

COVID-19 FREQUENTLY ASKED QUESTIONS FOR ENSURING EMPLOYEE SAFETY



Should I Report An Employee If I Suspect They May Be Infected?

Yes. **Rule 2 of the Public Health (Prevention, Control and Suppression of COVID-19) Rules 2020** requires every employer to notify health officials if they suspect that any person who is residing at their premises or who is in their employment, is suffering from COVID-19.

Exactly Who Should I Report To?

You should notify a medical officer, public health officer, medical practitioner or the nearest administrator or take that person to a medical officer, medical practitioner or health facility for treatment.



Should I Allow Employees To Work If They Have Been Exposed But Are Not Showing Symptoms?

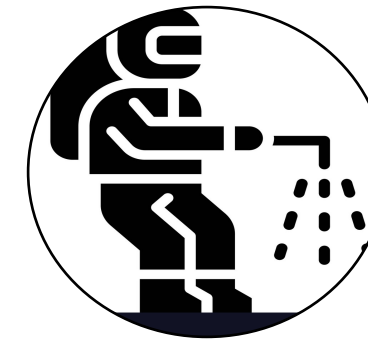
No. **Section 6(1) of the Occupational Safety and Health Act**, requires employers to ensure the safety, health and welfare of workers and all persons lawfully present at workplaces. Section 6 (2) (f) of the same Act also requires an employer to inform all persons employed of imminent danger.

You must therefore protect and inform your unexposed employees.

Can The Government Come and Take Us away?

Yes. **Rule 4 of the Public Health (Prevention, Control and Suppression of COVID-19) Rules 2020** requires that where any person with COVID-19 is transferred to a health facility, the medical or public health officials must visit the premises where that person resides.

The officer may either order all persons who have been in contact with the person to remain on the premises where the person was at the time of infection or have them removed to a health facility or other suitable place provided for the reception of persons suffering from COVID-19 or for quarantine



What Should We Do To Our Workspace After One Of Our Colleagues Tests Positive For Covid-19?

You will need to decontaminate the premises.

Rule 6 of the Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020 requires that where a building, premises or vehicle has signs of contamination with COVID-19 or where a medical officer of health has information of contamination of a building, premises or vehicle, the medical officer of health may decontaminate or cause the decontamination of the affected building, premises or vehicle.

Are Masks Mandatory At Work? Is the Workplace a Public Place?

Yes. **Rule 6 (2) (b) of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020** requires every person who is in a public place during the restriction period to use a proper face mask.

These Rules also define a "**public place**" as any outdoor, indoor, enclosed, or partially enclosed area which is open to the public or any part of the public, or to which members of the public ordinarily have access, and includes a workplace and a public vehicle.

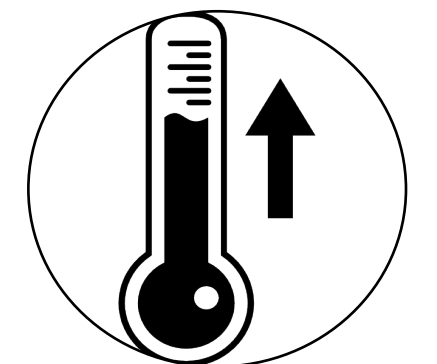


Not Everyone Covers Their Nose. Is There a Specific Way to Wear the Mask?

Yes. **Rule 6 (2) (b) of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020** requires that the mask must cover the person's **mouth and nose**.

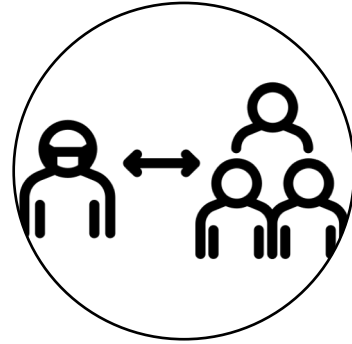
Do We Have to Take Our Employees' Temperatures?

No. There is currently no requirement to screen employees temperatures but this is an optional strategy that employers may wish to employ to confirm that their temperature is below 38.0°C or possibly running a fever.



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How Do I Keep My Employees Who Interact with Customers Safe?



Rule 6(2) of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020 requires every organization, business entity, trader or vendor whether in a market or enclosed premises to:

- provide at their business location or entrance to their premises, a handwashing station with soap and water or an alcohol-based sanitizer approved for use by the Kenya Bureau of Standards; and
- put in place measures to ensure that physical distance of no less than one metre is maintained between persons accessing or within their premises or business location; and
- regularly sanitize their premises or business location.

Is There a Specific Standard for the Hand Sanitiser I Provide at the Work Place?

Yes. **Standard KS EAS 789:2013** for Instant Hand Sanitisers published by the Kenya Bureau of Standards (KEBS) defines a hand sanitiser as an antiseptic agent used to clean hands when soap and water are unavailable. Minimum requirements to be met include:

- Minimum Alcohol percentage of 60% (ethanol and/or isopropanol);
- pH level of 6- 8;
- Should pass the bactericidal efficacy;
- Should have an acceptable odour; and
- Should be clear, colourless and in the form of liquid or gel.



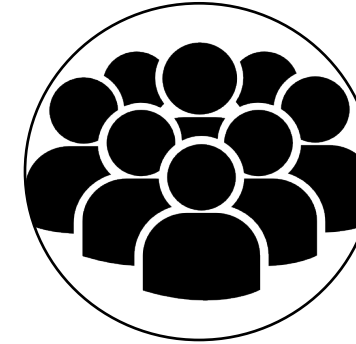
Are there Specific Requirements for Cleaning the Workplace

Yes. **Rule 6(2) of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020** requires every organization, business entity, trader or vendor whether in a market or enclosed premises to regularly sanitize their premises or business location.



How Should We Conduct Meetings in the Workplace?

Have as few people at the meeting as possible and maintain the social distance guidelines of being 1 metre apart.



Rule 7(1) of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020 prohibits any gathering during the restriction period.

Section 2 defines a "gathering" as any gathering, grouping, assembly, crowd, or procession in or on any public road or space, any building, place or premises, including wholly or partly in the open air, and including any premises or place used for any barber shop, massage parlour and beauty salon activities, gymnasium, spa, sporting, religious, cultural, political, academic, and fundraising purposes but does not include a market.

"Restriction period" is defined as the period specified by the Cabinet Secretary in the order declaring an area to be an infected area.

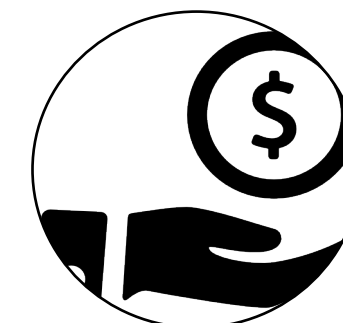
What Hours Should Employees Work?

Section 27 (1) of the Employment Act, 2007 provides that an employer shall regulate the working hours of each employee in accordance with the provisions of this Act and any other written law.

The Public Order (State Curfew) Order, 2020 restricts movement between 7pm to 5 am across the country except for essential and critical services workers.

The Public Order (State Curfew) Variation Order, 2020 requires employers to ensure that all employees who are not designated as critical or essential services providers leave the workplace no later than 4:00 O'clock in the afternoon.

Employers should therefore schedule employee working hours to ensure they work within these timelines.



Do I have to pay employees who are not working and have to stay at home when they test positive?

Yes. **Section 30 of the Employment Act, 2007** entitles an employee to 7 days sick leave with full pay and 7 days of sick leave on half pay in every 12-month period.