



MALAWI GOVERNMENT

**MINISTRY OF LABOUR, SKILLS AND INNOVATION**

**COVID-19 WORKPLACE GUIDELINES**

**APRIL, 2020**

## **Introduction**

The announcement by the World Health Organization (WHO) on March 11, 2020, that the COVID-19 outbreak has reached the level of a pandemic has sparked widespread global concerns.

The rapid spread and means of spread of COVID-19 pandemic has serious implications for employers, employees and workspaces where there is frequent human contact.

There is therefore need to take steps to mitigate the impact on the world of work by:

- (a) Safeguarding the health of the employees and all the people they come into contact with
- (b) Ensuring business continuity in order to protect jobs and sustain the country's economy.
- (c) Ensuring availability of social protection measures in the event of job losses.

The COVID-19 threat presents an opportunity to rethink the manner in which business is done and explore innovative ways to enhance resilience.

On 21<sup>st</sup> March, 2020, Government declared Malawi a State of Disaster on the basis of Coronavirus attack and subsequently announced preventive measures. On 4<sup>th</sup> April, 2020, Government announced additional preventive measures to the national response on COVID-19. Among others, Government directed that all workplaces should be decongested by working in shifts in all offices with the exception of those in the essential services. The Secretary for Labour, Skills and Innovation was mandated to liaise with Heads of Institutions for Guidelines for private sector.

In line with Government directive, the Ministry of Labour, Skills and Innovation in consultation with the International Labour Organisation, Employers' Consultative Association of Malawi (ECAM), Malawi Confederation of Chambers of Commerce and Industry (MCCCI), Malawi Congress of Trade Unions (MCTU), other Government Ministries and stakeholders hereby issues the following guidelines

that must be observed by Employers and Employees throughout the country, to mitigate the spread of COVID 19 at the workplace, with immediate effect.

## **2.0 Objective of the Guidelines**

The objective of these Guidelines is to mitigate the spread of Coronavirus in workplaces; protect jobs and incomes; safeguard the health and safety of employees; ensure business continuity and promote innovative business solutions through social dialogue.

The Guidelines address a whole spectrum of issues ranging from prevention, response, mitigation/management and recovery and also business continuity to sustain jobs. It spells out roles and responsibilities of both employers and employees.

## **3.0 General Workplace Preventive measures.**

General preventive measures shall include the following:

- a) Employers/employees returning from areas of significant risk areas and those who have had contact with infected persons to undergo self - quarantine and strictly observe quarantine rules and where necessary, be placed under institutional quarantine.
- b) Covering nose and mouth with a disposable tissue when coughing or sneezing and coughing into the crook of elbow when tissue is not available.
- c) Avoid touching eyes, nose and mouth.
- d) Eat thoroughly cooked food, such as, meat and eggs.
- e) Avoid handshakes and close contact.

For more details, refer to the Public Health (Corona Virus Prevention, Containment and Treatment) Rules, 2020, National COVID-19 Preparedness and Response Plan and daily reports by the Ministry of Health.

## **4.0. Duties and Responsibilities of Employers and Employees**

Both employers and employees have significant roles to **protect** people from Coronavirus, **protect jobs**, protect incomes and ensure business continuity.

### **4.1. Implementation of Guidelines**

Employers must:

- a) Appoint a team including representatives of senior management, supervisors, employees' representatives, and responsible enterprise safety and health personnel to facilitate the implementation of these guidelines. The team is at liberty to add any additional measures that are appropriate and consistent with the laws of Malawi to improve response to COVID-19.
- b) Ensure dissemination of these guidelines and measures issued by authorities to all employees.

Employees Must:

- a) Cooperate with the Employers in implementation of these guidelines.
- b) Report through their COVID-19 Team Leader to the Secretary responsible for Labour any employer who contravenes these guidelines. The Ministry responsible for Labour is mandated to undertake workplace inspections to ensure compliance with these guidelines.

### **4.2. Prevention**

Employers must:

- a) Ensure provision to all employees of up to date information on COVID -19 released by Government.
- b) Provide adequate facilities to ensure that employees, customers and visitors entering or exiting the workplace wash hands with soap and water or with alcohol based sanitizers, at no cost to them.

- c) Promote a culture of regular wiping of work stations, doorknobs, telephones, keyboards, working objects and or frequently touched surfaces with disinfectants. Restrooms should regularly be disinfected.
- d) Determine critical and non-critical staff and promote teleworking for noncritical employees to minimize physical contact.
- e) Decongest workplaces by introducing shifts to avoid overcrowding. In accordance with Section 23 (2) of the Occupational Safety, Health and Welfare Act, Cap 55.07, overcrowding is defined as follow; “A workplace shall be deemed to be overcrowded if the number of persons employed at any one time in any workroom is such that the amount of cubic space allowed for each person so employed is less than eleven (11) Cubic Metres”.
- f) In line with COVID-19 preventive measures, arrange work in a way that allow for physical distancing of at least 1 Metre from other people.
- g) Limit or shut down non-essential activities.
- h) Limit the number of visitors to the workplace and designate waiting space for authorised visitors.
- i) Post in every workroom, a notice specifying the number of persons who may be employed in that room at any one time.
- j) Allow vulnerable employees including those with underlying medical conditions to work from home without loss of income.
- k) Allow employees with fever and flue like symptoms (COVID -19 symptoms) to stay at home.
- l) Arrange for isolation of any person who has developed COVID-19 symptoms at work site, while awaiting medical attention and arrange health surveillance of employees who have been in close contact with the suspected case.
- m) Report any suspected case of COVID-19 to relevant authorities.
- n) Assist delivery employees, truck drivers and transportation employees to minimize direct contact with customers and ensure personal hygiene practices such as hand washing with soap and use of hand sanitizers.
- o) Minimize face to face meetings, giving preference to phone calls, email or virtual meetings and make use of hotlines, online portals, and placing

information on social platforms, among others, to discourage unnecessary visits to the workplace.

- p) Place posters on prevention of the spread of COVID-19 at strategic locations throughout the workplace;
- q) Update staff on confirmed cases of COVID-19 at the workplace, if any, and any support being rendered by the employer.
- r) Work with public health services to ensure that appropriate cleaning and sanitization are carried out at their workplaces to minimize the spread of COVID-19.
- s) Ensure Employees contact numbers and emergency contact information are up to date and also maintain details of immediate family members of each employee.
- t) Assess risk of COVID-19 when business travels are being planned.
- u) Provide appropriate Personal Protective Equipment (PPE) to high risk and strictly to front line workers like health care workers, at no cost.
- v) Assess business liability for workers' compensation, particularly in sectors with high work-related exposure to COVID-19.

Employees must:

- a) Take reasonable care for their personal safety and that of other persons who may be affected by their acts or omissions at work and outside work.
- b) Co-operate with the employer in observing measures put in place to prevent the spread of the coronavirus, including proper use of PPE and sanitary facilities and frequent washing of hands with soap or sanitizer.
- c) Report to the Employer any worker whose action compromises measure for COVID-19 prevention.
- d) Engage the employer through appropriate enterprise structures for any shortfalls on COVID-19 prevention measures.
- e) Withdraw labour if there is imminent danger or high risk of exposure to Coronavirus.
- f) Seek medical attention when experiencing symptoms that are associated with COVID-19 (e.g., fever, cough, shortness of breath and other breathing

difficulties) and stay away from work until certified as being free from COVID-19.

### **4.3 Measures to Minimize Terminations**

Employers and employees should cooperate as far as possible to avoid terminating the employment as a result of the effects of COVID-19.

Employers must:

- a) Provide employees with relevant information and give, as early as possible, an opportunity for consultations on possible measures to be taken to avert or to minimize terminations due to COVID-19 impact.
- b) Communicate transparently to employees on the impact of COVID-19 on their business and financial status.
- c) Use social dialogue as a means to establish a common position on safeguarding jobs and ensuring business continuity including introduction of flextime and working from home.
- d) Engage employees through social dialogue to find innovative solutions to minimize terminations. Such solutions may include reducing the number of days or hours of work; considering reasonable pay cuts to be negotiated between the employer and the employee; introducing pandemic leave<sup>1</sup> with pay; options for redeployment to other parts of the business where available; encouraging employees to take accrued paid leave (such as annual leave or long service leave); consider extending access to paid sick leave, sickness benefits and parental or care leave.
- e) Inform Government on agreed options before implementation.
- f) Seize the opportunity to benefit from Government measures for protecting or supporting business e.g. Workers Welfare Fund and MEDF loans.
- g) Seize opportunities to benefit from Government interventions such as formalization of the informal sector. e.g. supporting SMEs.

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<sup>1</sup> Pandemic Leave is when an employee is unable to attend work and unable to perform work under flexible working arrangements because (a) have an actual viral infection and has exhausted their sick leave and or (b) required to care for immediate family or household members who have an actual or suspected viral infection and have exhausted their sick leave.

- h) Consider providing voluntary livelihood support to help employees such as provision of foodstuff.
- i) Where it becomes inevitable to effect termination, the affected employees shall be paid all the terminal benefits due in accordance with Section 35 of the Employment Act, as amended in 2011.

Employees must:

- a) Cooperate with the employer in order to protect jobs.
- b) Demand information on the financial status of the company in line with section 38 of the Labour Relations Act.
- c) Seize opportunities for reskilling or upskilling.
- d) Recognize that COVID-19 impact negatively on productivity and revenue and should therefore take this into account in negotiations to protect jobs.
- e) Endeavour to identify alternative sources of income to supplement their wage earnings, without interfering with their employment.
- f) Recognize voluntary support provided by employers.

#### **4.4 Measures to be taken in the event of a suspected COVID-19 Case**

In the event that there is a suspected case at workplace, measures should include the following:

The Employer must:

- a) Isolate a suspected case in a special room set aside for that purpose prior to alerting the nearest appropriate public health authority.
- b) Ensure that employees take the necessary precautionary measures in accordance with the guidelines set by public health authorities to prevent transmission of the virus:
- c) Notify the employee's immediate family member of the development and action taken or being taken.
- d) Assign an enterprise official to maintain contact with the public health authority handling the case in respect of the individual's diagnosis. The



official assigned should be advised to maintain confidentiality and an employer should make disclosures in a manner that discourages stigmatization and discrimination and promotes reporting of suspected cases and possible exposure.

- e) Arrange sanitization of the affected office/facility, company vehicles and surrounding area immediately following the discovery of the suspected case;
- f) Provide assistance/relief to the individual and/or family of the individual (a) in the short term, and (b) in the medium to long term, where possible.
- g) Cooperate with the public health authority in identifying and providing name and home address of the individual; contact details of all fellow employees, or members of the public who may have been in direct face to face contact with the individual during the discharge of his/her responsibilities; and contact details of immediate family members;
- h) Ensuring the protection of the rights and privileges, safety, welfare and wellbeing of the affected employee, including maintaining wages;
- i) Granting sick leave upon confirmation of the infection and other appropriate benefits;
- j) Make provisions for the re-entry of an employee once certified free of covid-19 by appropriate health authorities;
- k) Refer the employee for psychosocial support if need be;
- l) Continuously review, as appropriate, enterprise policies, procedures and strategies for covid-19 response;
- m) Pay compensation to infected high risk workers, particularly, the healthcare workers, when it is certain that death has been caused by occupationally acquired COVID-19.

Employees must:

- a) Cooperate with the employer to ensure prompt and successful response to suspected case.

Government shall in consultation with ECAM, MCCCCI, MCTU and other stakeholders, lead the way in ensuring that the COVID-19 Workplace Guidelines are up to date and in line with available latest information.

These guidelines can be obtained from Ministry responsible for Labour Headquarters, Regional and District Labour Offices.

Further advice and guidance can be obtained from the Secretary responsible for Labour.