



**COVID-19 MANDATORY VACCINATION  
POLICY**

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# COVID 19 MANDATORY VACCINATION POLICY

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# COVID 19 MANDATORY VACCINATION POLICY

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# COVID 19 MANDATORY VACCINATION POLICY

## 1. INTRODUCTION

- 1.1. The wellbeing of Ellies employees is paramount and as such Ellies is committed to providing and maintaining a safe and healthy workplace and protecting its employees from harm.
- 1.2. Ellies has taken steps in accordance with the relevant local legislation and guidelines applicable to each Entity, to prevent and mitigate the spread of Covid 19 in the workplace.
- 1.3. The World Health Organization (“the WHO”) and the Africa Centres for Communicable Diseases (“the CDC”) has confirmed that, in addition to the preventative measures of maintaining a 2-metre distance from others, covering a cough or sneezing in your elbow, frequently washing/sanitising your hands, wearing a mask and avoiding poorly ventilated spaces, vaccines are an important measure in protecting people from severe disease or dying from Covid 19. Furthermore, the science has shown that vaccines reduce the number of hospitalisations and people requiring ventilation, and also that where there is hospitalisation, mortality is significantly reduced.
- 1.4. The worldwide rollout of Covid 19 vaccinations has contributed to the containment and management of the virus in many countries and there has been a gradual return to some form of normality.
- 1.5. Therefore, like the WHO and the CDC, other international and national public health bodies and government sources, Ellies supports the Covid 19 vaccination rollout initiatives implemented throughout the world and encourages its employees to vaccinate in order to protect themselves and others from the spread and adverse effects of the Covid 19 virus.
- 1.6. Ellies has a common law and statutory law obligation to provide, as far as is reasonably practicable, a safe working environment, without risk to the health of its employees, customers, contractors and service providers. This policy is a measure implemented by Ellies to meet its legal obligations in this regard.

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- 1.7. This policy shall be subject to the local laws that apply to the Ellies group and its operating companies and/or subsidiaries. In the event this policy is inconsistent with the local laws that apply to any operating company, the local laws shall prevail.

### 2. PURPOSE

- 2.1. The purpose of this policy is to provide governance in relation to the Covid 19 vaccination of Ellies' employees with the ultimate aim and intent of ensuring a healthy and safe workplace for Ellies' employees and all those who may attend at Ellies' premises.
- 2.2. This policy primarily provides the directives for Ellies when dealing with the mandatory vaccinations of employees, where applicable and is subject to the relevant local laws, regulations and directives ("local laws") applicable.

### 3. SCOPE

- 3.1. This policy covers all Employees, officers, consultants, contractors, temporary workers and partner/vendor/outsourced agency workers, working for or on behalf of the Ellies.
- 3.2. Ellies reserves the right to extend this policy to its customers/clients who visit its various workplaces from time to time.
- 3.3. As stated above, this policy shall be subject to the local laws applicable to Ellies and its Entities. In the event that the principles in this policy are inconsistent and/or conflict with the local laws applicable to an Entity, the local laws shall prevail, in which case, the Entity will be required to adapt the principles contained in this policy to align with the local laws.

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## 4. RISK ASSESSMENT

- 4.1. Ellies is obliged, in terms of common law and the applicable statutory law, to safeguard its employees through providing and maintaining, as far as reasonably practicable, a working environment that is safe and without risk to the health of its employees. Likewise, there is a reciprocal duty on all employees to take steps to minimize any risk that might jeopardize the health and safety of fellow employees of Ellies.
- 4.2. Furthermore, Ellies is in terms of common law and the applicable statutory law and as far as is reasonably practicable, obliged to ensure that persons other than its employees who access its premises, such as customers, contractors, and service providers, are not exposed to any health or safety risks.
- 4.3. Ellies' obligations in this regard apply to minimising and possibly eliminating, as far as is reasonably practicable, the spread of Covid 19 in the workplace.
- 4.4. Therefore, in accordance with inter alia these legal obligations, Ellies is obliged and entitled to determine whether making vaccines mandatory for employees performing specific roles and/or identified workplaces is a reasonable measure to prevent and/or mitigate the spread of Covid 19 in the workplace thereby protecting its employees and others who access Ellies' premises from time to time.
- 4.5. In order to determine whether making vaccinations mandatory in specific roles and/or identified workspaces is a reasonable measure, Ellies undertook a risk assessment, taking into account the operational requirements of the workplace.
- 4.6. When conducting the risk assessment, Ellies identified those employees who are at risk of transmission through their work, and those employees that are at risk of suffering severe Covid 19 symptoms, including death, due to their age or comorbidities in the event of being exposed or contracting the virus.

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- 4.7. In conducting the risk assessment, Ellies took into consideration the medical vulnerability factors of each employee as well as the work exposure (varying from high or medium risk) and those may be subject to mandatory vaccinations due to customer requirements of each employee.
- 4.8. In conduction the risk assessment, Ellies took, in addition take into consideration inter alia the following factors:
  - 4.8.1. The availability of vaccines within the country;
  - 4.8.2. The nature of work being performed by particular employees;
  - 4.8.3. The necessity for employees to travel to fulfil their duties and responsibilities;
  - 4.8.4. Operational requirements of the business;
  - 4.8.5. Directions by clients, customers or suppliers;
  - 4.8.6. The ability/inability to effectively adhere to control measures such as social distancing, wearing masks, sanitising and other alternative less restrictive and/or invasive measures;
  - 4.8.7. The nature and extent of Employee's physical interactions with each other at the workplace;
  - 4.8.8. Whether Employees are required to physically interact with customers, clients, fellow
  - 4.8.9. Employees and other stakeholders and the frequency and duration of these interactions;
  - 4.8.10. Remote working possibilities;
  - 4.8.11. The prevalence of Employees with comorbidities;
  - 4.8.12. The rate of Covid 19 infections and/or fatalities at the workplace, in the provinces, the countries or provinces to which Employees will be traveling for work purposes and communities with which Employees will be engaging for work purposes;
  - 4.8.13. The prevalence of new variants; and
  - 4.8.14. The science and research data around the vaccination.

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## 5. REQUIREMENTS FOR MANDATORY VACCINATION

- 5.1. The following categories of employees have been identified subject to the risk assessment, as high or medium risk and are therefore to be considered as “Identified Employees” for inter alia the following reasons:
  - 5.1.1. The nature of the work performed by the Employees require them to be physically present at Ellies’ premises and to physically interact with customers, other Employees, service providers and/or contractors on a daily basis;
  - 5.1.2. The Employees are required to frequently travel nationally and/or internationally; and
  - 5.1.3. Those Employees who are at high or medium risk for severe Covid 19 disease and death due their existing comorbidities.
- 5.2. All Employees, irrespective whether high or medium and/or fully, partially or not vaccinated are required to unconditionally adhere to and comply with the legislated or advised Covid 19 prevention measures and as they may be amended or reviewed from time to time.
- 5.3. In the event that an employee does not have free access to vaccines, Ellies will consider paying for vaccination or reimbursing employees for these costs.
- 5.4. It is mandatory for Identified Employees to be vaccinated subject to vaccine availability, and proof of Covid 19 vaccination must be provided to Ellies unless an exemption from this policy has been granted. The information required by Ellies should an Identified Employee seek to be exempted from this policy and/or refuse to be vaccinated, and the process that will be followed in this regard is set out in paragraph 7 of this policy.
- 5.5. In the absence of proof of vaccination, Ellies will assume that the Identified Employee has not been vaccinated and Ellies reserves the right to take



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appropriate action against the Identified Employee and comply with the applicable due process.

- 5.6. Accordingly, identified Employees consent to sharing their private medical information strictly with Ellies and waive their right to privacy of information with regards thereto.

### 6. PROOF OF VACCINATION

- 6.1. All Employees who are fully vaccinated will be required to submit written proof of vaccination, inclusive of date of vaccination and vaccine name, to update workplace records, subject to the data privacy and protection of personal information laws applicable to each Entity.
- 6.2. Vaccination details will be kept confidential and will be processed and stored in accordance with the data privacy and protection of personal information laws applicable to each Entity. Vaccination details will only be shared with line management and the HR Department. This information will only be used to ensure employee health and safety in the workplace, assess fitness to work, provide appropriate workplace adjustments, and to monitor and manage sickness-related absenteeism.

### 7. EXEMPTION / OBJECTION OF VACCINATION

- 7.1. Employees will have the right to seek to be exempted from this policy on inter alia, the following grounds:
  - 7.1.1. If the employee applies for an exemption in the basis of freedom of religion and/or belief, Ellies reserves the right to interrogate whether the religion or belief is sincerely held. Ellies may request confirmation of this belief or religion as well as objective evidence of the basic tenets of the religions by requesting the employee to provide inter alia the following:
    - 7.1.1.1. Statements and explanations from the employee;

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- 7.1.1.2. Discuss the nature and tenets of his asserted belief;
  - 7.1.1.3. Information about when, where, how the employee follows the practice and belief;
  - 7.1.1.4. Regent religious materials describing the religious belief or practice;
  - 7.1.1.5. Written statements or other documents from third parties, religious leaders / practitioners and other with whom the employee has discussed the beliefs and who have observed the employees past adherence.
- 7.1.2. Medical reasons based on inter alia the immediate and/or known allergic reaction of any severity to a previous dose or a known (diagnosed) condition due to a component of the registered Covid 19 vaccine evidenced by a medical practitioner's report. Ellies reserves the right to have the employee assessed by a registered medical practitioner of their choice.
- 7.1.3. Once an Identified Employee is notified in terms of the process described in paragraph 9 and records his objection and reasons justifying such objective, HR will consider the Identified Employee's representations.
- 7.1.4. HR will objectively assess the reasons and evidence provided and may:
- 7.1.4.1. counsel the employee, including permitting him/her to consult a health and safety representative, medical practitioner, worker representative or trade union official;
  - 7.1.4.2. if there is a contraindication for the vaccine, seek further medical advice;
  - 7.1.4.3. grant the employee an exemption from the vaccination requirement; or
  - 7.1.4.4. If after counselling and/ or obtaining further medical advice, the Identified Employee still refuses to be vaccinated, Ellies will assess whether there are any further steps that can reasonably be taken to accommodate him/her.

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7.1.4.5. Each case shall be treated on its own merits and shall not be considered as a precedent for any other similar case.

7.1.5. If an Identified Employee unreasonably refuses to be vaccinated and cannot be reasonably accommodated, his/her employment may be terminated in terms of paragraph 9 below.

## 8. REGULATIONS IN CASE OF EXEMPTION

8.1. If you are an Identified Employee but granted exemption in accordance with paragraph 7, you will however still be mandated to follow all Covid 19 protocols prior to entering, will always be wearing a mask, as well as provide Ellies with a negative Covid 19 PCR test every 10 (ten) days at the cost of the employee, irrespective if you are experiencing symptoms. This test is to be done outside business hours.

## 9. REASONABLE ACCOMMODATION FOR EMPLOYEES REFUSING VACCINATION

9.1. Reasonable accommodation may be long or short term and shall not cause undue hardship to Ellies or compromise workplace safety.

9.2. Ellies reserves the right to evaluate the merits of each case to determine whether the Identified Employee should be reasonably accommodated or not and the nature and extent of such accommodation depending on what is reasonable and practical based on its operational requirements and the risk assessment.

9.3. After evaluation of the operational needs and operational impact of remote working, Ellies has concluded that accommodation of Identified Employees who are unwilling or unable to be vaccinated is not practicable and compromises the operational needs of Ellies to an unacceptable extent.

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9.4. Ellies will explore all reasonable, practical, and affordable measures to accommodate Identified Employees who refuse or fail to be vaccinated based on a religious or medical reason. However, in the event that an Identified Employee cannot be accommodated permanently or at all, or in the event that they refuse the accommodation proposed by Ellies in consideration of the company's operational needs, their employment may be terminated after following due process and subject to the applicable local laws applicable to each Entity.

9.5. The employment relationship may be terminated on the grounds of misconduct, incapacity or operational requirement, depending on the particular circumstances and where the termination of employment is the last resort. Each case will be considered individually and on its own merit, having regard to inter alia the following:

9.5.1. Whether the Identified Employee refuses or fails to disclose the reason for their refusal to be vaccinated;

9.5.2. Whether the Identified Employee fails or wilfully refuses to obey the measures implemented to accommodate them;

9.5.3. Whether the Identified Employee cannot be vaccinated on medical grounds and cannot reasonably be accommodated in the workplace;

9.5.4. Whether there are no further options available to accommodate the Identified Employee;

9.5.5. Whether the Identified Employee, through no fault of their own, is unable to comply with the accommodation measures suggested or adopted by Ellies; or

9.5.6. Whether the Employee unreasonably refuses to provide proof that he/she has been fully vaccinated.

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9.6. Ellies will ensure that each Entity will follow the Disciplinary Code and Procedure and/or the Incapacity Policy and procedure and/or the Operational Requirements Policy applicable to it to ensure that all reasonable steps have been taken prior to any termination of employment for incapacity or misconduct.

### 10. VACCINATION PROCESS

#### 10.1. Notification

10.1.1. Based on the risk assessment, prioritisation, vaccine availability HR will notify the Identified Employees (via email or other communication channels as appropriate) of their eligibility for vaccination and request their consent to be vaccinated.

10.1.2. If an Identified Employee refuses to be vaccinated, he/she will be required to provide reasons justifying and documents supporting his/her refusal and HR will then follow the process referred to in paragraph 7 above.

10.1.3. In the event that an Identified Employee does not respond to the email, Ellies will assume that the Identified Employee has not been vaccinated or refuses to be vaccinated and will be dealt with accordingly.

10.1.4. If an Identified Employee has already taken the vaccination, he/she will be required to submit relevant proof of vaccination for record and statistical purposes.

10.1.5. All of the personal information/data provided by the Employee in terms of this policy will be treated as confidential and managed in accordance with applicable data privacy and protection of personal information laws.

10.1.6. In the event that an Identified Employee refuses to be vaccinated but, following HR's objective assessment of the Identified Employee's refusal to

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vaccinate in accordance with process, HR has determined that the Identified Employee is required to vaccinate, such Identified Employee will, subject to the availability of vaccinations, be required to provide proof that he/she has been fully vaccinated within 2 (two) months from the date on which he/she was informed of Ellies' determination that he/she must be vaccinated.

10.1.7. In the event that the Identified Employee fails to provide proof that he/she has been fully vaccinated, it will be assumed that he/she has not been vaccinated and the identified Employee will be dealt with in accordance with paragraph 9 above.

### 10.2. **Recruitment**

10.2.1. Ellies may not exclude unvaccinated candidates/job applicants from applying for the position when advertising the vacancy but may state that while the vaccination status of a candidate/job applicant is a relevant consideration for appointment, Ellies will also consider the medical vulnerability factors of the candidate/job applicant and the reasonable accommodation of unvaccinated job applicants.

10.2.2. Ellies may enquire from job applicants whether they have been vaccinated, intend getting vaccinated or refuse to be vaccinated provided that the enquiry is only made in relation to applications for positions where Ellies has determined that vaccination status is an operationally relevant consideration, that the response does not automatically preclude consideration for appointment of a candidate who is not vaccinated and that Ellies will consider reasonable accommodation of unvaccinated job applicants.

10.2.3. In the event that Ellies requests vaccination status information from job applicants, it must be made clear to the job applicants that they are not compelled to respond and may do so voluntarily, but that Ellies may consider the absence of confirmation of vaccination status in making an appointment

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decision if vaccination status is operationally relevant and/or an inherent requirement to the particular position.

### 10.3. Assistance Offered by Ellies to employees

10.3.1. Employees will be assisted with registering for the vaccination.

10.3.2. Employees who are scheduled for vaccinations on a working day, will be required to arrange and manage their office duties appropriately and must notify and provide their supervisors/line managers with sufficient notice by producing a copy of the email or SMS confirming their vaccination date, time and site.

10.3.3. If an Employee is experiencing serious side effects on the day that he/she was vaccinated and/or days post vaccination, he/she must immediately inform his/her supervisor and subject to proof of vaccination, will be granted sick leave. If the Identified Employee's sick leave has been exhausted, Ellies may grant such an employee special paid leave to recover.

10.3.4. In the event that side effects of vaccination results in the Employee being absent from work for two or more days Ellies may require a medical certificate evidencing the Employee's inability to attend at work, in accordance with Ellies' policies in relation to sick leave.

## 11. POLICY COMPLIANCE

11.1. Any disciplinary proceedings emanating from a breach of this policy shall be dealt with in accordance with the Ellies Disciplinary Code and Procedure.

11.2. Where an employee is suspected of breaching this policy, an internal investigation may be undertaken and, depending on the outcome thereof,

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disciplinary proceedings, civil and/or criminal legal action may be taken against the offending employee(s).

11.3. This policy will be reviewed and updated, where required or whenever the changes in business environment or relevant legislation demand such a review.

## 12. DEFINITIONS

Only policy specific terms and definitions are provided for in this policy are described in table 1 below.

**Table 1: Terms and Definitions**

	<b>Term</b>	<b>Definition</b>
12.1	<b>Ellies</b>	Ellies Electronics (Pty) Ltd and all its subsidiaries, joint ventures and affiliates.
12.2	<b>Pandemic</b>	Pandemic is an epidemic of an infectious disease that has spread across a large region, for instance multiple continents or worldwide, affecting a substantial number of people. Covid 19 is currently classified as a Pandemic.
12.3	<b>Reasonable Accommodation</b>	Reasonable accommodation means any modification or adjustment to a job or to the working environment that will allow an employee who fails or refuses to be vaccinated to remain in employment. This might include an adjustment that permits the employee to work offsite or at home or in isolation within the workplace or working outside of ordinary working hours. In instances of limited contact with others in the workplace, it will require the employee to wear an N95



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		mask as well as taking additional safety measures.
12.4	<b>Vaccines</b>	Vaccines refer to any of the vaccines locally approved for prophylactic use for creating an immunogenic response against Covid 19. Each Entity will identify the approved vaccines for their country based on WHO and CDC recommendation and local government.