

# Law does not allow firing of employees who flout Covid-19 regulations outside of work

**Ernest Mabuza**

The Occupational Health and Safety Act does not give employers a right to discipline employees who flout Covid-19 regulations outside of work, the department of employment and labour says.

The department was responding to comments by a legal adviser, who said employers could discipline workers who flouted rules outside of work if they had relevant policies in place.

On Tuesday, labour expert Justin Hattingh, a senior legal adviser at Strata-g Labour Solutions, said employers could ex-

ercise this liberty if they had policies in place, or even health and safety-related misconduct offences, in their employment documentation.

The department did not agree with this, however, and said it was not in the terms of the Occupational Health and Safety Act of 1993, as amended.

However, the department agreed with Hattingh when he said “while employers are obli-

gated under the Occupational Health and Safety Act to provide a safe and healthy working environment, staff members must also comply with those regulations and ensure they assist the employer in keeping everyone at the workplace safe and healthy”.

The department also did not agree that when employers can prove an employee had been reckless after hours and

exposed other employees at work, there could be a basis to act against them.

“Furthermore, this will be limited even during the Covid-19 pandemic.

“A decision in SA from a regulatory point has not yet been finalised in terms of what will be deemed to be a compensable if a person is infected at home,” the department said.

“At this moment, an infection at home will not yet be considered to be compensable or even reportable.

“Of course, nothing stops such a matter from being tested in court.” — *TimesLIVE*

**The  
Herald**

**air  
your  
views**



**heraldletters  
@arena.africa**