

Huge Connect Pty Ltd
Mandatory Covid 19 Vaccination Policy

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1 Legal Context of Policy

- 1.1 The Occupational Health and Safety Act, 85 of 1993 mandates every employer to ensure the health and safety of its employees in their workplaces as well as members of the public in as far as its functioning and (service provisioning) is concerned.
- 1.2 In June 2021, Government published a Directive expressly allowing employers to implement mandatory Covid 19 vaccination policies in respect of their employees.
- 1.3 Actuarial calculations by the South African government and reputable health organisations locally and internationally indicate that the vaccination of approximately 70% of South Africa's adult population is required to reach "herd immunity" and prevent the mutation of the virus into new more resistant "variants", causing further waves of infections and fatalities. A fourth wave could result in devastating consequences for the specific unvaccinated individual and families concerned as well as irreparable harm to businesses and the national economy.
- 1.4 Government recognises that unvaccinated people are dying from Covid-19 and that although the Covid 19 vaccination does not provide "absolute" immunity there is unequivocal evidence that vaccination significantly reduces the likelihood of getting infected by the virus and therefore transmitting the virus. In those instances where persons indeed get infected, their symptoms are usually mild and the chances of hospitalisation, induced medical coma, being put on a ventilator, and dying are materially reduced, i.e, by 90%.
- 1.5 Government also recognises that vaccination mandates could be regarded as an invasion of employees' human rights, specifically the rights to bodily integrity and religious freedom.
 - 1.5.1 For this reason, Government's Directive requires employers who implement mandatory vaccination policies to do so with due regard and respect for everybody's rights.
 - 1.5.2 Thus, Government is merely confirming the well-known legal principle that an individual's "inalienable" human rights may indeed be limited in certain circumstances, i.e., where there are factors (acceptable in an open democratic society) that dictate the limitation of an individual's human rights.

- 1.5.2.1 This means that all rights are weighed against other rights.
- 1.5.2.2 No person may harm another person through the expression of their individual rights.
- 1.5.2.3 Very good examples of legal constraints on individuals' rights to protect other persons and the public, are the prohibition on smoking at work and in public places, mandatory yellow fever vaccinations to be able to enter certain countries, the wearing of seatbelts in cars, the wearing of masks in public places and at work, etc.
- 1.6 Applying the "limitation of human rights" principle to the current Covid 19 situation (which the World Health Organization has declared an international world-wide pandemic) being deliberately unvaccinated, when there are vaccines that are at no cost and freely available, is an act that may indeed harm everyone else in the workplace and public.
- 1.6.1 Many people do not like the discomfort of having to wear a mask, but they comply because it is illegal to be in public without one, and also because masks protect others from themselves.
- 1.6.2 The irony has however become that the "vaccinated" now wear masks mostly to protect the "unvaccinated".
- 1.7 It is therefore clear that an employer may require employees to be vaccinated (and to provide proof of such vaccination) as a condition of their continued employment.
- 1.8 On the other hand, an employee may, for medical reasons or on grounds of religion and bodily autonomy, refuse to be vaccinated.
- 1.8.1 However, in these instances, after the employer has carefully considered an employee's well motivated request (with corroborating expert evidence) for accommodation, as well as due consideration of alternative options to try and accommodate the employee, the employer could resolve to terminate the employment contract of such employee in the end.

2 Moral Rationale for the Policy

- 2.1 Firstly, the world's population is suffering one of the most devastating and unprecedented human and health tragedies in centuries.

- 2.1.1 Although the current infection rate in South Africa is at its lowest, the health experts are all warning that the fourth wave poses an immense risk of which the human and economic consequences and tragedy could be equal to or even surpass the previous waves.
- 2.1.2 As stated above, according to health experts here and abroad, South Africa can prevent the dire consequences of a fourth wave of Covid 19, if it is able to vaccinate 70% of the South African population before the end of December 2021.
- 2.1.3 South Africa's only hope of reaching population/herd immunity, ending the pandemic, and restore South Africa's already "seriously injured" national economy and normality in our lives, is therefore vaccination!
- 2.2 Secondly, unequivocal research data overwhelmingly proves the efficacy and safety of COVID-19 vaccines for individuals.
 - 2.2.1 According to health experts vaccinated persons have 50% – 80% lower risk of infection, 70% – 85% lower risk of hospitalisation, and 90% – 95% lower risk of death, when compared to those who are unvaccinated.
 - 2.2.2 COVID-19 vaccines have furthermore been proven to be safe.
 - 2.2.2.1 This is corroborated by the full registration of the Pfizer-BioNtech vaccine by the United States Food and Drug Administration after 1.4 billion individuals have been vaccinated globally.
 - 2.2.2.2 According to a recent publication in the New England Journal of Medicine ("Safety of the BNT162b2 mRNA Covid-19 Vaccine in a Nationwide Setting"), the risk of adverse events post vaccination is extremely low, and on aggregate, is substantially lower than the risk of adverse events post COVID-19 infection.
 - 2.2.2.3 Another publication of Public Health England ("Surveillance of influenza and other respiratory viruses in the UK") suggests that the risk of death from COVID-19 is significantly less than the risk of death from normal flu, now that more than 75% of the UK population is fully vaccinated.
 - 2.2.2.4 According to Discovery Medical Aid less than one in every 20 Discovery members who received the Pfizer-BioNtech vaccine showed any signs of side-effects within seven days of vaccination, and almost all were mild and resolved quickly.
- 2.3 Thirdly, public health requires vaccination due to the nature of the Covid 19 pandemic, i.e., the refusal of one person to be vaccinated has a significant impact on society as a whole.

- 2.3.1 The Delta variant spreads easier and faster compared to previous variants, i.e., the unvaccinated become infected much easier, faster and with less contact.
- 2.3.2 Vaccination has proven to materially reduce the chances of contracting COVID-19.
- 2.3.3 Vaccination also results in a 50% to 80% lower transmission risk for vaccinated persons (should they inadvertently contract COVID-19) according to another medical research article, i.e., "Impact of Delta on viral burden and vaccine effectiveness against new SARS-CoV-2 infections in the UK".
- 2.3.4 Thus if, in the first instance, the risk of contracting COVID-19 is reduced, the transmission risk reduces automatically accordingly.
- 2.3.5 The position that vaccination serves the greatest good of the public is therefore true.
- 2.4 Fourthly, vaccines are easily accessible at no cost and South Africa needs to ensure that 70% of its adult population is vaccinated.
 - 2.4.1 As stated above, South Africa needs 70% of its adult population to be vaccinated to ensure that it prevents another human and economic tragedy due to Covid 19.
 - 2.4.2 Every person, community and business should do their part to ensure that South Africa meets this goal.
- 2.5 Lastly, Huge Connect has legal obligation to protect and safeguard all employees from all potential risks including potential biological hazards such as Covid 19 prevent the further spread of the virus.
- 2.6 Huge Connect is not unique in issuing this policy. A number of well-known companies such as Discovery, Santam and even the Curro Group, as well as a number of universities (such as the University of Cape Town, Wits, University of Stellenbosch and Bloemfontein) have already implemented mandatory Covid 19 vaccination policies applicable to all their employees, and in case of the universities all their students are also obliged to provide proof of vaccination. The Discovery Group has gone as far as to require proof of vaccination as a prerequisite for any entry (by any member of the public) into their offices.

3 Huge Connect's Vaccination Policy

- 3.1 Taking the above into account, there is a clear moral, ethical, social and legal obligation on Huge Connect to aim for a 100% vaccination take-up of its employees.
- 3.2 Huge Connect has therefore decided to adopt this Mandatory Covid 19 Vaccination Policy.
- 3.3 In terms of this Policy all Huge Connect's employees must be fully vaccinated by no later than 1 March 2022 unless an employee has been granted an accommodation by the Managing Director before the mentioned date.
 - 3.3.1 Huge Connect specifically mandates vaccination of all employees who work at its offices (irrespective of the frequency of attendance at office) and all employees who have any interaction with customers and other members of the public during the course of fulfilling their functions as a Huge Connect employee.
- 3.4 "Fully vaccinated" means the completion of vaccination administration (1 dose Johnson and Johnson or 2 doses Moderna or Pfiser) plus two weeks (to permit antibodies to fully develop).
- 3.5 Compliance in terms of this policy may require recurrent or booster vaccinations on an annual or recurrent basis consistent with the South African Government's directives in this regard.
- 3.6 Huge Connect shall carefully consider accommodation requests (based on sound and accepted medical or religious belief reasons). *See the Request for Accommodation Procedure.*
- 3.7 However even IF an accommodation is granted, an employee who is not vaccinated by the compliance date of this policy, and is required to meet face to face with other employees, customers/potential customers and/or suppliers/potential suppliers in the course of performing their duties, shall be obliged to undergo Covid 19 tests weekly at his or her own cost, and provide such proof to the Executive: HR and Admin weekly.

4 Purpose

- 4.1 This policy is intended to safeguard the health and well-being of employees, their families, Huge Connect's customers and other members of the public with whom Huge Connect employees interact, by reducing infectious conditions.
- 4.2 This policy is also intended to illustrate Huge Connect's commitment to do whatever is necessary and within its power to ensure that the spread and impact of Covid 19 is managed in such a manner that people's lives are protected and the impact on the economy (nationally and internationally) is lessened.
- 4.3 This policy complies with all the requirements set out Government's Directive.

5 Scope

- 5.1 This policy applies to all Huge Connect employees (permanent, temporary and fixed term contract).
- 5.2 Working remotely does not exempt an employee from the policy requirements for a completed vaccination or accommodation.
- 5.3 Service providers' employees, who work at Huge Connect's business premises, must also provide adequate proof of vaccination or apply for an accommodation.
- 5.4 Persons receiving offers of employment from Huge Connect after this policy's implementation date, are required to timely comply with this policy prior to the commencement of employment by providing either proof of a completed vaccination or receipt of vaccine accommodation approval

6 Compliance Date

- 6.1 The initial deadline for an employee's to be fully vaccinated is 1 March 2022.
- 6.2 On or before this date, all employees must either provide a legally valid vaccination passport or have obtained an approved vaccine accommodation from the Managing Director.

6.3 For purposes of compliance with this policy, an employee is considered to be compliant once having completed the Covid-19 vaccination two weeks after the receipt of either the single dose or 2-shot vaccine series to enable antibodies to develop. Should a recurrent or booster vaccination become available, Employees are required to get such recurrent or booster vaccination within 4 months from the date such recurrent or booster vaccination is made available and in accordance with Government's prescribed period of time in order to remain compliant with this policy.

6.3.1 The process for seeking an accommodation is explained below.

6.4 Individuals receiving offers of employment will be required to comply with this policy prior to commencement of employment, in the absence of which the offers of employment will be rescinded.

6.5 If requested and subject to operational requirements, employees shall be provided time-off with pay from their scheduled work time (for up to two hours) to obtain a vaccination injection.

7 Proof of Vaccination

7.1 Employees are required to provide the Executive: Admin and HR with proof of vaccination before the compliance date in accordance with clause 6.1 above.

7.2 Proof of full vaccination is the vaccination passport which is downloadable from Government's website (website address) <https://vaccine.certificate.health.gov.za/>.

7.3 Falsification of vaccine information shall be subject to immediate disciplinary action.

8 Request for Accommodation

8.1 In case of an employee who has either: (a) an underlying medical condition or disability that contraindicates administration of the Covid-19 vaccine, (b) pregnancy or a pregnancy-related medical condition, or (c) an objection based upon a sincerely held religious belief, practice, or observance, such employee may apply to the Managing Director for an accommodation in terms of 8.3 below.

- 8.2 The Managing Director will consider a request for accommodation on the application's merits and thereafter engage in an interactive process to determine if a reasonable accommodation can be provided.
- 8.3 Accommodation will only be granted if such accommodation does not create undue hardship for Huge Connect and/or does not pose a direct threat to the health or safety of others in the workplace and/or the employee, and/or customers and/or members of the public.
- 8.4 To request an accommodation, an employee is required to submit a completed Request for Accommodation Form to which the required corroborating documentation is attached, to the Executive: HR and Admin, who will submit the request to the Managing Director.
- 8.4.1 If an employee refuses to provide all required information and supporting documentation, the employee's refusal may negatively impact the Managing Director's ability to adequately understand the employee's request and/or to effectively engage in the interactive process to identify possible accommodations.
- 8.5 An Employee who submits a request with the required supporting documentation before 1 February 2022, should receive a determination from the Managing Director before the commencement of this Policy.
- 8.6 Employees may request an accommodation without fear of unfair discrimination.
- 8.7 After receipt of an employee's request for accommodation or accommodation, the Managing Director will review the documentation submitted and engage in the interactive process with the employee to clarify the nature of the request, determine accommodation eligibility, and thereafter if such request is approved, identify potential reasonable accommodations (with the assistance from the Director/Executive and Manager to whom the employee reports).

9 Granting an Accommodation

- 9.1 The Managing Director will complete the approval section of the Request for Accommodation Form when an accommodation is granted.

- 9.2 The Managing Director shall note the duration of the accommodation and any required resubmission by the employee and reapproval by Managing Director.
- 9.3 If an accommodation is granted, the Managing Director shall describe the nature and scope of the accommodation including any required protective equipment and/or modifications to the employee's workplace or work life.

10 Rejecting a Request for Accommodation Date

- 10.1 The Managing Director will complete the rejection section of the *Request for Accommodation Form* when an accommodation is denied.
- 10.2 The Managing Director shall note the reason(s) for the rejection and such decision shall be final.

11 Non- Compliance at Commencement Date of Policy

- 11.1 After the Managing Director has fully considered an Employees well motivated accommodation request as well as alternative options to try and accommodate the employee, the Managing Director may consider terminating the employment contract of the employee.

12 Ownership and Review

- 12.1 The Managing Director is the owner of this Policy and shall review the policy as and when necessary.

EFFECTIVE DATE: 29 NOVEMBER 2021

DISTRIBUTION: HUGE CONNECT (PTY) LIMITED

MAINTENANCE: ADMIN. & HUMAN RESOURCES



AB MOOSA

Executive: Admin. & Human Relations