and best practices for the compilation of a COP for the prevention, mitigation and management of COVID-19 in the mining industry and provides for the following key elements to be addressed in the COP:

- a) risk assessment and review;
- b) start-up and ongoing procedure for mines;
- c) COVID-19 management programme;
- d) monitoring and reporting;
- e) compensation for occupationally acquired COVID-19; and
- f) an implementation plan for the COP.

In line with section 11 of the MHSA, employers must conduct risk assessments to specifically cater for COVID-19. In addition, the Guideline provides that employers must investigate all confirmed Covid-19 positive cases at the mine in terms of section 11(5) and submit a report to the Principal Inspector of Mines within 24 hours.

The Guideline will come into effect on 25 May 2020 and, in terms of section 9(5) of the MHSA, employers are required to submit their COPs to the CIM.

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