

PURPOSE

In accordance with Solar Mining Services' duty to provide and maintain a workplace that is free of known hazards, we are adopting this policy to safeguard the health of our employees and their families; our customers and visitors; and the community at large from infectious diseases, such as COVID-19 or influenza, that may be reduced by vaccinations. This policy will comply with relevant legislation and is based on guidance from the Center for Disease Control and Prevention and local health authorities, as applicable.

It is in the interests of all employees at the workplace to ensure that a safe working environment is maintained. All employees are thus required to act in the best interests of the Company and its objectives.

SCOPE

This policy will be applicable to all employees.

All employees are required to receive vaccinations unless a reasonable accommodation is approved (See further below). Employees not in compliance with this policy will be placed on unpaid leave until their employment status is determined by the human resources department.

RISKS

As stated above the Employer has a duty to ensure that it provides a safe working environment as far as is practically possible. Not all risks can be foreseen and mitigated against however, where the same is apparent the necessary steps should be taken to prevent harm occurring at the workplace. These risks arise from a number of factors and in the case of this policy, any person entering the premises of the Employer. The Employers obligations in this instance may be considered against the rights of the

Employees however, the general well being of all persons at the workplace must be placed at a higher standard than individual rights.

THE CONSTITUTIONAL IMPERATIVES

It is a well-established principle that the rights as enshrined in the Constitution of the Republic of South Africa are applicable both between the state and its citizens (the so-called vertical application) and amongst the citizens themselves, which would include Companies and other classifications of persons (the so-called horizontal application).

In the consideration of this policy the Employer is aware of the balancing of the various rights as established in the Constitution and it is in this light that this policy establishes a basis for exemption and reasonable accommodation which is explained below. The imperative must always be to ensure that the Employer provides a safe working environment as far as is practically possible, thus the interpretation of this policy will always tend to achieving a benefit for the greater good. Further the risk to the majority of the workforce must override the rights of the individual who chooses not to be vaccinated.

Where possible the rights of the individual will be valued unless the risks to the majority of the workforce requires a different approach. Further, the need of the Company to stay in business and provide a high level of service to the clients cannot be compromised at all.

Form the comments made above discrimination against an individual who fails or refuses to be vaccinated may take place and will fall into the category of “fair discrimination”.

DISCLOSURE

All employees are required to disclose their Covid positive status to the HR Manager as soon as the same is discovered. Further employees are required to disclose any of the known symptoms of contracting or potentially contracting Covid.

In addition to the above Employees are required to immediately disclose having been diagnosed with any other infectious disease or showing symptoms where the same is suspected.

All disclosures will remain strictly confidential, and the company will only disseminate information under strict circumstances where it is of necessity required.

Employees are also obliged to immediately bring to the attention of the HR manager any breaches in respect of the policy where this breach may be committed by an employee or person associated with the company. Should the employee fail to do make this disclosure it will be assumed that the Employee has associated himself with such a breach and may be disciplined for the same, which could result in dismissal.

VACCINATIONS AND THE EFFECTIVE DATE

This Policy requires that all employees receive the COVID–19 vaccinations by the 1st of February 2022 or on returning to work after that date. Any other vaccines and booster vaccinations will also be applicable as the need arises.

The Company will from time to time and on request of the employee provide a list of locations where the vaccine and booster may be administered. At present COVID-19 vaccinations are free, whether an individual has medical aid or not.

In addition to all existing leave, employees will be granted half a day’s paid leave to receive vaccinations. Employees are required to schedule a time with their managers to comply with this policy. New employees must be vaccinated prior to taking up employment.

Before the stated deadlines to be vaccinated have expired, employees will be required to provide proof of vaccination.

INDIVIDUAL EMPLOYEE CONCERNS

Should an employee have any concerns about taking the vaccine medical advice must be obtained and the exemption process will be applicable. These concerns may be in the form of questions regarding, side effects both long and short term, disability, death and the like.

EXEMPTIONS

Subject to the provision on granting a reasonable accommodation an exemption will only be accepted based on medical grounds. Any other grounds for exemption will not be accepted unless the employee is not required to interact with any persons at the workplace nor with any clients. The exemption must be certified by a medical practitioner clearly stating the grounds for such exemption and which may be verified by a medical practitioner as nominated by the company.

An exemption will not be applicable in the case an employee that is required to attend at the premises of a client or service provider of the Employer that requires all persons entering to be vaccinated.

Employees in need of an exemption from this policy due to a medical reason must submit a completed **Request for Medical Exemption form (HR-TE-034)** to the human resources department to begin the interactive accommodation process as soon as possible and prior to the deadlines for the vaccinations to be implemented. Accommodations will be granted where they do not cause Solar Mining Services undue hardship or pose a direct threat to the health and safety of others.

CONSEQUENCES OF THE EXEMPTION

In the event that an employee has been exempted from the vaccination, weekly testing may be required. The Employer may request additional testing in line with the duration of the exemption.

CONSEQUENCES FOR NOT VACCINATING

Where an employee fails to vaccinate without providing a valid reason for the same, the Employee must provide a weekly negative PCR test report, alternatively, the Employer may terminate the service of that employee. The test report must be dated (within 48 hours) of the employee reporting for duty on a Monday morning, and must be presented upon entry to the Company premises.

CLIENTS AND OTHER SERVICE PROVIDERS

In the case of clients and other service providers who require that all persons must be vaccinated the Employer will have no option but to insist on a vaccination and the exemption process will not be applicable.

REASONABLE ACCOMMODATION

In the event that an employee has been exempted from the vaccine the Employer will, to the best of its ability, make a reasonable accommodation for the employee to either, work from home or in isolation of other employees.

Where the above is not practically possible the Employer may terminate the services of the employee for operational reasons.

FRAUD

In the event that an employee provides a vaccination certificate that has been fraudulently obtained or alleges that the vaccination was fully administered when the contrary is true, the employee will be guilty of fraud and subjected to the internal disciplinary process which could result in termination of service.

The employer also reserves the right to implement both civil and criminal remedies in this respect.

REVIEW OF THIS POLICY

Given the fact that this policy may be subject to further legislation and possible development in the management of the Covid pandemic the same may be reviewed at the discretion of the Employer.

The policy will however, form part of the conditions of service of all employees and will be applicable indefinitely.

ISOLATION AND QUARANTINE LEAVE

All employees are required to exercise due care not to contract the Covid virus or any other infectious disease. The requisite hygiene of washing hands, wearing a mask, avoiding crowded areas where possible and social distancing are primary methods of preventing infection.

In the event that an employee has been infected and diagnosed with Covid 19 the employee will be entitled to the requisite sick leave in terms of the Basic Conditions of Employment Act Of 1997 as amended.

In the event that an employee displays symptoms of having contracted Covid and in the absence of a confirmed test the employee will, in consultation with a medical practitioner, isolate for a pre-determined period as confirmed by a medical practitioner. The isolation leave will be regarded as unpaid unless a confirmed diagnosis is established whereafter the available sick leave will be applied.

FAILING TO COMPLY WITH THIS POLICY

The failure to comply with this policy and instigating other employees or other persons to act in conflict with this policy will be regarded as a very serious offence and which will result in termination of service after a duly constituted enquiry.

INTERPRETATION OF THIS POLICY

Should there be any aspect of the policy that may not be clear Employees and persons affected by this policy must institute a formal grievance through the Company grievance policy prior to invoking any external mechanisms for the purpose of resolution.