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COVID-19 Mandatory Vaccination Policy

Historic Wines of the Cape Group

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As a wine estate with significant international and local exposure to tourists and with a significant workforce, Historic Wines of the Cape Group (“**HWCG**”) has made a preliminary and in-principle decision to implement a mandatory COVID-19 vaccination policy for all wholly-owned entities within the HWCG.

Our aim is to create a safe and positive environment for our customers, our employees, their families, our stakeholders and our service providers. The preliminary decision to implement this mandatory vaccination policy is motivated by the firm belief that this is the right course of action to follow based on, *inter alia*, the below mentioned key considerations.

1. IT IS THE RIGHT THING TO DO

- The COVID-19 pandemic has created unprecedented public health and workplace challenges and we as a society are faced with a global crisis that necessitates decisive action.
- Factors that were taken into consideration in arriving at the preliminary decision to implement a mandatory COVID-19 policy for the HCWG include:
 - The likely continued duration of the COVID-19 pandemic;
 - The nature and severity of potential harm to employees, clients/customers and service providers of the HWCG as a result of the COVID-10 pandemic;
 - The likelihood that the potential harms associated with COVID-19 will re-occur intermittently or regularly;
 - The relative availability of COVID-19 vaccines within South Africa and internationally, as well as the available medical evidence which supports a conclusion that widespread vaccinations assist in limiting the impact of COVID-19 on victims thereof and even the extent to which the COVID-19 virus is able to mutate.
- We have a need to limit the impact of COVID-19 on our society. Continued review of leading medical studies that relate to the effectiveness of vaccinations demonstrate that the vaccine reduces COVID-19 related hospitalisation, deaths, the severity and duration of the illness, and possibly even the extent to which the virus is able to be transmitted. Vaccinations will therefore further relieve the COVID-19 pandemic's burden on the healthcare sector.
- It is our moral obligation to take steps to address and limit the impact of the COVID-19 pandemic, with the tools available to us. As a respected and influential corporate citizen, HWCG is desirous to take the necessary steps, adopt and implement measures which are intended to protect our customers, stakeholders, employees, their families, service providers who come onto our premises, as well as the broader communities we serve.

- Many professional organisations endorse the proposition that organisations have a professional and ethical responsibility to help prevent the spread of infectious pathogens, including COVID-19, among colleagues and their families, as well as related communities.
- The government of South Africa has repeatedly encouraged all South African citizens to vaccinate against COVID-19, due to the medical evidence which supports the benefits of widespread vaccination in fighting the COVID-19 pandemic and the results seen in countries which have had a high rate of COVID-19 vaccinations.
- Consistent with our stated value of doing the right thing and the current public health imperatives, we propose to implement the terms contained in this Mandatory Vaccination Policy (“**the Policy**”) to discharge our obligations, promote our reputation as a responsible corporate citizen and to provide a safe environment for customers, stakeholders, employees, their families, and our communities.

2. LEGAL STANCE ON THE MANDATORY VACCINATION POLICY

- In the South African legal context, an employer is obliged to ensure a safe workplace for all persons who enter such workplace.
- We believe that this Policy promotes the rights of all employees to a safe working environment and supports HWCG’s legal obligation to provide a safe workplace in accordance with the Occupational Health and Safety Act, No. 85 of 1993 (“**OHSA**”).
- The Policy also supports our legal duty to provide a safe environment for our stakeholders and all other persons entering our premises.
- In addition to the aforementioned, on 11 June 2021, the South African Minister of Employment and Labour gazetted a directive on COVID-19 vaccination in specific workplaces in the Consolidated Direction on Occupational Health and Safety Measures (“**the Directive**”), requiring employers to assess and determine the necessity for mandatory vaccination policies taking into account the specific circumstances of their workplace and the requirements of the regulations promulgated in terms of OHSA. The Directive also stipulates that employers are required to consider reasonable accommodation in the event that employees refuse COVID-19 vaccinations on medical and/or constitutional grounds. The HWCG has given considerable thought to relevant factors forming part of its initial risk assessment and has, as a consequence, made the preliminary decision to introduce this Policy.
- The principle espoused by the Directive is that employers and employees should treat each other with mutual respect. Essential considerations in this regard are public health imperatives, employees' constitutional rights and efficient business operations.
- The position of a mandatory vaccination policy has been vetted extensively. We believe that the proposed Policy is imminently justifiable given the far-reaching implications of the COVID-19 pandemic and the overwhelming evidence that vaccinations are the most effective means to protect ourselves and others against contracting COVID-19. In addition, the overwhelming medical evidence available in this regard suggests that vaccinations are

the most effective means to mitigate the severity of symptoms when COVID-19 infections do occur.

3. IMPLEMENTATION AND SCOPE

- The initial aspects of this Policy will be implemented on 1 December 2021, with the Policy being rolled out in a phased approach – with a proposed due date for compulsory vaccination of 1 March 2022.
- Subject to the consultation process to take place in this regard, it is therefore intended that all employees within HWCG (including all wholly-owned subsidiaries) will be required to be vaccinated before 1 March 2022.
- This Policy applies to all employees (permanent, fixed-term and temporary) of HWCG and our wholly-owned subsidiaries, including all outsourced services provided at our premises. Any references herein to mandatory vaccinations within HCWG should thus be interpreted to include such whole-owned subsidiaries and outsourced services – unless the context indicates otherwise.
- Provision will be made for individuals to apply for exemption from such mandatory vaccinations, as set out below.
- Contractors and third-party service providers, who render services to HWCG, will also be required to comply with this Policy (to the extent applicable).

4. PHASED APPROACH AND INCLUSIVE ENGAGEMENT PROGRAMME

The phased implementation of this Policy includes a comprehensive consultation and engagement process that will kick off on 1 December 2021, with the announcement of this proposed Policy. After such announcement, HWCG will commence the process of consulting and engaging with employees and other stakeholders – with a view to providing vaccination related education, counselling, logistical support and the opportunity for employees to consult with clinical experts, healthcare professionals and relevant human resources departments. The objective of aforementioned consultation and engagement process is to offer compelling evidence and support in order for employees and all other involved parties to recognise the compelling reasons for the implementation of this Policy and the importance of being vaccinated before the proposed mandatory compliance date of 1 March 2022. Consultations and engagement with the necessary health and safety representatives and - committees (as established in terms of OHSA or otherwise), as well as representative trade unions, will furthermore take place to the extent necessary and as required by applicable laws.

Phase 1: Voluntary phase of vaccinations (1 December 2021 to 31 December 2021)

- Provision of relevant education and information supporting the reasons for vaccination being made compulsory and the need for this Policy, as well as the importance of the implementation thereof;
- Assistance with registration for vaccinations on the governmental vaccination registration portal;
- Providing employees with time-off and transport (if necessary and to the extent practicable) to attend vaccinations appointments;
- Providing reasonable accommodation for any side-effects as a result of vaccinations, through sick leave.

Phase 2: Consultation (1 January 2022 to 31 January 2022)

- Stakeholder consultation on risk assessment and implementation plan – including the compelling reasons for this Policy having to be implemented;
- Application process for exemptions from mandatory vaccinations will be made available from 1 January 2022;
- Consideration of exemption applications will commence;
- Condition of employment for all new employees that such employees be vaccinated against COVID-19;
- Provision of relevant education and information supporting the reasons for vaccination being made compulsory and the need for this Policy, as well as the importance of the implementation thereof;
- Assistance with registration for vaccinations on the governmental vaccination registration portal;
- Providing employees with time-off and transport (if necessary and to the extent practicable) to attend vaccinations appointments;
- Providing reasonable accommodation for any side effects as a result of vaccinations, through sick leave.

Phase 3: Finalisation of mandatory vaccination (1 February 2022 to 28 February 2022)

- Mandatory vaccinations to take place, for those who have not been vaccinated (subject to exempted employees);
- Assistance with registration for vaccinations on the governmental vaccination registration portal;
- Providing employees with time-off and transport (if necessary and to the extent practicable) to attend vaccinations appointments;
- Providing reasonable accommodation for any side effects as a result of vaccinations, through sick leave;
- Proof of vaccination status will be required from all employees;
- Reasonable steps to be implemented in order to accommodate any exempted employees.

Phase 4: Quarterly review of vaccination status (ongoing from 1 June 2022)

- Localised approaches to address any gaps based on data;
- Execution of Policy amendments as may be needed;
- Vaccination status and policy considerations will be reviewed on an ongoing basis, in line with any further legal obligations placed on HWCG.

5. GROUNDS FOR EXEMPTION FROM THE POLICY

- HWCG is cognisant of the religious and cultural freedoms of our employees. HWCG's commitment to its employees and stakeholders means that in the course of considering applications for exemptions from mandatory vaccinations, it will endeavour to balance employees' rights by accommodating reasonable requests for exemptions from persons who provide acceptable, informed and compelling reasons in respect of an unwillingness or inability to be vaccinated.
- It is envisaged that the exemption process will require the completion of specific documentation and an invitation for applicants to provide acceptable evidence to support any exemptions from mandatory vaccinations. All applications for exemption will be reviewed by a committee established for these purposes, with the necessary appeal processes to be established should a requirement therefore become necessary.
- HWCG recognises that, in certain instances, an employee might have compelling reasons which support an application for exemption from mandatory COVID-19 vaccinations. The below examples, for instance, may be applicable:
 - Medical reasons, such as a history of severe allergic response or past severe life-threatening reaction to receiving vaccinations or certain medication.
 - Constitutional grounds such as firmly held and well established religious practices and cultural beliefs in relation to the use of vaccinations.
- Applications for exemption from mandatory vaccinations will be evaluated on a case-by-case basis by the relevant vaccination exemption committee. It is envisaged that the process would involve an investigation into whether reasonable accommodation of that particular employee's duties or work circumstances is possible, without creating undue hardship for the business and/or without posing a direct threat to the health or safety of clients/customers, colleagues- service providers, and fellow employees. In the event that reasonable alternatives are incapable of being identified, HWCG will address such instances by following the appropriate processes and procedures in terms of the Labour Relations Act, No. 66 of 1995.
- In instances where HWCG can reasonably accommodate the employee's COVID-19 vaccination exemption application, it may be required that the employee undergo a COVID-19 PCR test, at the employee's expense, on a weekly basis.

We will rely on each and every person associated with or connected to HWCG to carefully consider the information provided in or ancillary to this Policy so that meaningful input can be achieved in consultation and engagement. Our invitation is extended to all our committed and loyal employees and stakeholders to assist in facilitating a safer and healthier future within the HWCG.

HCWG reserves the right to update and amend this Policy from time-to-time, as required and having due regard to any legislation, regulations or directives promulgated by the South African government, as well as any guidance provided by the Department of Employment and Labour, the South African Human Rights Commission, the World Health Organisation and the like in relation to the use of vaccinations in the workplace and the development/implementation of mandatory vaccination policies.