

What "Alert Level 4" means for mining operations

30 April 2020

Alert Level 4 Regulations

On 29 April 2020, regulations were issued in terms of the Disaster Management Act 57 of 2002 that regulate how the country will operate under an Alert Level 4 (Regulations). The Alert Level 4 will be applicable from 1 May 2020 until a new alert level is announced by the government.

Collieries that supply Eskom will still be able to operate at full capacity to ensure the continuous supply of energy and petroleum products to society. Refineries and other facilities providing energy and fuel may also operate at full capacity to avoid the shortage of fuel and energy.

Open-cast mining may begin scaling up production to a baseline of 50%, and may thereafter scale up to full employment. All other mines (excluding those that are permitted to operate at full capacity) may start operations in batches, scaling up towards 50% employment. As was the case immediately before the Regulations, mining operations must be conducted at a reduced capacity of not more than 50%, and may thereafter increase capacity as directed by the Minister of Mineral Resources and Energy from time to time.

The starting up and increasing of mining operations during Alert Level 4 are subject to the following strict conditions:

- Appropriate measures to protect the health and safety of workers must be implemented in accordance with the directions issued by the Minister of Mineral Resources and Energy from time to time
- A rigorous screening and testing programme must be implemented as employees return to work
- The mining industry must provide quarantine facilities for employees who have tested positive for the COVID-19
- Data collected during the screening and testing programme must be submitted to the National Department of Health
- Mining companies must make arrangements to transport their South African employees from their homes to their respective areas of operations

DMRE directions

In addition to the Regulations, the Department of Mineral Resources and Energy (DMRE) also issued new directions in terms of the Disaster Management Act. While the previous "lockdown regulations" have been repealed by the latest Regulations, any directions issued in terms thereof shall continue to apply until varied, amended or withdrawn.

Every employer conducting mining operations and activities in connection therewith at a mine, must implement appropriate measures to protect the health and safety of workers in respect of COVID-19. Such measures must be contained in a standard operating procedure (SOP) that must be developed in consultation with the organised labour or worker representatives at the respective mines.

In developing of the SOP, the following must be applied:

- Relevant guidelines issued by the World Health Organisation
- Directions and guidelines issued by the National Department of Health
- Guidelines issued by the National Institute of Communicable Diseases
- The risk-based approach as embedded in the Guiding Principles of Prevention and Management of COVID-19 in the South African Mining Industry issued by the Chief Inspector of Mines of the DMRE on 26 March 2020

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