



COVID-19 REQUIRED VACCINATION POLICY

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1. Introduction

The Da Vinci Institute is an accredited private higher distance education provider offering qualifications on NQF levels five to ten, which are registered on the Higher Education Qualifications Sub-Framework (HEQSF).

Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus.

On 11 June 2021, the Department of Employment and Labour issued an updated Consolidated Direction on Occupational Health and Safety which, among other things, expressly permits an employer to implement a mandatory workplace vaccination policy, subject to specific guidelines.

The Occupational Health and Safety Act, 1993 (OHSA), read with its regulations, requires an employer to provide and maintain, as far as is reasonably practical, a working environment that is safe and without risks to the health of workers and to take such steps as may be reasonably practicable to eliminate or mitigate a hazard or potential hazard in the workplace.

Current research on the effectiveness of the Covid-19 vaccinations indicates that vaccinated individuals are much less likely to infect third parties and less likely to become seriously ill or die due to a Covid-19 infection.

The Institute also recognises the importance of meeting its health and safety obligations towards its employees, ad-hoc contractors, students and other stakeholders.

2. Definitions

"Ad-hoc contract workers" means all individuals who entered into a contractual agreement with The Institute to render a service.

"Adverse Event" means any detrimental health event which happens after a person receives a vaccine. A health event is a symptom (something the patient experiences, e.g., headaches) or a sign (something a health practitioner notices about a patient, e.g., increased blood pressure).

"BCEA" means Basic Conditions of Employment Act No. 75 of 1997.

"Common side effects" include pain at the injection site, fever, fatigue, headache, muscle pain, chills, and diarrhoea.

“Communication Platforms” means cloud-based platforms including but not limited to WhatsApp, Skype, Zoom and Microsoft Teams, that allow The Institute to enjoy communication services such as messaging, voice and video conferencing to its business applications and processes.

“COVID-19” means the Coronavirus disease and or any other related strains which might occur in future.

“COVID-19 PCR Test” means the polymerase chain reaction (PCR) test for COVID-19 is a molecular test that analyses your upper respiratory specimen, looking for genetic material (ribonucleic acid or RNA) of SARS-CoV-2, the virus that causes COVID-19. Scientists use the PCR technology to amplify small amounts of RNA from specimens into deoxyribonucleic acid (DNA), which is replicated until SARS-CoV-2 is detectable if present. Where a test has to be submitted to access a Da Vinci premise, the test result may not be older than 72 hours when the individual accesses the Da Vinci premises.

“COVID-19 vaccines” means a vaccine that has been scientifically evaluated and recommended by the World Health Organisation (WHO) and approved by the South African Health Products Regulatory Authority (SAHPRA) to be effective in reducing the incidence of severe disease and death and likely to reduce SARS-CoV-2 viral transmission to contribute to the herding community. This will include any possible booster vaccinations prescribed by authorities.

“Da Vinci Premises/campus” will be at 16 Park Avenue, Modderfontein, as well as any other site where employees, ad-hoc contract workers, students or other stakeholders may be required to attend meetings or other functions for work purposes.

“DMA” means the Disaster Management Act, No. 57 of 2002.

“Employee” means any person employed by The Institute in terms of a contract of employment. This will include all employees employed on indefinite, part-time or fixed-term contracts.

“Exemption” means where The Institute has granted an exception for any individual from the required vaccination prescription.

“HR” means The Institute's Human Resources Department.

“Isolation” means the separation of a person or group of people known or reasonably believed to be infected with a communicable disease and potentially infectious from those who are not infected to prevent the spread of the communicable disease.

“Line Manager” means the direct superior of an employee and/or *ad-hoc* contract worker.

“Natural Immunity” means the exposure to a disease organism that triggers the immune system to produce antibodies to that disease. Exposure to the disease

organism can occur through infection with the actual disease (resulting in natural immunity).

“OHSA” means the Occupational Health and Safety Act, No. 85 of 1993.

“PPE” means the personal protective equipment worn to minimise exposure to hazards that cause serious workplace injuries and illnesses.

“Pregnancy” is the term used to describe the period in which a foetus develops inside a woman's womb or uterus.

“Quarantine” means the separation of a person or group of people reasonably believed to have been exposed to a communicable disease but not yet symptomatic from others who have not been exposed to prevent the possible spread of the communicable disease.

“Religious objections” means any objection based on a religious conviction that is directly related to and accepted as the established doctrine within an existing religious grouping.

“Remote Work” means any work that would, ordinarily and historically, be performed in the traditional office/workplace environment but which is performed at an employee's or *ad-hoc* contract worker's home office.

“Da Vinci students” means any registered student of The Da Vinci Institute.

“Underlying medical conditions” means underlying medical conditions that put an individual at increased risk for potentially severe and life-threatening outcomes from an infection (COVID-19) For example, Type 2 Diabetes, obesity, Cancer, COPD, etc.).

“Vulnerable Employee” means an employee who, according to the Department of Health, is a vulnerable employee within the context of COVID-19 or any other infectious disease and where the conduct of Remote Work is encouraged to reduce the risk of infection (includes *ad-hoc* contract workers).

“Workplace” means an employee's or *ad-hoc* contract worker's traditional office/workplace environment situated at The Institute's premises and/or the employee's home office from which he/she has been authorised to conduct work during the Covid-19 pandemic.

3. Legislative compliance

This policy is benchmarked against and should be read in the context of the relevant legislation underpinning the principles against which institutional policies and operational procedures are developed, implemented and maintained. These include:

A. Relevant Legislation

- Basic Conditions of Employment Act No. 75 of 1997
- Constitution of the Republic of South Africa 108 of 1996
- Disaster Management Act 57 of 2002
- Regulations as per the Government Gazette, No 44700, 11 June 2021
- Regulations as per the Government Gazette, No 45358, 22 October 2021
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- The Promotion of Administrative Justice Act 3 of 2000
- Employment Equity Act 55 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

A. Applicable Da Vinci documents

I.B17 - Human Resources Policy and Annexures

4. Scope

The COVID-19 Required Vaccination Policy will apply to all Da Vinci employees, *ad hoc* contractors, prospective appointees, currently registered students, and future students, other stakeholders and, insofar as this is applicable, will supplement the conditions of service of all employees, *ad-hoc* contract workers, students and other stakeholders.

The Institute embarked on a due consultation process with all stakeholders and implementing this policy is a legal necessity for ensuring the health and safety of employees, *ad hoc* contractors, students and other stakeholders.

5. Purpose

The Institute has decided to implement this policy based on the Regulations as per the Government Gazette No 44700, 11 June 2021.

The Institute is obligated to comply with the Constitution, all applicable labour legislation, including the Occupational Health and Safety Act, Employment Equity Act and other Government Regulations, to create and maintain a safe work environment towards its employees, *ad-hoc* contract workers, students and other stakeholders. With reference to students and other stakeholders, The Institute owes them a duty of care to ensure a safe environment when they do enter the Da Vinci campus for student/learning support or attending meetings/graduations.

The Institute also recognises its collective greater good, health and wellbeing responsibility towards the Da Vinci stakeholders, which must be balanced against the individual constitutional rights.

Current research on the effectiveness of the Covid-19 vaccinations indicates that vaccinated individuals are less likely to infect third parties. Statistics show that individuals who received Covid-19 vaccinations are less likely to become seriously ill or die due to a Covid-19 infection.

The Institute aims to co-create new realities and therefore aligns to government regulations to attempt to reach a herd immunity threshold. Herd immunity will assist in avoiding many preventable COVID-19 related deaths. We believe that reaching this goal will enable the continuation of the Da Vinci activities, reducing lockdown restrictions and therefore enabling general economy recovery.

The purpose of this Policy is accordingly to facilitate the vaccination of Da Vinci employees, *ad-hoc* contract workers, students and other stakeholders to ensure their continued access to the Da Vinci premises (subject to the stipulations related to the relevant lockdown level as periodically published by the government in the Government Gazette).

It is further to establish a standard and uniform procedure for managing and applying the COVID-19 required vaccinations at The Institute.

6. High level processes

General COVID-19 Workplace Regulations

All Da Vinci employees, *ad-hoc* contract workers, students and other stakeholders must maintain precautionary health measures as required between people within the workplace and in all areas on the Da Vinci premises.

The Institute will ensure a sufficient supply of sanitisers provided to employees, *ad-hoc* contract workers, students and other stakeholders and such sanitisers will be supplied at all entrances to the buildings, as well as all communal areas.

All stakeholders should apply proper ventilation in all venues as and when possible.

All employees, *ad-hoc* contract workers, students and other stakeholders on the Da Vinci campus are required to wear a mask as prescribed by the health authorities that must cover the nose and mouth for the duration of their presence on campus.

All Da Vinci employees, *ad-hoc* contract workers, students and other stakeholders who are not vaccinated and who are in possession of an approved exemption will be required to complete a compulsory COVID-19 screening questionnaire before entering the Da Vinci premises. The Institute reserves the right to screen all individuals on accessing the premises.

Any party who does not meet the requirements for access to the Da Vinci premises in the COVID-19 screening questionnaire will not be able to enter the premises.

Unvaccinated and exempted individuals wishing to access the Da Vinci campus must subject themselves, for screening, to the security officer responsible for measuring their temperature and reviewing their SARS COVID-19 PCR test results.

SARS COVID-19 PCR Testing

Any employee, ad-hoc contract worker, student or other stakeholder who suspects that they might have contracted COVID-19 should immediately inform the Compliance Officer and, in respect of employees and ad hoc contract workers, their relevant line manager. The employee, *ad-hoc* contract worker, student or other stakeholder concerned will be required to undergo a SARS COVID-19 PCR test and remain in quarantine for 7 (seven) calendar days, pending the outcome of the test.

During the quarantine period, an employee or *ad-hoc* contract worker will be required to work from home. Should remote work be impossible or impractical for such an employee, such an individual must apply for sick leave, or where no sick leave is available, for annual leave or unpaid leave.

Should individuals test positive for SARS COVID-19 PCR, they will be obligated to immediately provide the Compliance Officer with a copy of their test results. If such an individual is an employee or *ad-hoc* contract worker such a copy should also be supplied to the relevant line manager. All Da Vinci employees, *ad-hoc* contract workers, students and other stakeholders must stay isolated for 7 (seven) calendar days after testing positive for SARS COVID-19.

Individuals who test positive for SARS COVID-19 PCR will not be permitted to access the Da Vinci campus before either receiving a SARS COVID-19 PCR negative test result or on expiry of the 7 (seven) day isolation period.

Da Vinci employees will obtain paid sick leave for the period of isolation (subject to their available sick leave allowance), which will be subject to submitting a SARS COVID-19 PCR positive result. Da Vinci employees who are well enough to continue working remotely, will be able to do so and will not put in a leave application. Da Vinci employees without any sick leave available, will be able to apply for annual leave or unpaid leave. In instances where an individual becomes seriously ill and is unable to work for a prolonged period of time, they can apply for special leave and agree with the Human Resources Department on a way forward. Special leave will be considered with the additional supporting information from the medical practitioner.

In terms of this policy, all Da Vinci employees who should apply for leave have to follow the normal leave application process.

COVID-19 Vaccination

All employees wanting to obtain a COVID-19 vaccination may do so during normal working hours. A special day of additional time off every quarter (Da Vinci day) can also be used to get vaccinated.

The cost of vaccinations will be for the account of an employee who can either get vaccinated free of charge at any designated Government facility for vaccinations or pay for the vaccination in a personal capacity or claim the cost back from their medical aid. All *ad-hoc* contract workers are required to obtain vaccination at their own cost, and should they elect not to do so in the absence of an approved exemption, The Institute reserves the right to cancel the relevant service contract with the *ad hoc* contract worker concerned.

In accordance with the applicable protocols, individuals who obtain the vaccine must be observed by the relevant vaccination site staff members at the vaccination site for at least 15 minutes after vaccination.

Possible Adverse Event to COVID-19 Vaccination

All adverse events following within 28 (twenty-eight) days of a COVID-19 vaccination should be reported to the Compliance Officer and the relevant vaccination site, as these instances must be investigated. Any such individuals must report these events as soon as possible.

On 15 April 2021, the Government amended the regulations under the DMA to provide for the COVID-19 Vaccine Injury No-Fault Compensation Scheme. Any employee, *ad-hoc* contract worker, student or other stakeholder who have suffered harm, loss or damage caused by an adverse event following a COVID-19 vaccination (which constitutes a "vaccine injury" for purposes of the regulations) may submit a claim to this compensation scheme and may be eligible for compensation. Claims will be assessed by a committee of experts who will determine if the COVID-19 vaccine caused such injury and whether the individual meets the requirements to submit a claim.

This Government Compensation Scheme will only cover rare and severe adverse effects (severe allergic reaction, blood clots etc.), which are highly uncommon.

In addition, the Compensation Commissioner issued a notice on 22 October 2021, in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA), which provides for compensation in respect of COVID-19 side effects. In terms of this notice, employees will be covered by COIDA for injuries, illness or death as a result of receiving a COVID-19 vaccine, where the employee is required by the employer to receive vaccination as an inherent requirement of the job, as determined by the employer's risk assessment.

The Da Vinci Institute stance on COVID-19 Vaccinations

The Institute wants to maintain a safe and healthy environment for all its stakeholders and wishes to return staff members back to the office on designated days, as well as other days as needed. As The Institute is in sole control of granting and limiting the right of access to its premises, The Institute has decided to make it a requirement for all employees, *ad-hoc* contract workers, students and other stakeholders to be

vaccinated to access its premises. As a distance learning institution, all teaching and learning and student support activities are conducted online, and this will only be applicable should a student or other stakeholder wishes to access the campus (e.g. for graduation).

To be allowed access to campus, all stakeholders will be required to provide proof of a COVID-19 vaccination certificate or documents supporting an acceptable ground for exemption and where applicable a negative Covid-19 PCR test should they want to access the campuses or other facilities (that will include client sites, meeting sites, attending events etc).

To approach this decision rationally and reasonably and in compliance with legal prescripts, The Institute has decided to put the following measures in place.

Required Vaccinations

All Da Vinci employees, *ad-hoc* contract workers, students and other stakeholders wishing to access the Da Vinci campus must be vaccinated as they risk contracting and infecting others with COVID-19. This measure is essential to advance a safe environment for all employees, *ad-hoc* contract workers, students and other stakeholders.

Employees, *ad-hoc* contract workers, students and other stakeholders who are not vaccinated, who do not have an approved exemption or deferral, and who do not have a SARS COVID-19 PCR negative result (that is not older than 72 hours) will not be allowed access to the Da Vinci campuses or facilities. Unvaccinated employees who are not in possession of a SARS COVID-19 PCR negative result on the days they are required to be at the office, will not be able to access the Da Vinci premises and will be in breach of their contractual obligations and an incapacity process will be initiated.

All employees, *ad-hoc* contract workers, students and other stakeholders wishing to address their concerns regarding COVID-19 vaccinations can contact the COVID-19 Compliance Officer to make these arrangements.

Implementation

This Policy will take effect on approval and allow for a compliance period up to 14 February 2022 to enable employees, *ad-hoc* contract workers, students and other stakeholders to obtain their vaccinations before enforcing compliance on 14 February 2022.

Employees, *ad-hoc* contract workers, students and other stakeholders will be required to receive approved government vaccinations before 14 February 2022. All proof of vaccinations (including possible future booster vaccinations) should be sent to the HR Office.

All employees, *ad-hoc* contract workers, students and other stakeholders wishing to request exemption or deferral from receiving the COVID-19 vaccine, will be required to comply with the following provisions, until their application has been approved/declined:

- Submit proof of a SARS COVID-19 PCR test at their own cost, to the HR Office. These SARS COVID-19 PCR tests should be submitted from 14 February 2022 by all employees, *ad-hoc* contract workers and students who have not been vaccinated and need to access the premises, and the test should not be older than 72 hours. The Institute will communicate the acceptance of the SARS COVID-19 PCR tests to applicants and to their line managers (where applicable) and the security officer.

The Institute will appoint a COVID-19 Compliance Officer situated within HR to facilitate, advise, and aid parties to comply with this policy regarding all employees, *ad-hoc* contract workers, students and other stakeholders.

Exemptions

The Institute recognises the existence of certain legally acceptable bases for refusing a COVID-19 vaccination and wishes to adhere to a process that protects all stakeholders' constitutional rights. The Institute will consider the following exemptions:

- Medical objections (Section 27 of the Constitution of South Africa):

For an employee, *ad-hoc* contract workers, student and other stakeholder to successfully raise a medical objection, they will have to provide a letter/report from any registered medical practitioner indicating that the individual has a medical reason or risk justifying such an individual not to be vaccinated. Such a letter/report from a medical practitioner should contain the diagnosis and the prognosis of the individual, and any such individual must disclose the information to The Institute to qualify for an exemption. The individual will still have to produce a negative SARS COVID-19 PCR tests that is not older than 72 hours before entering the Da Vinci premises.

Medical objections may include the following contraindications:

- Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a component of the COVID-19 vaccine.
- An immediate allergic reaction of any severity to a previous dose or known (diagnosed) allergy to a component of the COVID-19 vaccine.

Conditions for precaution and consideration before vaccination is required:

- Long COVID-19
- Bleeding disorders and Anticoagulation medication
- Female (18 and 49) with diagnosed blood clotting risk
- History of Myocarditis or Pericarditis
- Pregnancy or breastfeeding (only on the recommendation of a Gynaecologist)

- f. History of Multisystem Inflammatory Syndrome (adult or child)
- g. History of Heparin-induced Thrombocytopenia
- h. Dermal fillers
- i. History of Guillain-Barré syndrome
- j. Immunosuppressive disorders (like HIV, cancer or being on immunosuppressive therapy)

Condition NOT considered as a contraindication or requires precautions is:

- a. Common allergies (pet, food, medication, etc.)

The Institute undertakes to keep all medical information secure and deal with it confidentially. The Institute reserves the rights to consult with a relevant medical practitioner (at The Institute's own cost) for guidance on the matter.

 Religious objections (Section 15 of the Constitution of South Africa):

Should any employees, *ad-hoc* contract workers or students have a religious objection to receiving a COVID-19 vaccination, such an employee, *ad-hoc* contract workers or student should obtain a declaration from their religious leader indicating the nature of the religion and the specific religious doctrine which supports the contention. The motivation provided should be plausible and accepted as an established doctrine within an existing religious grouping. The individual will still have to produce a negative SARS COVID-19 PCR tests that is not older than 72 hours before entering the Da Vinci premises. The Institute reserves the rights to consult with a relevant religious leader for guidance on the matter.

 Natural Immunity objection:

Should any employee, *ad-hoc* contract worker, student or other stakeholder prove they have recently tested positive for SARS COVID-19 PCR test results, they may apply for a deferral exemption based on their natural immunity. Natural immunity may last for a maximum of three months. The current guidelines from the National Department of Health recommends that individuals who had COVID-19 should wait for a period of 30 days after recuperation from the illness before they should vaccinate.

Should an employee, *ad-hoc* contract worker, student or other stakeholder want to extend this period of deferral by a further three months, they will be required to have a SARS COVID-19 PCR or an approved antibody blood test report. The Institute will accept either a pathology report and/or a South African Health Products Regulatory Authority (SAHPRA) approved antibody test when accompanied by a report, which can be obtained from service providers (such as Clicks and Dischem). These tests must be conducted at an individuals' own cost, or are free at any government testing facility, to prove that COVID-19 antibodies are still present.

Employees, *ad-hoc* contract workers, students to other contract workers who intend to rely on this exemption will have to provide The Institute with a copy of their positive SARS COVID-19 SAHPRA approved antibody blood test report. Any such exemption will only defer or delay such an applicants' required vaccination deadline date. This objection will not be regarded as an absolute or permanent exemption to nullify the required vaccination obligation. The individual will still have to produce a negative SARS COVID-19 PCR tests that is not older than 72 hours before entering the Da Vinci premises. The Institute reserves the rights to consult with a relevant medical practitioner (at The Institute's own cost) for guidance on the matter.

Other legally acceptable exemptions

Employees, *ad-hoc* contract workers, students or other stakeholders who believe that they have a legally acceptable exemption (including possible reasonable accommodation approved by their relevant manager) may apply for exemption or deferral and attaching an affidavit detailing the grounds for their legal objection and the justification thereof. The individual will still have to produce a negative SARS COVID-19 PCR tests that is not older than 72 hours before entering the Da Vinci premises. The Institute reserves the rights to consult with a relevant expert (at The Institute's own cost) for guidance on the matter.

Participants in SAHPRA approved clinic trials

Employees, *ad-hoc* contract workers, students or other stakeholders who are participants in any medically approved clinical trials, at an accredited institution, compelling them not to be vaccinated with a COVID-19 vaccine, may apply for exemption or deferral. Such applicants should attach an affidavit detailing the grounds for their objection as well as a copy of the clinical trial participant cards, issued to them. The Institute reserves the rights to consult with a relevant medical practitioner (at The Institute's own cost) for guidance on the matter.

Any applicant who applied for an exemption or deferral from receiving the COVID-19 vaccine will be required to submit a negative SARS Covid-19 PCR test that is not older than 72 hours subject to the outcome of their application.

Any employee, *ad-hoc* contract worker, student or other stakeholder applicant wishing to invoke any of the above exemptions will be required to submit the relevant application for exemption and the supporting documents to the HR office before 14 February 2022 (staff) or at least 30 days before the date they wish to access the campus (*ad-hoc* contractors, students or other stakeholders). The relevant line manager will be informed of this correspondence to ensure a transparent process.

Where an application for exemption requires an employee, *ad-hoc* contract worker, or student to obtain supporting documents or the signature of a duly appointed expert and/or religious leader to support the application for exemption, such obligation, and the costs thereof, will rest on the applicant. These applications will be

dealt with based on the content of the application form and the supporting evidence provided.

If The Institute believes that the reasons provided in the application for exemption are not plausible, acceptable, or truthful, The Institute will consult with experts in the respective fields to interrogate the reasons presented. The Institute will therefore ensure that the necessary advice be obtained to interrogate the content of the application, in an attempt to make a final determination on the matter.

The Committee dealing with the applications for exemption, will consist of the CEO, HR Manager and the Compliance Officer and any other expert that may be required to advise the Committee as discuss above.

Formal feedback will be given to the applicant and their line manager regarding the decision and the reasons thereof. The determination by the committee will be binding.

For exemptions granted, as well as for unvaccinated individuals accessing the Da Vinci campus, a negative SARS Covid-19 PCR test (not older than 72 hours) must be provided.

The Institute reserves the rights to allow such employees to attend all their office days during one week of the month (where applicable).

Employees, *ad-hoc* contract workers or students whose application for exemption was unsuccessful at the exemption committee may appeal such a decision with the Executive Chairperson, who will review all the evidence provided and will consult with the relevant individuals to obtain additional information. The outcome of the appeal process is final and binding on both parties.

Unvaccinated employees (with or without approved exemptions) will be required to work separately from vaccinated staff members during office hours on office days.

Unvaccinated employees will not have any physically close contact with students or any other stakeholders whilst on campus.

Refer to Annexure A for a list of employees who, due to the nature of their roles, are required to have physically close contact with students or any other stakeholders.

Non-Compliance (applicable to Da Vinci employees and *ad-hoc* contract workers, and for access to the campus by students and other stakeholders)

Any employee or *ad-hoc* contract worker who declines vaccination, will be in breach of this Policy should there not be a ground for reasonable accommodation or if such an individual does not submit a negative SARS COVID-19 PCR test (that is not older than 72 hours) in the appropriate circumstances or before entering the campus. This

expense will be for the account of the individual as the incumbent has elected not to be vaccinated. Only if these results are negative, will the individual be granted access to campus.

In dealing with non-compliance, The Institute reserves the right to put measures in place to deny a person entry into the Da Vinci premises.

Should an employee or *ad-hoc* contract worker fail to submit a SARS COVID-19 PCR negative result (that is not older than 72 hours), such an employee will be subject to corrective action as per the Disciplinary Code (incapacity) in the Human Resource Policy. The individual will therefore not be able to enter the Da Vinci premises and will have to apply for annual leave or unpaid leave. Where the individual is unable to perform their duties due to not being at the Da Vinci premises, an incapacity process will be started as per the Disciplinary Code.

Should the employee and/or *ad-hoc* contract worker be unable to fulfil their duties (face-to-face lecturing, practical exams, student enquiries, public-facing services, attendance at work due to restrictions of access), and related activities (prohibition of boarding flights of certain airlines, attending international and national conferences and symposiums, accessing other countries for research purposes), based on their vaccination status, the employer may take steps to address the matter as per the Disciplinary Code based on incapacitation.

Ad-hoc contract workers who fail and/or refuse to comply with the requirement of receiving a COVID-19 vaccination or obtains an approved exemption may have their contracts reconsidered by The Institute.

Liability

In terms of this COVID-19 Required Vaccination Policy, The Institute considers COVID-19 vaccinations an operational requirement and a health and safety rule which supplements the service conditions of all Da Vinci employees and *ad-hoc* contract workers. An individual thus still has the right of freedom of choice to remain employed subject to the employers' conditions, rules, and operational requirements.

If an employee, *ad-hoc* contract worker, student or other stakeholder receives a vaccination, it is implied that they received such vaccination with informed consent. All individuals attending vaccination sites will be requested to complete an informed consent form at any such vaccination site. Any such decision to receive a vaccination will not deem The Institute liable for any possible side effects, medical conditions, or death that might occur as a result thereof.

The Institute will accept no civil liability for individuals who experience any adverse effects as provision is made in this Policy for individuals to apply for an exemption. Should any employees, *ad-hoc* contract workers or students meet the requirements for exemption, there is a positive obligation on the individual to apply for such an exemption.

On 22 October 2021, the Compensation Commissioner published a Notice as per the Government Gazette, No. 45358, indicating that eligible employees will be able to submit their claims for adverse effects, after receipt of the Covid-19 vaccination, to the Compensation Commissioner in terms of COIDA. Students and *ad-hoc* contract workers may be eligible to claim from the compensation scheme established in terms of the DMA regulations.

The Institute will not be liable for any reimbursement of fees, possible adverse effects, or prejudice, which any student may incur due to the non-adherence to any of the provisions in the Covid -19 Required Vaccination Policy.

Confidentiality

Any documents provided by an individual in compliance with this Policy will be dealt with in a confidential manner and in accordance with the prescriptions of the Protection of Personal Information Act.

7. Review of this policy

Regular review and amendment of this policy will be done in line with the approved institutional policies and regulatory requirements. This will take place in consultation with the relevant quality assurance structures at departmental and institutional level, under the auspices of the official custodian of this policy, namely the Human Resource Manager.

8. References

University of the Free State, 2021. *COVID-19 Regulations and Required Vaccination Policy*. Free State: University of the Free State.

9. Annexure A

Employees and ad-hoc contractors who are, based on their duties, directly client / student facing will need a vaccination certificate due to them potentially being in direct contact with current students, prospective students and other stakeholders:

- Kitchen manager/cleaner
- Security officer
- Receptionist
- Registry team
- Growth and Sustainability team
- Colleagues working on / attending events
- Academic team (including programme conveners, programme coordinators, fulltime faculty etc.)
- Research team including programme conveners, programme coordinators, fulltime faculty etc.)
- Any other team member as per the requirements of service providers/clients/students.