

	Policy Name: Covid-19 Mandatory Vaccination Policy	Version: 1
	Implementation Date – 01/12/2021	Next Review Date: 1 January 2023

1. PURPOSE

The purpose of the PathCare mandatory vaccination policy is to provide a framework for an effective phased approach towards ensuring that all PathCare employees are vaccinated against the COVID-19 virus.

2. OBJECTIVES

The objectives of this policy are to:

- State Pathcare’s stance regarding vaccination of employees.
- Promote the right of employees to a safe working environment while respecting individuals’ constitutional rights.
- Ensure that all employees are safe at all times and do not pose a risk to fellow employees, patients, clients, visitors and other stakeholders.
- Fulfil legal obligations in terms of the Occupational Health and Safety Act and other relevant legislation.
- Promote, enhance and encourage the South African Department of Health phased COVID-19 vaccination programme.

3. SCOPE

This policy is applicable to all PathCare Partners and employees including contract employees and Academy Students.

4. INTRODUCTION/ BACKGROUND

4.1. The COVID-19 pandemic has created unprecedented public health and workplace challenges that necessitates decisive action.

4.2. The Occupational Health and Safety Act, No. 85 of 1993, makes provision for the health and safety of persons at work. Employers have a duty to provide and maintain as far as is reasonably practicable, a safe and healthy workplace. Employees have a duty to take reasonable care of their own health and safety and that of other persons who might be affected by their acts or omissions. Employees

should take personal responsibility in relation to COVID-19 to educate themselves, to comply with prescribed Health and Safety protocols in the workplace to protect their own health and safety and that of others affected by them and also to take proper care outside of the workplace.

4.3. On 11 June 2021, the Department of Employment and Labour issued the Consolidated Direction on Occupational Health and Safety Measures in Certain Workplaces which expressly permits an employer to implement a mandatory vaccination programme in its workplace, following a risk assessment which indicates an operational requirement for such a policy, subject to certain guidelines.

4.4. COVID-19 is a health risk for employees. For the duration of the pandemic, PathCare has taken a number of measures to protect the safety of our employees:

- Risk assessment of all departments and facilities.
- COVID-19 plan.
- Work from home where reasonably practicable and where operational requirements permit.
- Provision of hand washing and sanitising measures.
- Provision of directive compliant face masks.
- Enabled physical distancing and / or the provision of Perspex shields.
- Staggered shifts.
- Provision of additional PPE where required.

4.5. In terms of available research, it is now increasingly clear that over and above the measures that are already in place, an additional effective way in which to protect our workplace and our employees going forward, is with COVID-19 vaccines. Vaccines have been proven to protect against serious illness, death, hospitalization, duration and severity of the illness and reduce the transmissibility of the novel coronavirus.

4.6. COVID-19 immunity protection of employees has become a job requirement; has become a requirement of the clients that we are serving and it is for all of our protection as well as for the protection of our families, patients and all South Africans at large. Therefore, as a health care provider, PathCare supports mandatory vaccination. It is the right thing to do.

4.7. Healthcare workers are essential workers in society. Being vaccinated, healthy and able to continue working is critical to the health of our communities. The impact of

infections on employee absenteeism is significantly reduced with vaccination, thereby preventing undue pressure on other healthcare workers and support staff.

- 4.8. Professional organizations such as the South African Nursing Council and the Health Professions Council of South Africa endorse the proposition that healthcare workers have a professional and ethical responsibility to help prevent the spread of infectious diseases amongst patients, colleagues, family and communities within which they work and reside.
- 4.9. According to the Constitution of the Republic of South Africa, every person has the right to freedom of religion, belief and opinion and bodily and psychological integrity, which includes the right to make decisions concerning security in and control over their body, and not to be subjected to medical or scientific experiments without their informed consent. In terms of the National Health Act, no one shall be subjected to any medical treatment and / or have any medical care administered without their informed consent. However, constitutional and statutory rights may be limited when there are justifiable grounds for doing so, such as public health.
- 4.10. Within the employment context, the individual's right to choose not to be vaccinated may impact their right to employment when it becomes an inherent requirement of the job or an operational requirement. Although the employer may not force an employee to be vaccinated, under certain circumstances it may be fair to exclude an employee from employment because of their failure to do so. For example, should a hospital refuse access to unvaccinated individuals, employees required to conduct work at the hospital would be unable to complete their contractual obligations as an employee.

5. RISK ASSESSMENT

- 5.1. PathCare fulfilled its legal obligations as described in The Consolidated Directions on Occupational Health and Safety in the Workplace and a national risk assessment was completed.
- 5.2. The existing Risk Assessment has been reviewed and amended to include the following additional risks:
- The number of employees contracting COVID-19 and the number of Compensation for Occupational Injuries and Diseases claims since the outbreak of the pandemic.

- Employees suffering serious illness including death, the need for hospitalization, high absenteeism and psycho-social impacts.
- The number of vulnerable employees on the HR database.
- Risk to the general public accessing PathCare services.
- Pressure from external stakeholders adopting mandatory policies within their organizations e.g., hospital groups.
- Potential loss of business and risk to business continuity and sustainability.
- Potential loss of jobs due to loss of business.
- Risk of patients and public accessing opposition pathology services who have mandatory vaccination in place.

5.3. Based on the assessment of risks, a vaccination implementation plan has been developed outlining the measures that PathCare intends to implement in respect of the vaccination of employees.

5.4. PathCare will consult on the risk assessment and plan with National Staff Associations as well as the health and safety committees.

5.5. The plan will be made available for inspection in accordance with the directive guidelines.

6. PRINCIPLES AND APPROACH

6.1. COVID-19 is classed as a Type 4 Hazardous Biological Agent, as it has the potential to cause severe human disease and is a serious hazard to workers with high risk of spread to community. There is no known effective prophylaxis or treatment.

6.2. Pathology services fall within the healthcare sector which are high risk environments for COVID-19 transmission and these risks are likely to remain with us for the foreseeable future. Employees have the right to a safe working environment, free from the risk of infection from fellow employees.

6.3. Scientific studies indicate vulnerable groups are more at risk of negative outcomes after infection, including death. The need to vaccinate employees in the health care sector to mitigate the risk to vulnerable patients and fellow employees cannot be overstated. Increasingly, employees, patients and external stakeholders are refusing to work with or be treated and assisted by unvaccinated employees.

6.4. Employees based in administrative offices also interact with colleagues who are frontline staff in depots and laboratories, patients, clients and visitors.

6.5. PathCare followed a phased approach to vaccination of employees, in line with the National Department of Health's original phased approach:

- Introduction of voluntary vaccination of Health Care Workers (Sisonke Trial).
- Vaccination prioritized for high-risk occupations and vulnerable employees.
- Assistance with registration of employees and time-off work for vaccination.
- Assistance with registration in the second round of voluntary vaccination of non-professional council registered employees.
- Information sharing and education of employees on vaccination e.g. intranet COVID-19 Vaccine Hub.
- Employees required to capture vaccination status on HR Focus a in order to assess uptake of voluntary vaccination.
- Encouragement drive to be vaccinated by the Chief Executive Officer - Dr Douglass by way of email and intranet communication.
- PathCare incentive drive i.e. "Vax and Win Competition" launched 1 October 2021, to promote vaccination and achieve 100% vaccinated employee population by end 2021.
- 26 October 2021 PathCare EXCO consideration of mandatory vaccine policy following notification of stakeholders' intent to implement mandatory policy within their facilities.

6.6. PathCare has adopted an approach toward mandatory COVID-19 vaccination policy, to safeguard the health and the well-being of employees, patients, clients and visitors who access our facilities. By vaccinating employees, PathCare will reduce the risk of transmission to employees, patients, clients and visitors.

6.7. The mandatory vaccination program is based on the following guiding principles:

- mutual respect between PathCare and its employees.
- public health imperatives.
- the employees' constitutional rights.
- the efficient operation of PathCare.
- the sustainability of PathCare as a business.

6.8. PathCare is cognisant of employees' religious and cultural freedoms and has endeavored to ensure that the rights of employees are included in the implementation of a vaccination policy.

6.9. PathCare recognizes that some employees may require exemption and accommodation related to vaccination and will implement a process aligned to national legislation to deal with such applications.

7. RESPONSIBILITIES

7.1. Each locality falling within the PathCare group of companies will be responsible for implementing this policy and the Area Managers will be responsible for monitoring and reviewing compliance.

7.2. Occupational Health and Safety committees and local Staff Association Representatives from each area, must evaluate and put plans in place to increase acceptance of vaccination by employees and evaluate statistics of those not vaccinated due to medical or constitutional reasons.

7.3. HR Executive must report the status of monitoring and action taken to PathCare EXCO.

8. RECORDING AND REPORTING ON VACCINATION STATUS

8.1. The vaccination status of employees must be recorded on employee profiles on HR Focus in order to facilitate accurate reporting and organization of booster vaccinations should this be required in future.

8.2. Every employee who has been vaccinated will be required to confirm his/her vaccination status by uploading their vaccination certificate on HR Focus. HR Help will be able to assist with this if needed.

8.3. Employees will be assisted to access their vaccination certificates from the DOH EVDS system if they experience difficulty.

8.4. The Protection of Personal Information Act (POPIA) will be complied with when data is used for reporting purposes.

9. COMPANY SUPPORT

PathCare has supported employees to be vaccinated in the following ways:

- 9.1. Assisting employees to be registered through the National Department of Health's roll out for health care workers by supplying consolidated lists of employees wanting to be vaccinated to the Department of Health.
- 9.2. By facilitating the registration of employees who were not able to get vaccinated through this process, on the Vaccination 4 Health Care Workers programme.
- 9.3. All employees are given paid time off to be vaccinated. The company may request reasonable proof of an appointment for the vaccination to be administered, or proof that the employee had been vaccinated.
- 9.4. In the event that an employee is not able to be vaccinated as a result of transport issues or no transport being available to or from the vaccination site, the company could be approached to assist the employee with transport.
- 9.5. Should an employee experience any side-effects between 1- and 3-days following vaccination and be unable to attend work, the employee shall be granted sick leave of up to 3 days. Receiving payment for the aforesaid sick leave shall be dependent on reasonable proof that the employee was vaccinated, as well as the employee having a positive sick leave entitlement. After the initial 3 days after vaccination a medical certificate will be required for further sick leave.
- 9.6. Pathcare employees may have a return-to-work interview if they have experienced vaccination side effects as a way of ensuring that they have recovered fully.
- 9.7. The company will continue to raise awareness about the benefits of COVID-19 vaccination and will provide updated information to employees regarding vaccination on the "**COVID-19 Vaccination Hub**" which can be found on the PathCare intranet. Employees may also approach their managers, staff association representative, or the Wellness Co-ordinators with any questions, concerns, or for further advice or assistance.
- 9.8. Pathcare will assist employees to access the COVID -19 Vaccine Injury no-fault Compensation scheme (VIC scheme) should anyone suffer harm, loss or damage as a result of receiving the COVID-19 vaccine. Or, submit a claim to the Compensation Fund which will cover employees for injuries, illness or death as a result of receiving a Covid-19 vaccine.

10. EXEMPTIONS AND OBJECTIONS

- 10.1. PathCare recognizes that in certain instances an employee may have a valid reason to be exempted from COVID-19 vaccinations, which may include:

- Medical reasons such as a coagulation disorder or an allergic reaction or past severe life-threatening reaction to receiving a vaccine.
 - Constitutional grounds such as firmly held religious and cultural beliefs.
- 10.2. Where an employee seeks an exemption from this policy, they must apply for an exemption using the forms as described in **SECTION 16: PATHCARE COVID-19 VACCINATION EXEMPTION / APPLICATION PROCESS AND FORMS**. Completed exemption applications must be submitted to HR for review. HR will engage with the employee to review the validity of the grounds on which their application for exemption is based and to assess the practicality of reasonable accommodation which can be provided in order for the employee to perform the functions of their position without risk. After engagement, the employees' case will be escalated to the Vaccination Exemption Committee for investigation, evaluation and decision.
- 10.3. All applications for exemption will be dealt with fairly in terms of procedure. However, if an employee refuses to provide any necessary information, this may affect Pathcare's ability to understand the employees' reasons for exemption. In all such instances procedural and substantive fairness will be adhered to and aligned with South African Labour Laws.
- 10.4. A National Vaccination Exemption Committee (NVEC) shall be established, and committee members can include;
- Consultant Virologist.
 - Occupational Medicine Consultant.
 - Human Resources representative.
 - Occupational Health and Wellness Coordinator.
 - National Staff Association Chairperson.
- 10.5. The National Vaccination Exemption Appeal Committee (VEAC) can include;
- Chief Executive Officer – CEO.
 - Chief Operations Officer for the area – COO.
 - Senior Virologist.
 - Human Resources Executive – HRE.
 - Company Legal Advisor.
- 10.6. Applications for exemption will be evaluated by the NVEC within 10 days of receiving the completed application forms. This will involve an investigation and review of the following:

- medical information provided on the employee's physical condition.
- medical condition and circumstances that contra-indicate COVID-19 vaccination and verification of a medical condition that is listed in the manufacturers package insert as a contra-indication.
- specific nature and probable duration of the medical condition.
- information provided by religious advisor or appropriate person.
- validity of the grounds on which the application is based.
- establish if the information submitted is acceptable and correct.
- 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 risk to the health and safety of fellow employees, patients, clients or visitors.

10.7. In the event that, following a thorough investigation, it is found that the employee cannot be reasonably accommodated, PathCare will follow the appropriate process in terms of the Labour Relations Act.

10.8. Employees may appeal the decision of the NVEC. The employee should submit their request for appeal to HR within 5 days of receiving the outcome of their application.

10.9. Medical or other costs incurred in order to complete the exemption application will be for the employee's expense.

10.10. In the event an employee makes unfounded objections aimed at frustrating Pathcare's objectives in implementing the mandatory policy, the PathCare disciplinary procedure may be followed.

10.11. Employees disseminating false information related to COVID-19 vaccination with the intention of discouraging fellow employees from receiving the COVID-19 vaccine, may be disciplined in line with the PathCare disciplinary procedure.

10.12. In instances where PathCare can reasonably accommodate the employees COVID-19 vaccination exemption application, the NVEC will make recommendation regarding safe and practical protocols to monitor exempted individuals. This will remain a requirement until such time that the COVID-19 pandemic is no longer deemed a threat or risk, or new scientific information is available, or additional Occupational Health and Safety Directives are promulgated.

11. IMPLEMENTATION PLAN / VACCINATION ADOPTION PHASES

11.1. Phase 1 - Voluntary Vaccination

- This phase includes awareness, information and education and will run until **31 December 2021**.
- An education programme for employees has been rolled out and information includes the types of COVID-19 vaccines used in South Africa, the benefits of vaccination, possible side effects, and contra-indications.
- The incentive programme “**Vax and Win**” will run until **24 December 2021**.
- Pathcare will continue to provide support to staff to register on the Electronic Vaccination and Data System (EVDS) and provided paid time off to attend vaccination sites to be vaccinated (proof of vaccination to be submitted).

11.2. Phase 2 - Consultation

Consultation will proceed on two fronts:

11.2.1. Pathcare will consult with all stakeholders, including employees, employee representatives and relevant health and safety committees about the risk assessment and rationale for the implementation of a mandatory vaccination plan. Consultation will begin in **November 2021** and will continue for a period of **3 months** to afford those who have not been vaccinated an opportunity to be vaccinated and to address issues and answer queries from employees who still need to be vaccinated. HR will engage with the National Staff Association and HR Help and the Wellness Coordinators will be available to answer employee queries.

11.2.2. Thereafter, Line Managers will engage with employees who still have reservations about vaccination and will be supported by HR and the Wellness Coordinators.

11.2.3. Following the consultation process, employees who refuse vaccination on medical or constitutional grounds, will have an opportunity to consult with relevant employee representatives.

11.2.4. Pathcare will provide a process for employees to apply for exemption from COVID-19 vaccination. This process is described under **SECTION 10: EXEMPTIONS AND OBJECTIONS**

11.2.5. All applications for exemption, enquiries, requests for assistance etc. related to vaccination, should be directed to the following email address: covidvaccination@pathcare.co.za

11.3. Phase 3 - Mandatory Vaccination

- The implementation date of this phase is **01 January 2022**.
- All employees will be expected to be fully vaccinated by **1st February 2022**.
- A person is considered to be fully vaccinated two weeks after receiving one dose of a single dose vaccine e.g., Johnson and Johnson or after receiving the second dose of a two-dose vaccine e.g., Pfizer.
- Proof of vaccination status will be required.

12. NEW EMPLOYEES

12.1. During the voluntary phase, all new employees will be encouraged to be vaccinated and will be informed of Pathcare's approach towards adopting a mandatory vaccination policy.

12.2. Employees joining PathCare **from 1 December 2021**, will be required to provide proof of COVID-19 vaccination. COVID-19 vaccination requirements will be embedded in the conditions of employment and advertisements for all new positions as from **1 December 2021**.

12.3. From 1 December 2021, proof of COVID-19 vaccination will be required for all internal employee transfers.

13. SAFETY PROTOCOLS FOLLOWING VACCINATION

After vaccination, everyone in the workplace should continue to follow all the current COVID-19 protocols including wearing a mask, sanitizing, social distancing, etc.

Safety protocols may be adjusted in line with any changes to the Department of Employment and Labour Occupational Health and Safety Directives.

14. BOOSTER VACCINATIONS

Vaccine efficacy has been shown to reduce over time and Healthcare Workers will be required to obtain a booster vaccination as determined by the Department of Health.

15. LEGISLATION

The legislation applicable to the policy includes:

- Occupational Health and Safety Act 85 of 1993 (OHSA).
- Occupational Health and Safety Directive 11 June 2021.
- Labour Relations Act 66 of 1995 (LRA).
- Basic Conditions of Employment Act of 1997 (BCEA).
- Employment Equity Act 55 of 1998 (EEA).
- The Constitution of South Africa.
- POPIA.
- Government Notice on compensation for COVID-19 vaccination side effects, 22 October 2021 (in terms of 6a(b) of COID Act 130 of 1993).

16. PATHCARE COVID-19 VACCINATION EXEMPTION / APPLICATION PROCESS AND FORMS

16.1. PathCare respects the constitutional rights of employees, is also committed to maintaining a safe working environment for all employees, patients, clients and visitors who access PathCare facilities. PathCare will consider applications for exemptions/ reasonable accommodation in respect of the COVID-19 vaccination for recognized medical conditions confirmed by an appropriate qualified medical practitioner) and for valid constitutional grounds. Employees applying for exemption/ reasonable accommodation based on medical grounds must submit the following completed sections;

- **Section A of this document** – completed by employee
- **Section B of this document** – completed by medical practitioner registered with HPCSA (Any costs incurred for completion of the application forms are for the employee's expense).

16.2. The following are **NOT** considered contraindications to COVID-19 vaccination:

- COVID-19 vaccines do not contain egg or gelatine. Allergies to either egg or gelatine are not contraindicated.
- Family members or individuals within the household who are immunocompromised or receiving immunosuppressive medications.

- Allergic reactions to any substances not contained in the COVID-19 vaccines. E.g., latex, food, pets
- Vasovagal response following vaccination.
- Expected vaccine related side effects in previous COVID-19 vaccines e.g., myalgia, headache, fatigue, arthralgia, fever, vomiting, diarrhoea.
- Injection site reactions which may include pain, pruritis erythema, induration.
- Pregnancy and breast feeding.

16.3. Employees applying for exemption/ reasonable accommodation based on constitutional grounds (e.g., firmly held religious and cultural beliefs) must submit the following completed sections:

- **Section C** – completed by employee.

16.4. Employees should submit their completed forms and any additional information/ documents, in support of their exemption application, to the Human Resources department as soon as possible and by no later than **15 January 2022**.

16.5. Following receipt of the application forms, HR and/or a PathCare representative as may be appropriate will consult/engage with the employee, and/or the medical practitioner concerned, and/or religious advisor, and/or any other person as may be appropriate. The validity of the grounds on which the exemption application is based will be reviewed, the practicality of reasonable accommodation which can be provided to enable the employee to perform the functions of their position will be assessed. After engaging with the employee, the case will be referred to the National Vaccination Exemption Committee for a decision.

SECTION A – TO BE COMPLETED BY EMPLOYEE APPLYING FOR EXEMPTION

NAME & SURNAME: _____

DATE: _____

Verification and Accuracy

I, _____ with ID number

_____ verify that the information provided is complete and accurate to the best of my knowledge. I understand that any intentional misinformation/ misrepresentation contained in this request may result in disciplinary action. The information provided will be discussed at the National Vaccination Exemption Committee meetings.

I understand that my application for an exemption/ reasonable accommodation may not be granted if it is not operationally reasonable/ possible, and/ or it poses a direct threat/ risk to fellow employees, patients, clients and visitors who access PathCare facilities.

I hereby give consent for my medical practitioner to provide the necessary medical information in support of my application.

Name & Surname: _____

Signature: _____

Date: _____

SECTION B: TO BE COMPLETED BY EMPLOYEES' MEDICAL PRACTITIONER

Employee name: _____

ID no.: _____ Occupation: _____

PathCare requires COVID-19 vaccination as a condition of employment. The above-mentioned employee is applying for exemption from the vaccination requirement. A medical exemption from the COVID-19 vaccination may be allowed for certain recognized contra-indications. Please complete the form below and provide the required information.

MEDICAL EXEMPTIONS

Please indicate which conditions apply, and for which there is a documented history and sufficient detail/ information can be provided

- Anaphylaxis or severe allergic reaction to any component / cross-reactive substance of a COVID-19 vaccine
- History of severe allergic / adverse event / reaction immediately or after a previous dose of a COVID-19 vaccine (anaphylaxis)
- Myocarditis or pericarditis from any cause - current confirmed diagnosis
- Myocarditis or pericarditis diagnosed following first dose of a COVID-19 vaccine
- Vaccine-induced Immune Thrombotic Thrombocytopenia (VITT)
- Thrombosis with thrombocytopenia
- Coagulation disorders including DVT, cerebral, or MI or CVA that have a temporal association with vaccination
- Previous diagnosis of capillary leak syndrome
- Documented history of other medical conditions not listed above (*provide details below*)

Was a COVID-19 vaccine administered? YES / NO

Type of COVID-19 vaccine: _____

Date administered: _____

Please describe, with sufficient detail, the specific nature and possible duration of the medical condition/s that contra-indicate COVID-19 vaccination:
(Additional supporting documents/ reports may be attached/ included)

I, Dr _____ certify that _____
(name & surname) has the above contra-indication and request a medical exemption from the COVID-19 vaccination.

This exemption is: **Permanent / Temporary duration** _____ months

Doctor Signature: _____ Date: _____

HPCSA Number _____ Practice No.: _____

Telephone No.: _____ Practice stamp: _____

SECTION C – TO BE COMPLETED BY EMPLOYEE APPLY FOR EXEMPTION BASED ON CONSTITUTIONAL GROUNDS

Name & Surname: _____ Employee No.: _____

Date of application: _____ ID Number: _____

- Please explain why you are applying for an exemption from COVID-19 vaccination based on constitutional grounds e.g., religion
- Please provide any additional information and/or documentation in support of your application. Your religious advisor (where applicable) may also be consulted for further clarity if required.

I, _____ certify that _____
(employee) has consulted me and requests exemption from the COVID-19 vaccination based on constitutional grounds as described below.

Advisor Name: _____ Date: _____

Telephone No.: _____ Address: _____

Advisor Signature: _____

I, _____ (*employee*), verify that the information I am submitting in my application for exemption from COVID-19 vaccination, is complete and accurate to the best of my knowledge. I understand that any intentional misrepresentation contained in the application may result in disciplinary action. I also understand that my application may not be granted if it is not operationally reasonable/ possible, and/or it poses a direct threat/ risk to fellow employees, patients, clients and visitors who access PathCare facilities.

Name & Surname: _____

Signature: _____ Date: _____

SECTION D: EXEMPTION APPLICATION OUTCOME

To be completed by HR and signed off by HR Executive

Date application received by HR: _____

Date(s) of discussions/ engagement (HR & employee): _____

Application referred to NVEC: YES NO

Date feedback received from NVEC: _____

Exemption granted? YES NO

Accommodation recommended? YES NO

If granted, describe exemption &/or accommodation, listing additional/ alternative safety precautions, monitoring, period of exemption &/or accommodation and if/when review is required:

If exemption &/or accommodation is not granted, provide reasons:

HR Manager: _____ Signature: _____

Area Manager: _____ Signature: _____

HR Executive: _____ Signature: _____

Date employee informed of decision: _____

Employee acceptance of decision: YES NO Employee appeal: YES NO

Date referred for appeal: _____
(Where indicated)

VEAC outcome & sign off: _____

Date outcome of appeal received: _____

Date employee informed & signature: _____