



SERVICE ELEMENT	Occupational Health and Safety
PERFORMANCE INDICATOR	Occupational Health and Safety
STANDARD	Occupational health and safety systems are implemented in accordance with current legislation
NAME OF POLICY	Vaccination policy

POLICY:

It is the policy of Msunduzi Hospice Association that where necessary and where applicable for the continued ability to provide the services for which an employee has been employed, that relevant vaccinations will be highly encouraged and if necessary, become mandatory.

PROCEDURE TO ENSURE IMPLEMENTATION OF POLICY:

- Msunduzi Hospice recognises that the constitution of the republic protects and grants the right to bodily integrity for individuals.
- Current employment legislation does not specifically legislate when an employer may require an employee to undergo medical treatment (and vaccinations would be considered as such).
 - The National Health Act gives expression to this right to bodily integrity by insisting that a health service may not be provided without the user's consent.
 - Such consent must be informed, specific and voluntarily given.
 - The National Health Act makes provision for certain exceptions when such consent to treatment is not required.
 - These include where a **law or court order** authorises the provision of a health service.
 - Where the failure to treat the individual, or group of people which includes the individual, will result in **'a serious risk to public health'**.
- Within the work environment, the Occupational Health and Safety Act, 1993 (**OHS**), requires an employer to provide and maintain a safe working environment, both for its employees and other persons who have access to its premises, such as clients/customers or suppliers.
 - It is on this basis that an employer is permitted, and in fact required, to prevent persons who have COVID-19 symptoms from accessing its premises.
 - An employer is only required to do that which is **'reasonably practicable'**.
 - This requires an employer to make an assessment and to consider factors such as the severity and scope of the hazard or risk identified, which, when it comes to the risk of contracting the COVID-19 virus in the workplace, will largely depend on the nature of the workplace and the work performed; and the availability and suitability of means to remove or mitigate that hazard or risk.
 - An employer's obligations will also need to be balanced against an employee's right to freedom of conscience, religion, and belief.
- This procedure sets out the steps required before vaccinations can be made mandatory and the consequences if employees chose not to be vaccinated.
- A comprehensive and sustained information sharing procedure shall be implemented concerning any vaccine that may fall under this policy (in particular the Sars-CoV-2 Vaccine).
 - This shall include the following points:
 - The benefit of the vaccine.
 - Potential side effects of the vaccine (those that are known at the time of the training).
 - Any contra-indications.
- An updated risk assessment pertaining to the virus (pandemic) in question:
 - This shall include organisational details about isolation, quarantine, sick leave, working from home etc.
- An assessment of which staff are required to be vaccinated and which staff should be vaccinated and the implications of any time frames that may be involved (e.g., delay in vaccine roll out or availability of vaccines).
 - This assessment will be contained in the Risk Assessment pertaining to the particular disaster as imposed by the state of disaster regulations.
 - This assessment will be based on the following:
 - Employees potential exposure to the virus (risk).

- Employees co-morbidities and the risk of serious illness and/or death.
- Employees risk of transmitting the virus.
- Employees role in the organisation (health care worker, retail staff etc.).
- Employees who are patient facing and/or have regular/sustained interactions with the public.
- A specific criterion that will be applied is that those health care workers who are unable to visit patients because the patient refuses them entrance to their homes based on their unvaccinated status.
- Clear guidelines and implications for refusing the vaccine will be included in the training on the benefits of vaccination processes.
 - When an employee (who is assessed as requiring the vaccine) refuses to be vaccinated the following shall apply:
 - Can the employee be reasonably accommodated elsewhere in the organisation?
 - Is the employee's refusal to be vaccinated is reasonable in terms of the National Health Act (freedom of conscious, religion, belief)?
 - Does the refusal to be vaccinated jeopardise the employee, the organisation and/or the patients (family members)?
 - What is the nature of this risk – short term, long term, critical etc.
- Please note that while this policy/procedure has been specifically prepared with the Coronavirus Pandemic in mind and the related vaccines, it is applicable to any vaccinations that may have an impact on the provision of services by the staff of Msunduzi Hospice.

Cross referencing with other policies:	Occupational health and safety Human resource provisions
To whom does this policy apply:	All staff
How are they to be made aware of this policy:	General awareness May be a need for specific interactions with individual employees

Policy development and review					
When was this policy developed:		June 2021			
Why was this policy developed:		In response to amendments to the Occupational Health and Safety Act in response to the Coronavirus pandemic			
Management or Executive meetings where this policy was approved:		August 2021 ManCo meeting Circulated to board in June 2021 and received approval for the policy via email			
Scheduled date of review	Actual date of review	Responsibility	Changes made	Approved by (meeting)	Signed by CEO
Aug 2023					

With appreciation to:

- COVID-19: CAN AN EMPLOYER IN SOUTH AFRICA FORCE ITS EMPLOYEES TO GET VACCINATED? BY CHLOË LOUBSER, TALITA LAUBSCHER FRIDAY, JANUARY 22, 2021

- EMPLOYERS MAY NOW IMPLEMENT MANDATORY VACCINATION POLICIES BY PAUL KRUGER 17 JUNE 2021

- Legal assistance from Jenny Budree (board member).