



## COVID-19 UPDATE

### REFUSAL TO WORK PROCEDURE

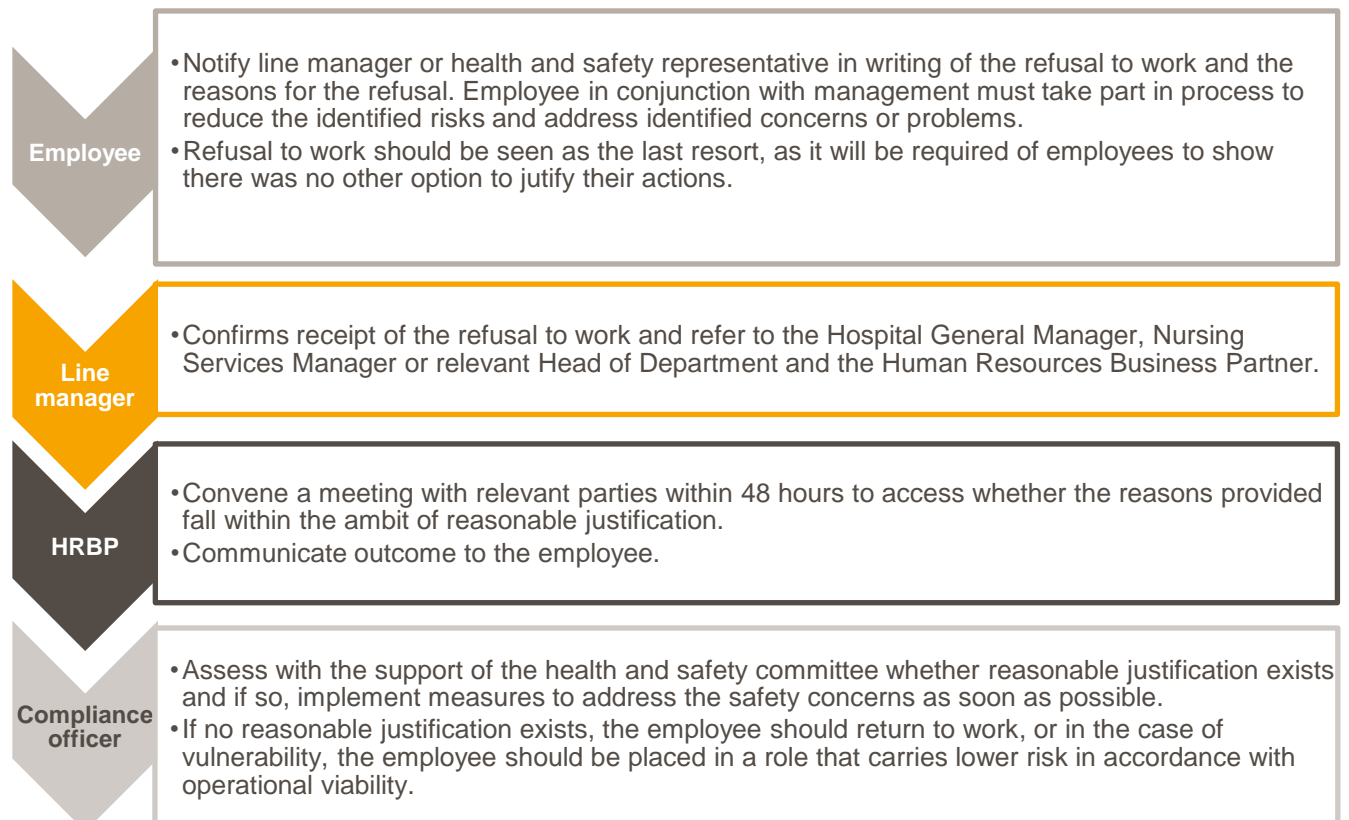
Dear Colleagues,

On 04 June 2020, the Department of Employment and Labour issued amended regulations in respect of Occupational Health and Safety requirements and return to work policies that employers, who are permitted to operate under Alert Level 3, must adhere to.

*Included in these regulations is a directive that an employee may refuse to perform any work, including attending work, where, with reasonable justification, it appears to the employee or to a Health and Safety representative that performing such work will pose a serious or imminent risk of exposure to Covid-19.*

In line with the nature of our operations we may anticipate that the term reasonable justification will need to be determined prudently and on a case by case basis by those assigned to deal with the matter in the event that it is raised, which may include the chairperson of the Health and Safety committee, with support from the dedicated Covid-19 Compliance Officer and Human Resources Business Partner.

#### Refusal to work process flow:



The regulations discourage actions relating to dismissal, disciplinary action, any prejudicial treatment or harassment of employees refusing to perform any work.

One of the ethical values and standards in the practice of health professions is that healthcare practitioners should act in the best interests of patients even when the interests of the latter conflict with their own personal self-interest. As professionals, health practitioners have a “moral obligation” to provide healthcare to patients requiring such care. Generally, telephonic consultations are discouraged. Practitioners should adhere to the safety precautions instead of avoiding patient consultations where their professional services are required.

This requires that nurses put the interests of people needing nursing or midwifery services first, and nurses must make patient care and safety their main concern. Nurses must also ensure that a patient’s dignity is preserved and that their needs are recognised, assessed and responded to.

The period pertaining to the refusal to work will be regarded as unpaid, since an employer has recourse to apply the ‘no work no pay’ principle. Please [click here](#) to access the detailed regulations. For any further information please discuss this with your HR Operations Manager.

**Kind regards,**  
**HR Operations Management**  
15 July 2020