



COVID-19 EMPLOYER GUIDE

JULY 2020

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PREAMBLE

The recent outbreak of the coronavirus (COVID-19) pandemic is an unprecedented situation globally. The World Health Organization (WHO) and governments around the world are taking actions to slow the outbreak of the pandemic and reduce infection rates. In Ghana, a range of policies and measures are being taken by the government, including closure of the country's borders, mandatory quarantines, restrictions of movement, closure of schools, prohibitions on large gatherings, and partial lockdown of Greater Accra and Greater Kumasi, resulting in widespread changes to ordinary life and bringing to a halt, most economic activities in the country.

Despite the pragmatic steps undertaken by government to limit the spread of the virus, the outlook of its spread both domestically and globally, continue to pose tremendous risk and uncertainty to employers and businesses in the country. As the situation is changing rapidly, there is the need for employers to develop and implement business continuity plans, adequately prepare towards a safe return to the workplace, and adopt measures to protect employees against the COVID-19 pandemic.

This guide has, therefore, been developed by the Ghana Employers' Association (GEA) with financial support from the Confederation of Norwegian Enterprise (NHO). Aspects of this guide are based on resources and directives by the World Health Organization (WHO), the International Labour Organization Bureau for Employers' Activities (ILO-ACT/EMP), Government of Ghana, Ministry of Health and Ghana Health Service (MoH) on how to prevent the spread and mitigate the impacts of the Covid-19.

The guide, which contains different thematic areas of interest, is meant to benefit all businesses and enterprises as they adapt to the ongoing changes resulting from the Covid-19 pandemic and to provide information to employers on how to enable workers to return to work safely while keeping the risk of contamination as low as possible. All enterprises, regardless of their size or sector, are encouraged to adopt these recommendations to take care of people's health and, to ensure a smooth continuity of their business activities amid the Covid-19 pandemic.

DISCLAIMER

Kindly be advised that all comments and recommendations set forth in this guide are intended solely for informational purposes. The positions expressed herein are GEA's opinions only and are not to be construed as any form of legal advice to employers. Organizations are therefore entreated to contact GEA for direct assistance on emerging issues. Finally, given the extremely dynamic and rapidly evolving COVID-19 situation, the comments in this guide do not take into account any applicable pending or future legislation introduced with the intent to override, alter or amend current policy language.

PREVENTING THE SPREAD OF COVID-19 AT THE WORKPLACE

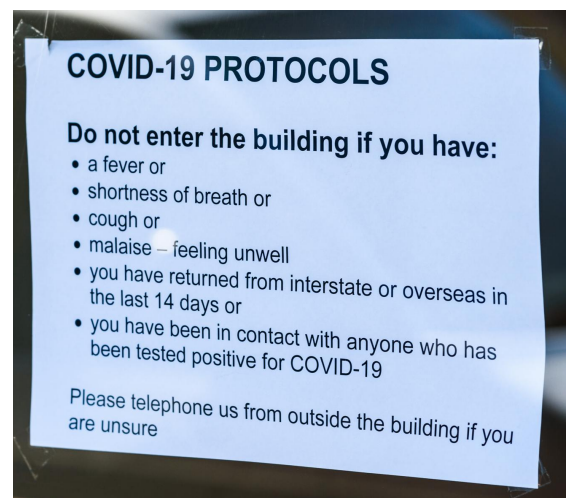


(a) Hand washing

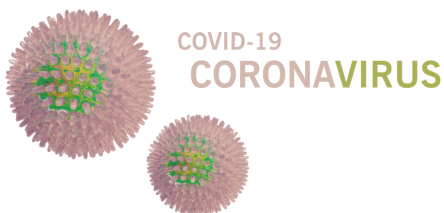
Hand hygiene is extremely important in the prevention of the spread of the COVID-19 virus. Ensure that workers have facilities to wash their hands properly and regularly with soap and water. Provide paper wipes to dry hands (rather than towels or electric hand dryers).



Place posters and signs promoting correct hand washing. Bright clear infographics without too much accompanying text seem to be the most effective. Remind workers that hands need to be washed frequently, with soap and water, for at least 20 seconds, especially upon arrival at work, after using the bathroom, after blowing their nose/coughing/sneezing, and before eating.



Provide alcohol-based hand gels (containing 60-80% alcohol) in places where it is not possible to wash hands with soap and water, and instruct workers to avoid contact with objects or surfaces used or touched by other people (e.g. door handles) and to wash hands after contact with such surfaces or objects.



COVID-19
CORONAVIRUS

(b) Respiratory hygiene

Remind workers about the need to cover coughs or sneezes with a tissue or elbow and to immediately discard the used tissues. Provide paper tissues and specific bins for tissues to be discarded. Covered, no-touch bins are best. Set up a system for disposing bin contents and disinfecting bins. Place posters and signs reminding workers that they should avoid touching their nose, eyes or mouth.



(c) Daily Cleaning Protocols

Establish daily cleaning protocols to ensure workplace, workstations, equipment and facilities are clean and tidy. Establish specific crew(s) to keep things clean and to sanitize. The crew should have the supplies, training and personal protection equipment necessary to carry out these tasks.



When cleaning, pay particular attention to high touch / high traffic areas. These can include: canteen facilities, lockers / changing rooms, corridors, smoking areas, shared desks and keyboards, vending machines, door and window handles, handrails, light switches, buttons of elevator doors, toilet doors, washbasin taps, soap dispensers, control panels/buttons of appliances and machines such as printers, frequently used tools etc.





(d) Limit the number of high touch/high traffic areas

i. Consider reducing some high contact areas by leaving some internal doorways open. Examine the possibilities of opening doors and cupboards without contact (e.g. leaving toilet doors either permanently or partially open).

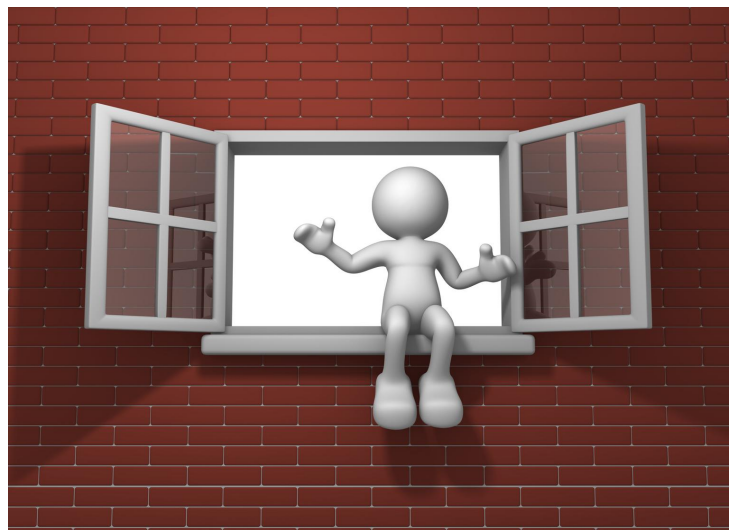
ii. Discourage staff from sharing common office supplies (e.g. pens, staplers) and items such as cups, plates and cutlery.

iii. Remove magazines and newspapers from reception areas and lunchrooms.

iv. Provide additional cleaning stations across the workplace where workers can source materials (e.g. alcohol-based wipes) to clean their own areas, workstations, etc.

(e) Keep the workplace well ventilated

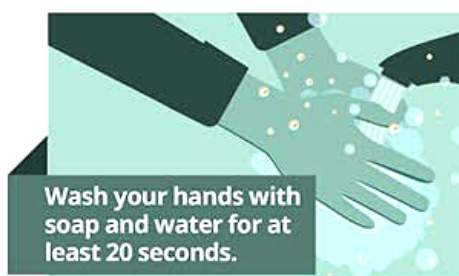
Thoroughly ventilate the workplace using mechanical or natural ventilation. Keep toilet ventilation 24/7 in operation. Instruct building occupants to flush toilets with closed lids. Secure ventilation with outdoor air. Switch air-handling units with re-circulation to 100% outdoor air. Ensure regular airing by opening the windows even in mechanically ventilated buildings.



(f) Make the use of personal protective equipment mandatory

Personal protective equipment can include surgical facemasks and respirators, disposable gloves, eye splash protection or disposable overalls. Non-medical masks are not considered personal protective equipment, but can help prevent persons with COVID-19 from spreading the infection while talking or coughing.

For any type of mask, appropriate use and disposal are essential to ensure that they are effective and to avoid any increase in transmission. If an employer requires workers to use facemasks, or any other protective equipment, information and training should be provided on their proper use. Even if masks are used, remind workers it is crucial to continue to strictly follow all other preventive measures (e.g. hand hygiene, physical distancing).

APPLICATION**USE****REMOVAL**

A top-down view of a wooden desk. In the upper right, a portion of a silver laptop is visible, showing keys like 'tab', 'caps lock', 'shift', 'fn', 'control', 'option', 'Q', 'A', 'Z', 'S', and 'E'. In the center, a pair of black-rimmed glasses lies horizontally. Below the glasses is a white ceramic coffee cup with a yellow handle, filled with dark coffee. In the upper left, a small green succulent with rounded leaves sits in a dark pot. The background is a light-colored wooden surface with a prominent grain.

COVID-19 EMPLOYER GUIDE

WORKING FROM HOME



As the Covid-19 pandemic continues to spread, many employers have considered the work from home set up quite seriously, to avoid risk of spread and reduced productivity. In such cases, there is a need to implement a working-from-home policy. With this however, comes a number of practical implications to consider.



2.1 Key factors to consider when developing a Work from Home Policy

(a) Policy Brief and Purpose

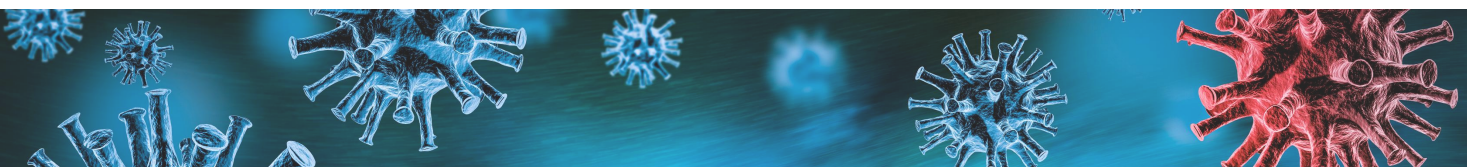
Mention clearly what the intent of your work from home policy is, and what you are aiming to achieve by providing job opportunities from home. Communicate the importance of the policy as well as how it will be implemented going forward. It should improve the overall employee value proposition, maximizing the work experience of your team members.

(b) Scope and eligibility

Specify which positions are available for remote work within the organization considering client-facing responsibilities, software limitations, and cybersecurity risks. It will help in reducing excessive or unnecessary work from home requests.

HR heads should consider the following elements before deciding 'who' can work from home:

- Does the nature of the employee's job allow them to work from home?
- Are there any security or privacy issues?
- Will communication with the remote employees be difficult?



(c) Attendance and Availability Standards

The availability expectations of the remote workers must be outlined in work from home policy. It can be a challenge to bring your people to the desk and get their input right on time. To avoid this problem, you must set standards around when and how your remote workers should be available.

(d) Productivity measures

The policy should also specify how remote workers' productivity will be measured. It can evaluate in a variety of ways, like depending on the time spent on the project, number of cases handled, amount of customer interactions, and more. Companies need to decide how they want their remote workers to be assessed.

(e) Equipment and Tech support

It needs to state what equipment and tech support will be offered to their remote employees. If the company expects them to use their own laptops, for example, it must be mentioned in the policy. It should also outline what they are supposed to do when having technical difficulties have an action plan for that as well.

(f) Response measures

The policy should define whether or not the remote workers are expected to respond to the manager or a colleague immediately. Also, it should streamline the communication channels, promoting a healthy bonding between workers and supervisors.

(g) Compensation and Benefits

If working from home has any effect on the compensation and benefits of the employees, the policy should mention it, bearing in mind the contractual arrangement with the employees.

(h) The request processes

The entire procedure of requesting work from home should be laid out clearly. Should employees make a formal request, or do they need to register themselves or have a discussion with their manager? Provide a gradual rundown of what they need to do to have the right to work from home.



(i) Rightful Termination

Many employers feel uncomfortable providing the work from home opportunities because of the lack of face to face communications. However, the work from home policy should contain the fact that no employee will be wrongfully terminated on the grounds of operating remotely. All terminations should be undertaken in line with the national labour laws and best practices.

(j) Dress code

While working from home, employees still have to be in touch with colleagues, clients, or business partners via Video conferencing. For this condition, a note about the suitable dress code while remote working is reasonable.

(k) Physical environment

If you, as an employer, prefer your remote workers to work on a particular physical environment, do not forget to capture that preference in the policy. Many companies tend to test and approve the same before allowing their employees to work remotely.

(l) Security

All the specific requests regarding official security and client confidentiality must be stated in the policy. For example, if you don't want your remote worker to use a public WiFi, then that should be mentioned for employees to be cautious while working from a public place.



2.2 Supporting teleworkers

Many workers are teleworking full-time for the first time, isolated from co-workers and friends. Daily living routines can be disrupted causing added anxiety and stress. It is thus important to support workers in adapting to this situation.

(a) Point workers to advice on how they can support their own mental health during telework period. For example, advise workers to: keep a regular work schedule, set up a designated space to work and take periodic breaks, set boundaries on work to avoid working unreasonable hours, engage in activities that bring joy and distract from existing challenges, stay connected with friends and family through online communication tools to prevent feelings of isolation.

(b) Employers should understand that workers are likely feeling overwhelmed and anxious. They should be ready to listen to the workers, to answer questions and to reassure them about work and other issues that might come up.

(c) Encourage connection, using digital communication tools such as virtual meetings can be used for regular check-ins and to allow teams to connect with one another.

(d) Pay particular attention to the needs of teleworkers with care responsibilities as during periods of schools and day care closures it can be challenging to combine care responsibilities with work. Discuss and consider with workers' various options such as adjustment of performance targets, more flexible working time arrangements, reduction of working time, or leave.



2.3 What if teleworking is not feasible due to the nature of job?

There are occupations or job functions where it is not feasible for the worker to work from home, such as front-line operations, manufacturing assemble lines or fieldwork at construction sites, shipyards, or plants. In such scenarios, GEA urges employers to take the following precautions:



(a) Reduce the duration and proximity of physical interactions.

Employers should minimize the need for physical meetings, e.g. by using teleconferencing facilities. If there is a critical need for physical meetings to proceed, the number of attendees should be limited, and the duration shortened. They should also be dispersed to more than one meeting venue and linked up through videoconferencing or teleconferencing.



(b) Stagger working hours.

Employers should implement staggered working hours to reduce possible congregation of workers at common spaces. Timings of lunch and other breaks should also be staggered. Where possible, reporting and end times should not coincide with peak-hour travel, especially if workers require the use of public transport.



(c) Defer non-critical work events and scale down critical work events. Employers should defer events or activities which are not critical to business operations, such as welfare activities or celebratory functions, until the situation stabilizes. For events that are critical to the business operations and cannot be deferred, employers should remind participants to practice social or physical distancing.

(d) Implement or enhance shift arrangements.

For suitable workplace settings such as in manufacturing, employers can consider scheduling workers in shifts, if such arrangements are not yet in place while extending operational hours to maintain production output. Before implementing these measures, employers should communicate and explain to workers, and/or engage with unions (if applicable) on such arrangements.

RETURNING TO WORK



Following the lift of the partial lockdown in Ghana, many employers are gradually resuming business activities. However, in order to ensure a smooth return to the workplace, employers must consider the following:

3.1 Managing employees and their return

(a) Prepare the workplace for the return of workers.

Look into the workplace layout and implement changes to allow for physical distancing; put in place a plan for systematic cleaning and disinfection of workspaces and tools as well as stocking up on cleaning supplies and any protective equipment that may be needed (such as masks and gloves).



(b) Determine which workers should return to work first.

It is unlikely for most companies that all workers will be able to return to the workplace at once. Consideration should be given to which workers, departments, groups, or units should return first based on business needs. Consideration should also be given to compliance with ongoing restrictions regarding business operations and compliance with health precautions such as physical distancing. Workers who can continue to work virtually should do so. Flexible working time such as staggered hours or shift work can be considered to limit congestion in the workplace. Companies should document the legitimate business reasons for this process, to provide evidence of non-discriminatory selection criteria.



(c) Maintain an open dialogue with workers (and/or with unions).

Involve workplace health and safety representatives or committees in the planning, introduction and monitoring of preventive and protective measures. Workers can make important contributions when assessing risks and identifying solutions. Also, some changes, e.g. with regard to shifts or telework, may need to be negotiated with the unions or individually.

Involve GEA when elaborating control and prevention measures and the “return to work” plan, or consider calling on the expertise that may be available internally and externally, such as a prevention advisor or external occupational health services.

(d) Continue to inform and train workers about COVID-19.

Include topics such as what the symptoms are, how each individual can protect themselves; current restrictions (e.g. travel bans), and the rationale behind physical distancing. Also, provide information about company policies, processes and practices related to the management of COVID-19. Keep track (register) of workers that have participated in information sessions and/or training, to make sure that all workers have been trained.

There may be a tendency to ‘de-risk’ the situation as people become used to the return to work. Managers will need to repeatedly emphasize the ongoing requirements for preventive and protective measures, and ensure that they are being consistently applied.



(e) Communicate “return to work” plans to workers and your clients.

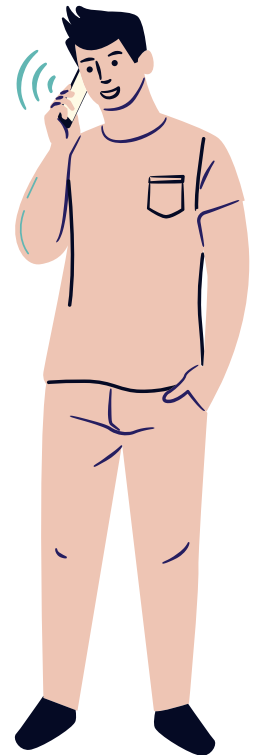
Make sure workers are well aware of company “return to work” plans and procedures. Make sure that workers, as well as customers and visitors know whom in a company they may contact in case they have questions related to COVID-19.



3.2 Actions to consider before leaving home to work

(a) Before leaving home

Instruct workers with any symptoms of COVID-19 (fever, dry cough, sore throat, shortness of breath, head cold e.g. runny nose or sneezing, loss of sense of smell) to stay at home, contact a medical Centre. Instruct workers to also inform their supervisor(s) about the situation for guidance. In many cases, in such situations a worker should also be requested to stay at home and quarantine.



(b) Transport to work

Encourage workers to avoid public transport, especially at peak times. Advise workers who need to travel by public transport to follow the instructions given by the drivers or mates. In addition, consider providing additional parking spaces as increased number of workers may want to come to work by private cars.



3.3 Actions to consider when entering the workplace

(a) Registering entries and exits

Minimize the number of entries to company premises in general, people who are not directly involved with the company's activities should not enter. Inform any visitors (for example customers and suppliers) about the company's hygiene and safety policies before they enter company premises. Consider requesting visitors to sign their agreement with such policies.

Employers may also consider recording all entries and exits and contact details (address, phone number, etc.) of workers, contractors, and visitors on site. Documenting entries and exits can facilitate contact tracing in case of the detection of a COVID-19 infection or a suspected infection. Existing HR and visitor registration systems can often be used for this purpose.

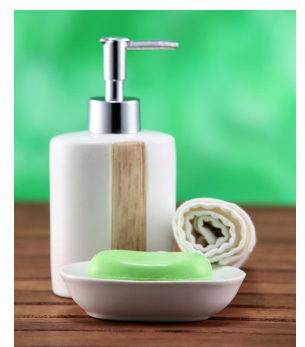
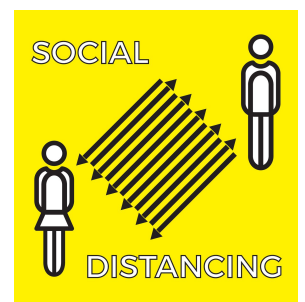
However, electronic systems should be preferred. If a fingerprint-controlled access system is usually in place, consider temporarily switching to a system using individual access cards. A paper-based system also creates a potential hazard since multiple people may touch the same surfaces when clocking in and registering. If it is not possible to switch to an electronic system, make sure that workers and visitors have washed their hands or applied alcohol gel before signing the company entry book or using the control clock.

(b) Avoiding congestion at the entrance / exit

Promote physical distancing and use dispersion measures at entrances and exits. Use aids such as floor markings, ribbons or physical barriers. If possible, consider staggered shifts or staggered entry and exit times (with some workers starting earlier and some later in the day) to reduce congestion. If possible, plan separate access and exit routes for various teams, where appropriate.

(c) Promoting good hygiene habits

Place posters reminding workers to wash hands, as well as avoid handshakes and other greetings that involve contact upon arrival at the workplace.



3.4 Actions to consider inside the workplace



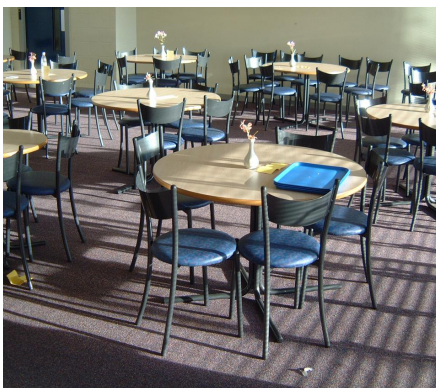
(a) Changing rooms

Limit the number of people present at the same time in the changing rooms, to ensure sufficient distance between workers. If necessary, provide additional temporary changing rooms and ensure regular cleaning of the rooms at the beginning, in between shift, or at the end of each work-day.



(b) Bathroom facilities

Remind workers to wash hands before and after using the toilet. Respect physical distancing as much as possible, for example by installing temporary additional toilets, limiting the number of people present in the toilet area at the same time, and leaving sufficient space between urinals and sinks that can be used. Instead of towels or electric driers, provide liquid soap to wash hands and paper towels to dry hands.



(c) Canteen and rest areas

Determine the maximum number of people that can safely stay at the canteen at the same time, while respecting physical distancing measures. Implement staggered lunch and rest breaks to avoid congestion. If you split workers into teams/shifts, avoid mixing different teams of workers in the same space at the same time.



Reduce/eliminate the availability of serving from common food sources (e.g. soup, porridge) as well as reduce the use of common equipment (e.g. microwaves). Consider changing food service to a pre-packed “grab and go” option. Introduce/encourage cashless payments to avoid cash handling. Remind workers not to share utensils (cups, plates, cutlery) or food.

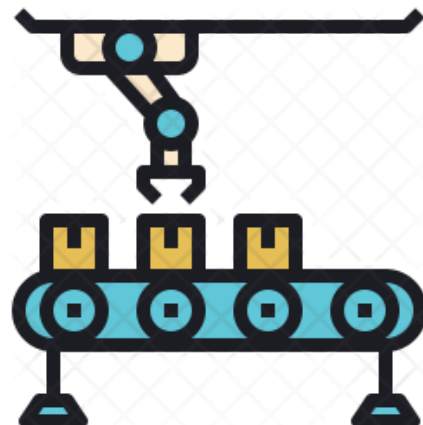
(d) Organization of work, work stations and/ or production lines

In the office context, create sufficient distance between workstations by spacing them further apart. If this is not possible, rearrange workstations in a way to maintain a sufficient distance e.g. do not use certain desks in open spaces, place some workstations in separate spare rooms, place workstations in a way that people work back to back or side by side rather than face to face.



In case of teamwork, consider limiting the size of the teams, keep the membership of the teams fixed and minimize contact between workers from different teams (e.g. by staggered working time or dividing workspace into zones and instructing specific teams to keep to certain zones only).

If one of the team members gets sick, consider quarantining the whole team (if they are considered close contacts) and use a replacement team. Team composition could be functional, so that all critical functions in a particular process are covered, or by location, so that all team members work in the same area of the office/factory.

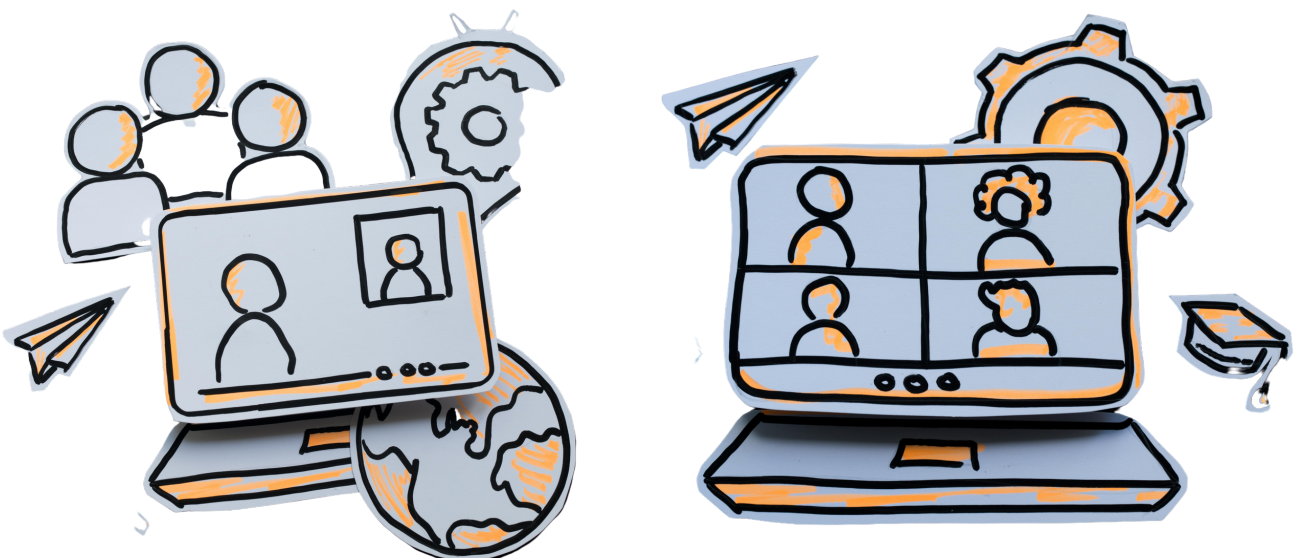


(e) Meetings and travels

Cancel non-essential meetings, trainings and travels (both within and outside of Ghana). Suspend any meeting that requires the presence of a greater number of people than the maximum determined by national requirements or recommendations. Daily kick-off meetings or toolbox meetings can be held through a speaker system where everyone stays at their workstations and keeps their distance.



If a face-to-face meeting is necessary, keep it as short as possible, reduce the number of attendees to the minimum possible, provide a room of an adequate size to ensure physical distancing (or hold the meeting outside), and keep the room clean and well ventilated. Consider keeping the list and contact details of the meeting participants for at least 14 days to facilitate contact tracking if need be. For each meeting room, consider indicating the maximum number of people that can safely stay in a meeting room at the same time.

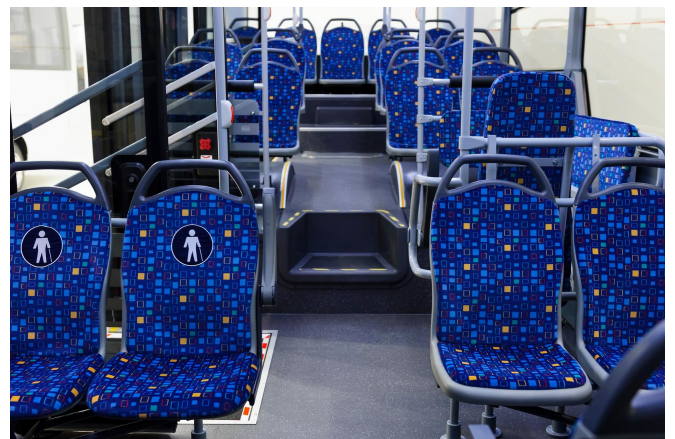


3.5 Actions to consider when leaving the workplace

Instruct the workers to wash their hands before exiting the workplace. As much as possible, spread out the exit times, to avoid congestion.

If an employer provides transport (e.g. a van or a bus):

- Maintain a minimum recommended distance of 1 meter between each person
- Consider increasing the frequency of transport provision to reduce congestion.
- Pay attention to proper ventilation (e.g. open windows while driving).
- Clean the vehicle regularly, especially the door handle and handrails.
- Ask passengers to enter and exit the vehicle through rear entry doors.
- Avoid crowding at transport access points.



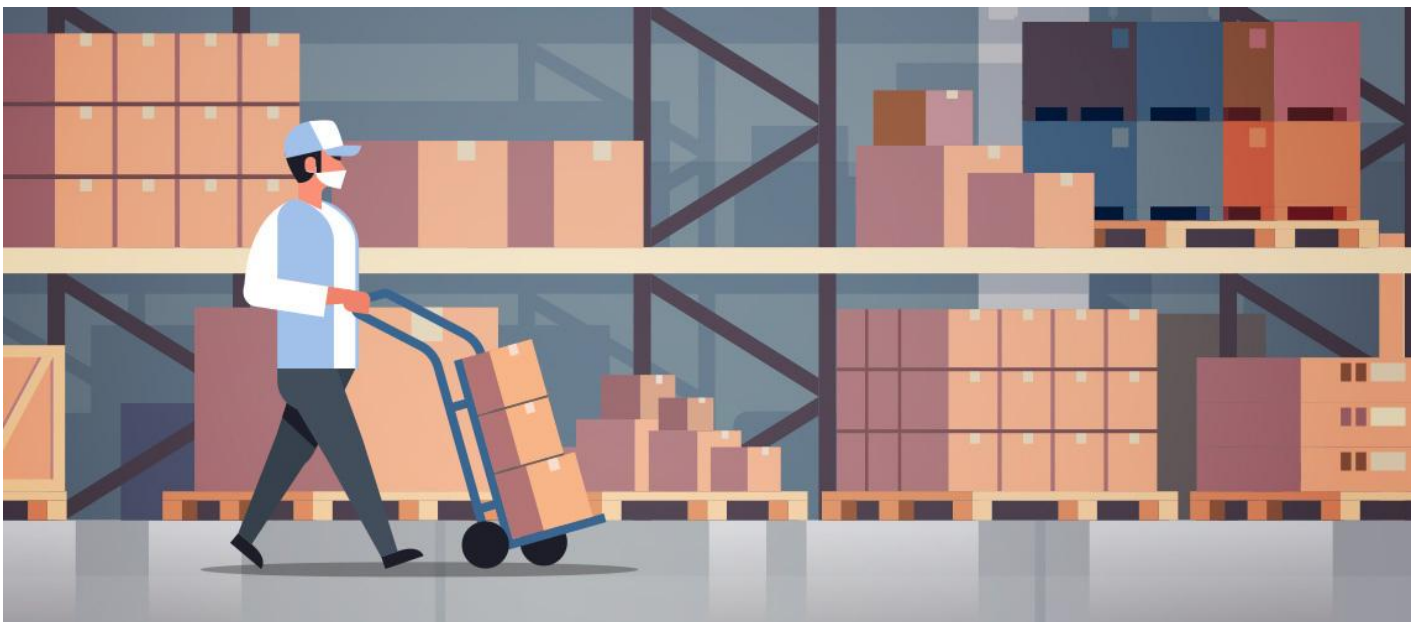
DEALING WITH SUPPLIERS AND CUSTOMERS AT THE WORKPLACE



Restarting operations may be particularly complex for companies that provide face-to-face services to the public (for example, companies within the commerce and service sectors). Therefore, in addition to all measures to protect workers, employers need to keep in mind the safety of their Suppliers and clients. Additional measures to consider in such situations may include:

4.1 Managing Suppliers and deliveries

A specific procedure should be established for the reception of goods, reviewing the safety protocols (loading, unloading) to take into account the possible risks associated with COVID-19 and to reduce the opportunities for contact between suppliers and workers.



Limit the number of workers designated to handle deliveries. These workers should be trained on the relevant procedures. Consider if loading and unloading can be done entirely by the supplier, or entirely by the recipient. In any case, safe distances should be maintained and hand washing may be requested and if possible, plan deliveries in a staggered manner to avoid having too many external persons present at the same time.

COVID-19 virus can survive for up to 72 hours on plastic and stainless steel, less than 4 hours on copper and less than 24 hours on cardboard. If possible, consider disinfecting deliveries at delivery bays before entry into warehouses or production processes. (However, keep in mind that COVID-19 spreads primarily from person to person).

In addition, provide a place where mail or parcels can be deposited without contact and ensure that all payments are made electronically instead of the use of cash.



4.2 Managing Clients and Customers

- i.** Manage entries into your premises, only allowing a limited number of people at any given time. Designate a staff member to carry out this control. Once the maximum capacity has been reached, new customers should only be allowed to enter gradually as those inside the premises withdraw.
- ii.** When customers are waiting outside the company's premises for their turn to enter, make sure that physical distancing rules are respected. Consider using floor marks or other aids to indicate appropriate distances.
- iii.** Manage circulation inside your premises. Every effort should be made to avoid cross flows, facilitating the circulation of people in one direction only. Floor marks can be used to indicate walkways.
- iv.** At the entrance/exit, provide for alcohol-based gel in sufficient quantity, advising customers to use it when entering and exiting the premises.
- v.** Ask customers to only touch objects that they intend to buy.
- vi.** Consider taking orders online or by telephone in advance and pre-packing orders to limit face-to-face time.



**WHAT TO DO IF A WORKER DEVELOPS
COVID-19 SYMPTOMS AT THE WORKPLACE?**



Establish a plan on what should be done if a worker develops symptoms (fever, cough, shortness of breath) at the workplace. Inform workers about relevant steps and procedures. Once a worker develops any symptom of Covid-19, consider the following:

(a) Isolate the affected worker, preferably in a separate room behind a closed door. If possible, open a window for ventilation. Provide a surgical mask for the affected worker.



(b) If it is an emergency (a worker has severe symptoms such as shortness of breath), call the emergency health services immediately. In other cases, call the designated public health helpline.

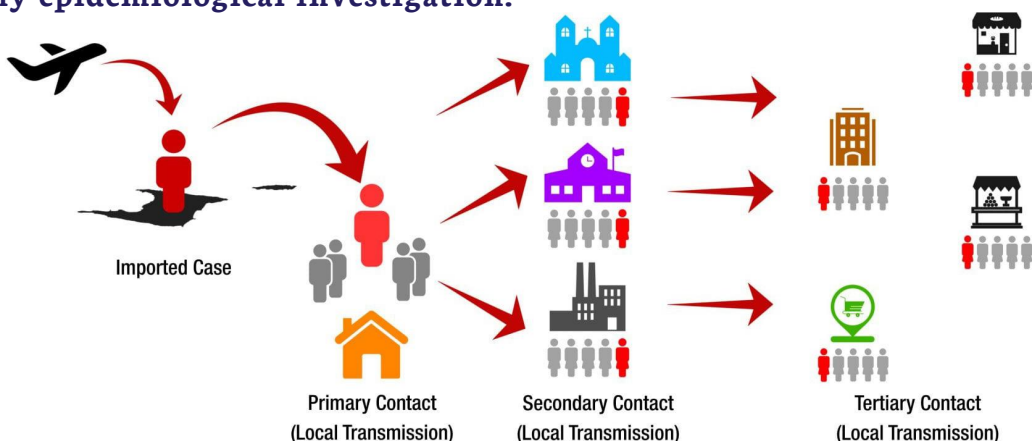


(c) Restrict contact with the infected worker. Any person providing assistance to the affected worker should wear a mask, glasses and gloves.



d) Clean the areas used by the affected worker in line with the guidance from the World Health Organization and Ghana Health Service.

e) Identify the affected worker's close contacts among co-workers (up to 2 days prior to the symptom onset) to identify other workers who could be considered as being exposed. Follow further instructions of the health authorities. Collaborate with them in any epidemiological investigation.



DEVELOPING A
**BUSINESS
CONTINUITY
PLAN**

A business continuity plan is a plan that will help the business in the prevention and recovery from potential threats. The plan helps protect personnel and assets and will allow you to function more quickly in the event of a major disruptions.

The following are the six steps needed to establish your business continuity plan (BCP):

Step 1: Identify your key products or services

What are your most important products or services? Consider the following criteria:

- i. Share of income they generate;
- ii. Amount of clients demanding them; and
- iii. Cost of non-delivery: negative financial, productivity and reputational consequences.

Step 2: Establish the objective of your BCP

What do you want to achieve by establishing your BCP?

Step 3: Evaluate the potential impact of disruptions to your enterprise and workers

How long can interruptions last before becoming unacceptable? What are the resources re-quired and the suppliers, partners and contractors needed to conduct key operations?

Step 4: List action to protect your business

Use the 4Ps framework to do this. Actions to minimize risk to your: People, Processes, Profits and Partnerships (the “4Ps”).

- i. People: lives of workers and family members
- ii. Processes: enterprise operations
- iii. Profits: revenue generation
- iv. Partnerships: enabling environment to carry out business operations

Step 5: Establish contact lists

More of your activity will be non-physical (WhatsApp calls, Web/Video Conferencing plat-forms, e.g. Zoom meetings) . Make sure you have accurate and update lists of all your key stakeholders.

Step 6: Maintain, review and continuously update your BCP

- i. Update the objective of the BCP and to improve its effectiveness;
- ii. Update the risk assessment, strategies for business continuity and other procedures contained in the BCP; and
- iii. Ensure continual improvement of all the processes included in the BCP.



ANTI-DISCRIMINATION MEASURES AGAINST COVID-19



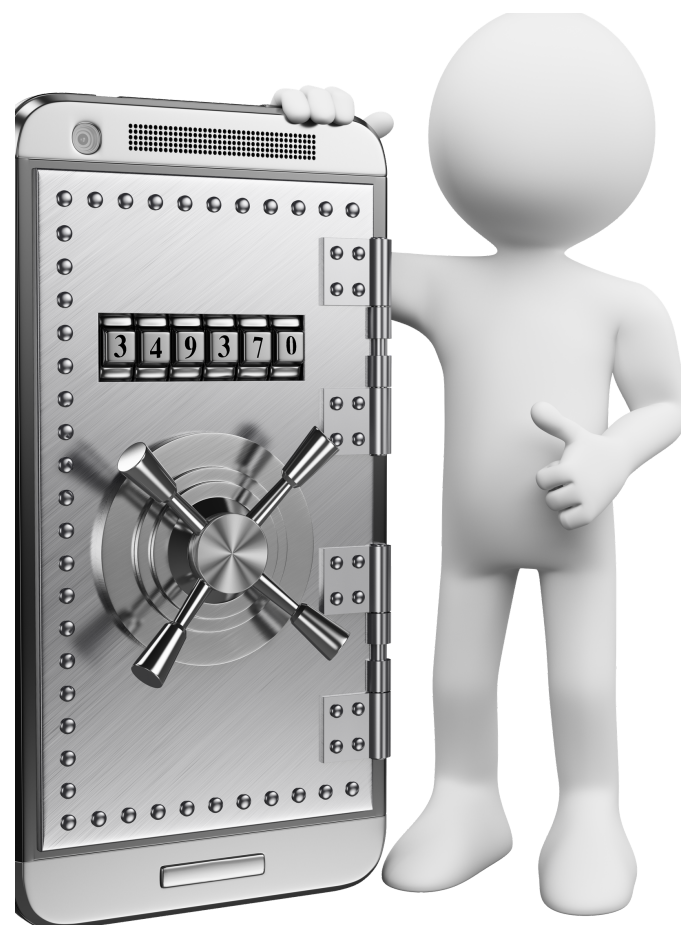
Cases have been reported of people affected with COVID-19 as well as healthcare workers, sanitary workers and police, who are in the frontline for management of the outbreak facing discrimination on account of heightened fear and misinformation about COVID-19 infections. Evidence clearly shows that stigma and fear around communicable diseases hamper effective response.

GEA believes that what works best is building confidence, showing empathy to those affected, understanding the disease itself, and adopting effective and practical measures so that people can help keep themselves and their loved ones safe.

How we communicate about COVID-19 is critical in supporting people to take effective action to help combat the disease and to avoid fueling fear and stigma. We must therefore endeavor to create an environment in which the disease and its impact can be discussed and addressed openly, honestly and effectively without any form of stigma against COVID-19 victims.

The following are some tips on how to address and avoid compounding social stigma with regards to COVID-19:

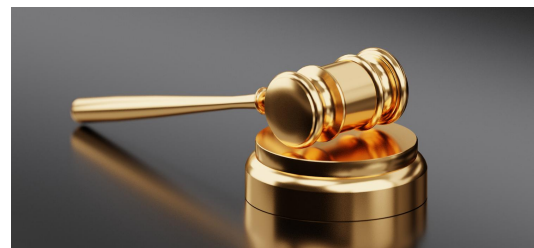
- i. **Maintain privacy and confidentiality of those seeking healthcare and those who may be part of any contact investigation.**
- ii. **Raise awareness about COVID-19 without increasing fear.**
- iii. **Be cautious about the images that are shared. Make sure they do not reinforce stereotypes.**
- iv. **Do not share photos or personal details of people who have COVID-19 or people who may have COVID-19 on social media.**
- v. **Do not refer to people with the disease as “COVID-19 cases” or “victims”**



EMPLOYMENT RELATIONS IN TIMES OF CRISES



In Ghana, employment relations are governed by the provisions of the Labour Act 2003 (Act 651) the principles of common law and the various judicial decisions on employment issues delivered by the courts.



The employment relationship, like all other legal relationships is created by a contract between the employer and the employee. The common terms of an employment contracts include; the rights and duties of the employer and the employee, the employee's leave entitlements (sick leave, annual leave, unpaid leave, maternity leave), Maximum hours of work, Remuneration payable to the employee, and Termination of the employment contract.



Nonetheless, in the wake of COVID-19, employers have had to make adjustments in response to the unprecedented circumstances that come with the pandemic. Therefore, there is the need for employers to assess and review many employment-related issues as they plan for a post- COVID-19 work environment that may look different than before.



8.1 Dealing with leave situations during covid-19

Most conditions of service include leave entitlements/periods, during which the employee/worker is permitted to be absent from his place of work and duties. These periods could be annual leave, maternity leave, sick leave, or unpaid leave.

Due to the spread of the corona virus the parliament of Ghana on Friday 20th March, 2020 passed the Imposition of Restrictions Act, 2020 (Act 1012), to provide for the imposition of restrictions in accordance with paragraphs (c), (d) and (e) of Article 21 of the Constitution and for other related matters. In accordance with Act 1012, The President, by two Executive Instruments (EIs), enacted the Imposition of Restrictions Instruments 2020 (EI 64 & 65). With the passage of these EIs, movement of persons within Ghana were severely curtailed. Persons in certain areas were under a duty not to move outside their residence except in certain situations or otherwise exempted.

By virtue of these restrictions, many employees were expected to be absent from their work posts and unable to discharge their contractual obligations to their employers. In such a scenario, the Employer may, with the permission of the employee, request that he/she goes on special leave, as enshrined in Section 23 of Act 651. Section 23 provides as follows: “A period during which a worker is absent from his or her normal duties with the permission of the employer on account of the worker’s participation in voluntary communal work, the dis-charge of civic duties or the granting of special leave with or without pay, shall not be counted as part of the worker’s annual leave.

Pursuant to Section 23, this type of leave may not constitute the worker’s annual leave days. However, given the imminent economic uncertainties on the business environment (which is obviously not the fault of neither the employer nor the worker), GEA advises that negotiations are held between employers and Unions (if applicable) or employees on how to share the risk that comes with the pandemic. This form of negotiation must therefore be premised on the fact that employers would not be able to pay staff indefinitely for no work done during state of emergencies such as the partially lockdown imposed by the government.



8.2 Termination of employment relationship

Per the provisions of the Labour Act, there are no direct provisions on termination during crises such as the COVID-19 pandemic. What remedies, then, are available to employers who have to lay-off some workers due to the economic standstill without falling short of the law? GEA recommends that Employers refer to two major principles of contracts as follows: Force Majeure and Frustration of contract.



8.2.1 Force Majeure

Force Majeure refers to any “event or effect that can be neither anticipated nor controlled”. It is a legal concept that excuses non-performance of the contractual obligations of a party on the basis that the non-performance is due to unforeseen circumstances.

Key note: The doctrine originated from civil law systems where application of force majeure to the non performance of a contract, is automatic and need not be in the contract. Ghana however, belongs to a common law jurisdiction where the force majeure clause has to be included in a contract in order to be applicable.

Force Majeure clauses are interpreted narrowly by the courts and for one to succeed in in-voking this principle, the onus is on the relying party to prove that:

- (a) The event relied on was not reasonably foreseen at the time of entry in to the contract
- (b) The contractual obligations thereunder have been made impracticable despite all reasonable efforts to perform them.

In the wake of COVID-19, employers may rely on force majeure to lay off employees. However, this is highly dependent on whether or not the employment contract contains a force majeure clause as indicated earlier, and an objective analysis of the effect of the virus on the business.



For an employer who wishes to disengage staff on grounds of force majeure, he would have to establish that;

- (a). The employment contract contains a force majeure clause providing a list of events which would trigger the application of the principle;**
- (b). The event causing the force majeure was unforeseen and could not have been reasonably anticipated by either party at the time the contract was concluded;**
- (c). The Employer's contractual obligations have been made impracticable in spite of all reasonable efforts to perform them or that the employer is unable to carry on operations.**
- (d). The Employer has followed the rules of dismissal/lay-off/termination provided for in the contract of employment.**

8.2.2 Frustration of Contracts

Frustration occurs where an external event of some kind, which is not the responsibility of either party, renders further performance of a contract impossible or radically different from what had been contracted for. Frustration of a contract discharges the parties from all contractual obligations and duly terminates the contract between the parties.

Nonetheless, there is no frustration if it is found that the event that triggered the frustration was the fault of one party; if there were multiple ways for performance and only one of those ways was curtailed; if there was a force majeure clause which adequately captured the event as a trigger; or if only a part of the contract was frustrated.

Unlike force majeure, an employment contract need not contain a clause for frustration before same can be applied, it is a common law doctrine applicable to, implied and recognized in all contracts. In Ghana the doctrine involves a mixture of common law rules and statute (i.e. the Contracts Act, 1960 (Act 25)). The common law rules determine when frustration can be said to have occurred, while Part One of Act 25 deals with the consequences of frustration.

A contract may be frustrated by illegality due to changes in laws and regulations. If the illegality existed at the time of the contract, the entire contract is void and there would be no room for frustration. Frustration can only set in after the formation of the contract. A contract would be frustrated by impossibility, when it is no longer possible for either party to perform their obligations for reasons outside their control. The impossibility may arise due to personal incapacity, death of either party, destruction of the subject matter or an outbreak of a war or crisis such as the COVID-19 pandemic.

Section 62(d) of the Labour Act provides that a termination due to legal restriction imposed on the worker prohibiting the worker from performing the work for which he or she is employed is a fair one. Therefore, we ask two important questions here:

- Would a termination based on a lockdown be one that section 62(d) will cover?
- Would the duration of the restrictions continue for such time so as to make future performance of the Employee's obligations radically different or impossible?

Objectively it would depend on the length of the lockdown and the type of the work the employee is engaged in.



The restrictions imposed on the Greater Accra and Kumasi districts would most likely be considered an inconvenience in the performance of contractual obligations rather than a frustrating event. These restrictions, lasted for less than a month and reliance on same as basis for termination would be a herculean task for the Employer.

In light of the recent happenings concerning COVID-19, employers who would have to lay-off workers, may find some respite in the principle of frustration. However, as stated earlier, an objective analysis of the effect of the virus on business operations is needed; that a business has become unprofitable or that there are mere inconveniences in the contractual obligations of a business would not be sufficient reason to end a labour contract on grounds of frustration. Therefore, there is the need for employers to consult their lawyers in the event of layoffs due to COVID-19.

8.3 Dealing with Redundancy

Many employers have incurred huge losses and barely staying afloat due to the COVID-19 outbreak. Unfortunately, some employers in this predicament may decide to call for a redundancy and either restructure their operations or shut down all operations.

According to Section 65 of the Labour Act, a redundancy may arise where a business is closed down or there are major changes in the production, programme, organisation, structure or technology of the business which causes severance of the legal relationship of a worker and employer as it existed immediately before the close down or arrangement.



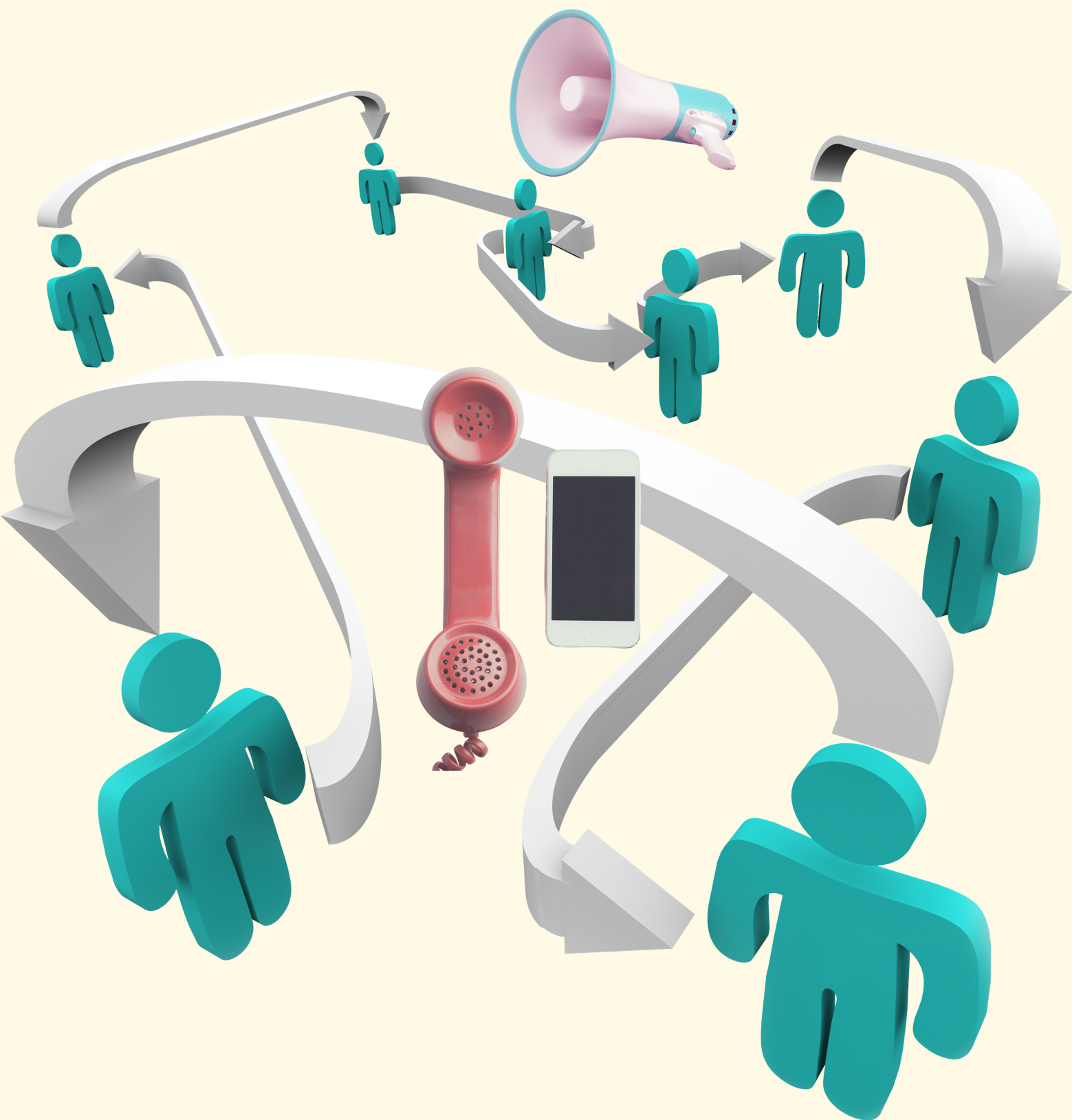
According to the Labour Act, an employer who anticipates the probability of redundancy is mandated to submit in writing to the Chief Labour Officer, all relevant information including the reasons for any termination, the number and categories of workers likely to be affected and the period within which any termination is to be carried out at least 3 months prior to the contemplated changes.

The employer must also consult the trade union concerned, where applicable, on measures to be taken to avert or minimize the termination as well as measures to mitigate the adverse effects of any terminations on the workers concerned such as finding alternative employment. On the occurrence of a redundancy situation, the Employer is obliged to pay to the Employee made redundant, compensation or redundancy pay. The amount to be paid is subject to negotiation between the employer and the employee or between the employer and the trade union concerned.

These conditions, may make redundancy a difficult option to choose for the simple reason that the Employer may not have sufficient funds to pay employees their redundancy packages. Not to mention that, Covid-19 was an unanticipated event that would require swift action; given the three-month notice rule, taking the road of redundancy would result in delays and more losses for the employer.



COMMUNICATING WITH THE MEDIA, GENERAL PUBLIC AND REGULATORY AGENCIES



For the purposes of this guide, communication refers to the processes, systems and structures to ensure that there is a shared understanding among all stakeholders that:

- create effective awareness of the health risks associated with COVID-19 and behaviours necessary to manage the pandemic.
- promote behaviour that protects physical and mental health at the workplace.
- allow organisations to operate as productively as possible.
- keep the general public informed
- Comply with regulators' protocols and guidelines
- create the environment for the best possible recovery from the pandemic

9.1 Communicating with the Media

Dealing with the media in this COVID-19 era requires a great deal strategy. Employers should endeavour to adhere to the following guidelines when interacting with the media:

- Designate a focal or spokesperson to be in charge of all internal and external communications about COVID-19.
- Immediately prepare a press release to debunk all false news content about the organization, especially, in relation to COVID-19
- Be factual in the organization's reportage on all matters related the pandemic
- Endeavour to educate and sensitize your clients and the general public on the pandemic
- Communicate in a simple, clear and concise language to avoid ambiguity and misinterpretation

9.2 Dealing with the regulatory bodies

Given the rise in the COVID-19 cases in Ghana, concerned regulatory agencies are stepping up efforts to enhance compliance and adopt measures that are geared towards limiting the spread of the pandemic. Therefore, when engaging with such regulators, employers must endeavour to:

- Keep abreast with the legal environment of the organization and all protocols and guidelines provided by government
- Comply with all directives of the MOH, GHS and Ministry of Employment and Labour Relations (MELR), and other related regulatory organizations
- Ensure that information or data given to the regulatory bodies are accurate and up to date
- Act promptly to the request of the regulator
- Always be prepared to assist the regulators in their inspection exercises.

PREPARED BY:



GEA is a premier employers' organization that safeguards and promotes the interest of employers in Ghana. Established in 1959, GEA advocates for the formulation and implementation of policies that help regulate the Ghanaian business environment for private sector growth and resilience. GEA provides a wide range of professional services and management training to members in all aspects of human resource management, industrial relations, occupational health and safety, employee relations and employment law.

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