



# **GUIDELINES TO MANAGE THE UNIVERSITY'S HUMAN RESOURCES IN RESPONSE TO THE COVID-19 PANDEMIC**

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## 1. **OVERVIEW**

The world finds itself in an unfamiliar and unprecedented position of fighting the same unseen enemy, the SARS-CoV-2 virus (commonly referred to as COVID-19). The University of Johannesburg (UJ), like all other businesses and institutions, needs to make critical choices to sustain business continuity, ensure the progression and completion of the academic year and consider the well-being of staff. During his address on 23 April 2020 and thereafter, the President of the Republic of South Africa announced that the coronavirus alert level will be lowered, whilst cautioning that a rushed reopening could risk a severe spread, which would need to be followed by another hard lockdown.

The proposed Human Resources guidelines are informed by relevant labour legislation as well as considering the Conditions of Services (“COS”) of the UJ and individual contracts of employment. In addition, the guidelines were based on the regulations promulgated under and directives issued in terms of the Disaster Management Act for Institutions.

## 2. **PURPOSE**

The purpose of this guideline document is to maintain business continuity of the UJ operations through a phased readiness integration approach into the workplace, provide guidance to staff in respect of Human Resources related matters, dispel employee fears on job security and the safety of the workplace, while ensuring financial sustainability of the UJ.

## 3. **SCOPE**

These guidelines apply to all employees in employment, including fixed term and temporary employment categories. These guidelines have relevance as long as the following conditions prevail:

- a) lockdown remains in effect (according to the levels as per Government regulations); and
- b) until full business continuity and process efficiency have been achieved without compromising national priorities or guidelines.

## 4. **LEGISLATIVE AND REGULATORY FRAMEWORK**

The following statutory and regulatory framework underpinned the pursuit of the above– stated purpose. Relevant for this document, are only the main elements as highlighted and must not be an exhaustive list of all applicable legislative stipulations and conditions.

### 4.1 **The Constitution of the Republic of South Africa, No.108 of 1996**

Chapter 2 of the Constitutions enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. Of importance therefore are, the Equality by developing and implementing appropriate **social justice** policies to eliminate unfair discrimination in

employment, development and career advancement practices. This amongst others implies that:

- a) while noting that the COVID-19 pandemic presents limitations to the right to **human dignity** in the context of **screening and testing**, employers must decisively manage the **potential stigmatisation** of employees who test positively for COVID-19;
- b) environment that is not harmful to personal health or well-being; and
- c) the limited **rights to movement**, assembly aimed are ensuring physical distancing to minimise the risks infections.

#### 4.2 **Labour Relations Act, No. 66 of 1995**

The lessons learnt from the lockdown period are that employers would need to manage the good conduct of employees, restructure their workplaces, introduce new technologies to optimise production in order to ensure that financial sustainability and remain sensitive to the health and safety needs of employees. These lessons present possibilities for restructuring and different means of interfacing with employees. Important is the consideration of all the applicable schedules dealing with issues related to restructuring, corrective measures of discipline, harassment etc.

#### 4.3 **Occupational Health and Safety Act, No. 85 of 1993**

Importance are the provisions pertaining to the **elimination or mitigation of safety hazards**, and the provision of **information and training** and regarding the enforcement of **health and safety measures**.

#### 4.4 **Compensation for Occupational Injuries and Diseases Act. 1993 (Act No. 130 of 1993)**

Of relevance is the provision of the reporting of and compensation for occupational injuries and diseases.

#### 4.5 **Basic Conditions of Employment Act, No. 75 of 1997**

Incorporated in the guidelines are the provisions related to hours of work.

#### 4.6 **Employment Equity Act, No. 55 of 1998**

The Act requires employers to take steps to promote equal opportunities in the workplace by eliminating unfair discrimination in any employment policy or practice.

#### 4.7 **Unemployment Insurance Act, No. 63 of 2001**

This relates to the provision of illness benefits in terms of the Act and the provisions of the Temporary Employers Relief Fund/Scheme (the TERS).

#### 4.8 **Immigration Act 13 of 2002**

Considering the impact of COVID-19 on the processing of visas, the Department of Home Affairs issued a directive allowing affected individuals to re-apply for such visas provided they meet all the prescribed requirements and the validity of such visas shall be until 31 July 2020.

#### 4.9 **Skills Development Act 97 of 1998 & Skills Development Levies Act 9 of 1999**

In announcing the tax relief measures, the **Minister of Finance on 29 March 2020** proposed a four-month non-payment for skills development levy contributions (1% of monthly payroll) made by employers, beginning 01 May 2020 and ending on 31 August 2020.

### 5. **PROPOSED GUIDELINES**

#### 5.1 **RETURN TO CAMPUSES**

##### 5.1.1 **During the lockdown, six categories of employees were identified.**

- a) employees in **essential or critical services**;
- b) employees who are not rendering essential services but **who can work from home** if they were provided with the necessary tools. Such employees should continue to work from home during Levels 4, 3 and 2 of the lockdown period;
- c) employees who are capable of **partially working remotely**, and should be allowed to stagger their attendance at work during the lockdown period, subject to regulatory conditions being always observed ;
- d) employees who neither are **in essential services nor can work from home** due to the national lockdown conditions. These employees should be scheduled on a rotational basis to assist with activities that support business continuity and to avoid potential loss of income;
- e) employees who are required by the employer **to go into isolation or quarantine** because of a reasonable apprehension of harm (e.g., where the employee had been in contact with someone who tested positive for COVID-19 or presents with flu-like symptoms; and
- f) employees who are at risk and should be allowed to stay and work from home until the lockdown conditions have been lifted. These employees include those aged 60 and above; suffering from lung problem (moderate to severe asthma, previous complicated TB, etc.); Diagnosed with serious heart conditions; who are moderately or intermittently compromised; with severe obesity (BMI>40) condition; having underlying medical conditions, particularly if not well controlled, such as diabetes, renal failure, hypertension or liver disease; etc.; and pregnant women.

##### 5.1.2 **Phase-in the return of employees**

It is noted that when the UJ closed for early recess, some employees travelled to different provinces, metropolitan and district areas where they were locked down. With the phased re-opening of the University, these employees may be required to return to work. Therefore, to prepare for the return of employees from other

provinces, metropolitan and district areas, senior managers need to plan this properly to enable proper time to return to work and to enable the issuance of appropriate permits and scheduling of employees for work.

### 5.1.3 Develop workplace health and safety measures

The health and safety measures are intended to ensure that the workplace meets the standards of health protocols, achieve adequate workspaces for employees, and maintain social distancing. In developing these measures, the following has been considered to achieve the following objectives:

- a) the **reduction of infections** through hygiene, the use of protective gear such as cloth masks, and physical distancing; and
- b) **administrative controls** relate to changes in work policy or procedures aimed at reducing or minimising exposure to a hazard by encouraging sick workers to stay at home. Such controls include replacing face-to-face meetings with virtual communications, implementing rotation, or shift work, travel bans, developing emergency communications plans, providing employees with up-to-date education and training on COVID-19 risk factors and protective behaviours such as cough etiquette and care of PPE).

## 6. RESPONSIBILITIES

### 6.1 Employer responsibilities

- a) the UJ must inform employees that if they have Covid-19 symptoms, they must not be at work and grant paid sick leave or apply for Covid-19 benefits;
- b) the UJ must appoint a manager from within the existing structure to address the concerns of the employees and workplace representatives;
- c) the UJ must take measures to minimise contact between the workers and between the workers and the public to prevent the transmission;
- d) the UJ must minimise the number of the workers in the workplace at any time through shifts or working arrangements to achieve social distancing;
- e) the UJ must provide employees with information concerning Covid-19 and how to prevent its transmission;
- f) the UJ must report any diagnosis of Covid-19 at work to the Department of Health and to the Department of Employment and Labour, investigate the cause and take appropriate measures;
- g) the UJ must support any contact tracing measures initiated by the Department of Health;
- h) workplaces must be arranged to ensure a minimum of 1.5 metres between workers. If this is not practical, physical barriers must be erected and workers must be supplied free of charge with the appropriate Personal Protective Equipment;
- i) social distancing must be implemented in all common areas of the workplace to prevent crowding, including in working spaces, meeting rooms etc.;
- j) in relation to screening, the UJ must screen workers for symptoms of Covid-19 at the time that they report for work, namely cough, fever sore throat, redness of eyes or shortness of breath or difficulty breathing, body aches, loss of sense of smell, or loss of taste, nausea, vomiting, diarrhoea, fatigue or weakness;
- k) employees with symptoms must be placed in isolation and arrangements made for their safe transport for a medical examination or for self-isolation;

- l) employees who recover from Covid-19 may return to work after a medical evaluation and subject to ongoing monitoring, in line with instructions of the Department of Health;
- m) the UJ must provide enough hand sanitiser with at least 70% alcohol content;
- n) the UJ must ensure that work surfaces, equipment and common areas such as toilets, door handles, and shared equipment are regularly cleaned and disinfected; and
- o) the UJ must provide adequate facilities for hand washing with soap and clean water and sufficient paper towels;
- p) all employees must wear masks at work. The UJ must also require members of the public entering a workplace to wear masks;
- q) the UJ must provide each employee, free of charge, with at least two cloth masks to wear while at work or commuting;
- r) there must be suitable arrangements for washing and drying masks. Ultimately, the employer remains responsible for the maintenance and upkeep of PPEs unless otherwise agreed with the Department of Employment and Labour. UJ will communicate instructions re washing and drying of masks but will not be washing mask on behalf of staff;
- s) where a risk assessment indicates, workers must be provided with alternative appropriate PPE (eg N95 or N97 masks) to provide a greater level of protection. Every workplace must be well ventilated to reduce the viral load; and
- t) the UJ must undertake a risk assessment (to ensure minimum measure of DEL and specific workplace measure are assessed).

## **6.2. Employee responsibilities**

- a) to work effectively and efficiently from home, do so;
- b) no children to be brought to work;
- c) only identified employees are permitted on site at any given time;
- d) all identified employees to be in possession of their "work permit" and entry schedule at all times;
- e) no employee will be permitted to enter the workplace without a mask or permit;
- f) workers should immediately inform employers if they experience any Covid-19 related symptoms;
- g) to adhere to the set health and safety regulations; and
- h) employees must subject themselves to participate in screening and testing where appropriate.

## **7. MANAGING TERMS & CONDITIONS OF SERVICE**

### **7.1 Remuneration**

The Institution will continuously review its cash flows to ascertain how much longer they are able to sustain remunerating employees. Although the UJ has decided to continue paying salaries even for those that neither are able to attend the workplace or work from home, this will be weighed against the morality/fairness and sustainability of continuing this practice. Obviously, employees and labour organisations will be consulted on the matter should there be any change in status.

Given that Universities employ large contingents of contract and atypical forms of

employment temporary employees) and that conversion of these contracts to permanent would be costly, as far as practical, **upskilling of the permanent cohort** of employees to perform these functions will be considered as a strategy to ensure **institutional financial sustainability**.

No additional **payments** for employees performing essential services will be upheld.

## **7.2 Leave arrangements and implications thereof during the lockdown**

It is trite law established in terms of the Basic Conditions of Employment Act that an employer and employee agree in terms of the **contract of employment** as to when an employee may take leave. Where there is no agreement, the employer may determine the time when the employee will take leave. This employer right is to be exercised when operational demands are such that an employee's leave cannot be rescheduled for a later date.

**7.2.1 Gratuity leave (disaster leave):** This leave will be applicable to all employees who cannot work from home and as approved by management and until further notice and according to the operational needs of the UJ, especially considering its financial sustainability. There is no need to process any 'gratuity leave, and Human Resources will process this leave type, in conjunction and upon confirmation of by Line Managers.

**7.2.2 Sick leave:** To be utilized for employees who are sick and have been issued with a sick note from a medical practitioner, as per university's conditions of service. It is important that when an employee falls ill, and is hospitalized but not related to Corona, normal sick leave will apply.

Staff who are in self-isolation or booked off, or hospitalized due to COVID-19, must apply for COVID-19 leave under sick leave category.

**7.2.3 Vacation leave (non-accumulative first and accumulative):** UJ can urge employees to take annual leave during the lockdown period especially, and presumably, for the category of employees who are unable to work from home.

Employees who are working and at home can still exercise their right as appropriate in terms of annual, paternity or maternity leave, and other applicable leave.

**7.2.4 Special leave:** as currently granted and utilized within UJ, should not be used for absence of employees required to be isolated and quarantined while receiving treatment or recovery from corona virus related illness.

**7.2.5 Sabbatical leave:** Sabbatical leave to be handled as follows:

- a) Sabbatical leave starting during lockdown and later dates during the year: – New applications that have been approved to start during lockdown and later into the year, such applications should be handled within the regulations and<sup>8</sup> circumstances posed by COVID-19 state of disaster and the operational



- arrangements of the faculty and based on approvals by Executive Deans.
- b) No sabbatical leave will be extended or reversed as a result of the lockdown period.

**7.2.6 Maternity leave:** as per specific conditions relating to maternity leave, it can be taken anytime from four weeks before birth or earlier as recommended by registered medical practitioner.

**7.2.7 Leave that was already captured**

Leave taken prior to the lockdown period and which overlaps with 'Lock down' days will be reversed on the system. Only those days applied for, that fall within the lockdown period will be credited back to the individuals who have applied for such leave. This will be done systematically; no further action is required by employees.

Any unused vocational leave which could not be reasonable been taken during lockdown or when returning to the UJ premises will be forfeited.

All leave must be recorded on the system, whether non accumulative, cumulative, family responsibility, sick or any other leave type.

**8. PERFORMANCE MANAGEMENT**

The University intends to adopt a differentiated approach towards the normal Performance Management practices, with an aim of ensuring fairness and consistency, given the current challenges of working remotely. Managers and employees are encouraged to conduct a midyear discussion by the end of July 2020.

It is imperative that the individual midyear discussions take place to provide wellbeing support, sustained productivity and collection of data that would further enable the University to deliberate the way forward concerning performance management amid the COVID-19 pandemic.

**Guidelines for the midyear discussions**

- a) no formal completion of the performance contract document;
- b) conversation to consist of the following topics (list not exhaustive):
  - i) working remotely (where appropriate),
  - ii) Faculty or Support Division operational present circumstances and plans,
  - iii) address meaningful challenges and opportunities,
  - iv) overcoming fear with facts,
  - v) lessons learned as a virtual team, and
  - vi) employee work- life balance; and
- c) a record that the midyear conversation took place must be made, which is kept by the Line Manager and shared with the employee.

## 9. SAVING AND CREATING JOBS

- a) There is a need for caution to be exercised when dealing with **potential job losses**, which if not handled well could exacerbate the class, race and gender **inequities**, which characterise the face of poverty in South Africa.
- b) The situation calls for **reimagining HR practices** to uphold human dignity and equality as enshrined in the Constitution, given that **jobs provide meaning** in employees' lives. The classical HR management approaches ('last in, first out'; precarious jobs/workers; support staff versus academic staff with the former being expendable; short term contract regardless of outputs compared to permanent staff with negligible outputs) must be reimagined in light of the **adverse effects on mental health** (fear and anxiety).
- c) Mechanisms should be put in place to avoid the **negative consequences of voluntary severance packages** (if considered as an option) on institutional strategic goals (loss of experienced staff), morale and guilt feeling of those left behind.
- d) In creating scenarios pertaining to saving jobs, the UJ will:
  - i) assess individual **financial sustainability** prospects, given that going forward income generation through subsidies, might be impaired, debt collection may be complicated by the potential for job losses in the economy, and the economic impact of COVID-19 on sponsors; and
  - ii) determine the appropriate balance between **digital and traditional modes** of teaching and learning, and the impact thereof on availability of physical, financial and human resources.

## 10. CONCLUSION

Institutions can navigate the difficult times and achieve a balance between financial sustainability and employee health and wellness by heeding the directives issued regulations promulgated under the Disaster Management Act of 2002 on which the recommendations made in this document are grounded. The imperatives of phased return of employees, ensuring a safe working environment and saving and/or creating jobs in the higher education sector need to be systematically pursued. This is clearly an era in which change must be embraced, and for that reason, change management interventions are required.

## 11. ACKNOWLEDGEMENT

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