

# Re-opening the Workplace During the COVID-19 Pandemic: What Employers Need to Know

11 June 2020

Singapore's circuit breaker came to an end on 2 June 2020 with the government introducing a three-phased approach towards transitioning into a "new normal" and resuming economic activities safely.

With certain businesses re-opening<sup>1</sup>, the government is encouraging continued vigilance through a mix of statutory obligations as well as guidelines from the various government ministries. In terms of statutory obligations, the updated COVID-19 (Temporary Measures) (Control Order) Regulations 2020 includes specific obligations for, among others, employers, to institute safe practices in the workplace. In terms of guidelines, the Ministry of Manpower has issued certain Safe Management Measures for general workplace settings and sector-specific guidelines for specific workplace settings.

This article aims to educate and provide guidance to employers operating post-circuit breaker on the requirements which may be relevant to them.

<sup>1</sup> For more information on the businesses that are allowed to operate from 2 June 2020, please refer to <https://covid.gobusiness.gov.sg/permittedlist/>.

## Control Access to Workplace

Employers (including companies resuming operations in Phases 1 and 2) are encouraged to allow employees to work from home and to only go to office where there is no alternative. Measures employers should take include:

- (i) leveraging on remote working and online solutions to ensure business continuity;
- (ii) conducting virtual meetings between employees and/or third parties; physical meetings are to be minimised; and
- (iii) cancelling or deferring all events that may have close or prolonged contact between participants.

In the event that employees are not able to work from home, employers must reduce the congregation of employees in the workplace by ensuring that the following measures are in place prior to resuming operations:

- (i) implementing staggered work hours and break hours (over at least three one-hourly timeframes), ensuring that at all times, not more than half of the employees reporting to work within each block. One example of a staggered working arrangement given by MOM is as follows:

### *Working hours*

- (1) 8am to 5pm (40% of staff)
- (2) 9am to 6pm (20% of staff)
- (3) 10am to 7pm (40% of staff);
- (ii) allow employees to avoid peak-hour commuting hours, especially where employees are using public transportation; and
- (iii) implementing a clear segregation of employees by way of shifts or split team arrangements wherein each team is restricted to one worksite and no employee should be allowed to or be cross-deployed in different teams or shifts, even outside of the workplace.

If it is not possible to implement staggered working and break hours, employers must implement other systems to minimise the congregation of employees at common spaces. Further, if cross-deployment of

employees cannot be avoided, additional safeguards, such as those set out in Part B (*Develop a Safe Work Environment*) below should be introduced to reduce the risks of cross-infection.

Employers are also required to control access at the workplace to only essential employees and authorised visitors. Some of the pertinent measures that employers must take include:

- (i) the SafeEntry visitor management system, which must be used to record the entry of all employees and visitors into the workplace. Employees and visitors are required to declare via SafeEntry or other means (e.g. electronic or hard copy records), before being allowed to enter premises, that they:
  - (1) are currently not under a quarantine order, stay-home notice;
  - (2) have not had close contact with a confirmed COVID-19 case in the past 14 days; and
  - (3) do not have any fever, cough, shortness of breath or flu-like symptoms; and
- (ii) Employees and/or visitors who are unwell including having a fever upon a temperature screening must be (1) refused entry into the workplace; and (2) asked to reschedule appointments or return to the workplace when they are well.

It is important to note that a number of businesses will be required to use SafeEntry to record the timing or “check-in” of customers, clients, students or visitors entering their premises. As of the date of this article, the places requiring the use of SafeEntry for such persons include all workplaces (offices / factories), schools, medical and care facilities, banks, supermarkets and wet markets and hairdressers. For updates on the list of businesses required to implement SafeEntry for their customers, please visit the SafeEntry website. For the avoidance of doubt, even if a business is located in a building that is already implementing SafeEntry, such business will also be required to implement SafeEntry within its premises.

## **Develop a Safe Work Environment**

### ***Safe distancing and discouraging socialising amongst employees***

Employers are required to implement measures to ensure safe distancing and prevent socialising amongst employees. Some of the pertinent measures that employers must take include:

- (i) making sure that employees do not socialise or congregate in groups at the workplace. All social events at or outside of the workplace must be cancelled or deferred;

- (ii) employees should have all meals or breaks on their own;
- (iii) limiting the number of attendees or shortening the duration of physical meetings, where such meetings are unavoidable;
- (iv) reducing physical interactions between employees and taking precautions to demarcate safe distance of 1 metre between persons at all times via visual indicators or through physical means at workstations, meeting rooms and common spaces; and
- (v) minimising the occurrences of, or need for common physical touchpoints in the workplace where possible by deploying contactless access controls.

If physical interactions (e.g. for the purposes of delivering items, closing transactions etc.) or contact with common physical touchpoints are required (e.g. for the purposes of utilising common machinery or equipment, or opening door handles etc.), employers will need to implement additional safeguards, set out above in Part A (*Control Access to Workplace*) on reducing the congregation of employees in the workplace, and below, on sanitation and hygiene practices in workplace.

### ***Sanitation and hygiene practices in the workplace***

Employers are required to step up the cleaning of workplace premises by:

- (i) ensuring daily cleaning and disinfecting of common public spaces (e.g. toilets, pantries, lifts, lobbies or visitor hosting areas) and common physical touchpoints - this includes cleaning and disinfecting machinery or equipment that are shared between employees across different teams or shifts;
- (ii) if there are any physical meetings, cleaning and disinfecting the common spaces between each meeting or seating; and
- (iii) providing cleaning and disinfecting agents at the following areas:
  - (1) cleaning agents (e.g. liquid soap, toilet paper, litter bins, clean towels or handdryers) must be available at all toilets and hand-wash stations;
  - (2) disinfecting agents (e.g. disinfectant sprays, paper towels and wipes) must be provided at meeting rooms and other common spaces; and

- (3) disinfecting agents (e.g. hand sanitisers) must be installed at all human traffic stoppage points within the workplace, such as entrances, reception areas, security booths and lift lobbies.

For further information on the standards of sanitation and hygiene practices, the National Environment Agency has issued certain guidelines and advisories that employers must adhere to.

## Health Checks and Safety Protocols for Employees

### *Regular health checks on employees*

Employers must conduct regular checks (e.g. for high temperature and respiratory symptoms) on all employees and visitors in the workplace, at least twice a day. Employers must be able to demonstrate to the government that these checks are in place during potential inspections.

Employers should pay special attention to vulnerable employees (e.g. older employees, employees with existing medical conditions, pregnant employees) and where possible, enable them to work from home or re-deploy them in roles with minimal physical interaction.

### *Educate employees on observing good personal hygiene and safety practices*

Employers must ensure that all on-site personnel, including employees, visitors, suppliers and contractors, wear a mask and other necessary personal protective equipment at all times in the workplace. Employers must also have a sufficient supply of masks for all employees, in the event that employees may need to replace their masks in their workplace. Employers should also take measures to improve the work environment for employees to be able to wear masks at all times (e.g. lowering humidity levels in workplaces and ensuring natural ventilation, etc.).

Employers should also educate and encourage employees to practice good personal hygiene and safety habits, such as:

- (i) encouraging employees to wash their hands regularly and refrain from touching their faces; and
- (ii) encouraging employees to use the TraceTogether App to assist the Ministry of Health with identifying potential close contacts of COVID-19 patients.

### ***Ensure adherence to travel advisories***

Employers should educate and ensure that their employees comply with Ministry of Health's travel advisories. In the event that an employee is subject to a movement control measure, he/she will be required to make a declaration to their employer.

### ***Manage and actively monitor unwell employees***

Employers must have an evacuation plan to manage employees who are unwell or suspected of a COVID-19 infection. Generally, an employee who is feeling unwell or showing symptoms of illness is required to report to his/her employer and leave the workplace immediately to consult a doctor.

Employers must track and record such cases as part of its Safe Management Measures and should be required to monitor unwell employees and take preventive action to guard against incipient outbreaks at the workplace by:

- (i) requesting unwell employees to submit a record of their (1) medical certificate and diagnoses provided (only for COVID-19 related symptoms) and (2) test results for COVID-19 (if any);
- (ii) requesting unwell employees to closely monitor their health before returning to the workplace and in this vein, employers should request close contacts of the unwell employee to monitor their health more regularly; and
- (iii) educating and ensuring that each employee only visits one clinic for check-ups if he/she is unwell.

### ***Manage confirmed cases***

In the event of a confirmed case, a follow-up plan must be developed and implemented for the employer to:

- (i) immediately vacate and cordon off the sections of the workplace where the unwell employee had worked. Please note that it is not necessary to vacate the entire building or floor if there has been no sustained and close contact with the unwell employee; and
- (ii) proceed with a thorough cleaning and disinfecting of all relevant areas and physical touchpoints exposed to the unwell employee, in accordance with the guidelines and advisories issued by the National Environment Agency.

## Implement Safe Management Officers and Systems of Compliance

Employers must establish a comprehensive system to manage risks and to implement the above Safe Management Measures. This includes developing a detailed monitoring plan and appointing safe management officers (“**SMOs**”) to assist in the implementation, coordination and monitoring of the system of Safe Management Measures.

The duties of the SMOs include:

- (i) coordinating the implementation of Safe Management Measures, which includes identifying relevant risks, recommending and assisting in implementing measures to mitigate risks and communicating such measures to employees in the workplace;
- (ii) conducting inspection and checks to ensure compliance at all times and to record and report any non-compliance found during inspections;
- (iii) remedying any non-compliance found during the inspections or checks; and
- (iv) keeping records of inspections, checks and correction actions, which must be made available upon request to a government inspector.

## Enforcement and Statutory Obligations

Section 34 of the COVID-19 (Temporary Measures) Act 2020 permits control orders to be made for the purposes of preventing or controlling the COVID-19 pandemic in Singapore. A person who contravenes a control order without reasonable excuse may be liable for a fine up to S\$10,000 and/or 6 months of imprisonment for a first offence, and a fine up to S\$20,000 and/or 12 months of imprisonment for subsequent offences.

The COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (“**Regulations**”), were recently updated to include specific obligations for enterprises open to visitors or customers. We highlight that the statutory obligations set out in the Regulations are substantially similar to the Ministry of Manpower’s guidelines on Safe Management Measures (as set out in Part A to D of this article), and generally, a breach of the above-discussed Safe Management Measures will likely be a breach of the statutory obligations.

In any event, the various government stakeholders, such as the Ministry of Manpower and the Ministry of Health have broad powers to enforce compliance with the above-mentioned Safe Management Measures. These powers include fines, or directing errant employers to cease operations. For example, on 3 June 2020, the Ministry of Manpower had conducted a series of inspections at over 200 workplaces and had issued fines to 14 workplaces and had requested three workplaces to cease operations.

Further, it is important to note that employees are able to report on any unsafe or non-compliant practices in their workplace through feedback channels to the Ministry of Manpower via online forms, or the SnapSAFE mobile application.

### Concluding Points

It is important for employers to ensure that the above Safe Management Measures are in place during the three-phases of Singapore's post-circuit breaker period. Employers must educate, communicate and explain to all employees these measures prior to resuming business activities. Signs should also be fixed around the workplace to remind employees and visitors to observe the Safe Management Measures.

The Ministry of Manpower has provided a useful checklist of the Safe Management Measures for compliance, which can be found on <https://www.mom.gov.sg/-/media/mom/documents/covid-19/annex-b-checklist-of-safe-management-measures.pdf>. Additionally, the Ministry of Manpower has prepared a list of the various resources available to assist companies, such as further guidelines on business continuity planning, digital and technology grants, and further information on SafeEntry and TraceTogether. The links to the various resources can be found on <https://www.mom.gov.sg/-/media/mom/documents/covid-19/annex-a-resources-to-assist-companies.pdf>.

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## For More Information

If you have any questions about this *Alert*, please contact Derrick Boo, Darshita Thurairajah, Evan Teoh Ye Oon or any of the attorneys in our Singapore office or the attorney in the firm with whom you are in regular contact.

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