COVID-19 Monitor
Keeping you informed. Here to help you.

14 June 2022

Dear Valued Member,

INTRODUCTION OF LEGISLATION REGARDING HAZARDOUS BIOLOGICAL AGENTS

The Minister of Employment and Labour has identified four risk groups of 'Hazardous Biological Agents' ('HBA'). These four risk groups are distinguished by their degree of risk and by their type of contaminating agent. These HBA regulations place an onus on employers to curb the risk of exposure to HBA's in their respective workplaces.

Of particular importance is the designation of COVID-19 as a Group 3 HBA, which is a group that *'may cause severe human disease, which presents a serious hazard to exposed persons and which may present a risk of spreading to the community, but for which effective prophylaxis and treatment are available.*

The "prophylaxis" referred to above is commonly defined as a treatment given, or an action taken, to prevent a disease'. The HBA regulations indicate that the registered vaccines that are currently available are regarded as the recognised preventative treatment for COVID-19. Employers should therefore encourage the vaccination of employees to reduce this hazard in the workplace.

The Regulations place certain obligations on employers, as listed below, and where employers fail to meet these obligations, fines or imprisonment may result. Employers are required to:-

a. **Inform, train, and guide employees** on the dangers of the HBA and the required safeguards against exposure.
b. **Appoint a competent person** to orchestrate a **risk assessment** of the workplace.
c. Disseminate to employees the **results of the risk assessment**, accompanied by the steps to be taken regarding the risks so identified.
d. Initiate an **exposure monitoring program** (as per workplace-specific risk assessment).
e. Initiate a **documented system of medical surveillance** that is overseen by an occupational health practitioner (as per workplace-specific risk assessment).
f. **Maintain the corresponding records** for a minimum period of 40 years.
g. **Promote the use of preventative measures** against exposure to the HBA in the workplace, such as personal protective equipment and facilities.

Please contact your regional IR Specialist for any queries in this regard.

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