

## **COVID-19 VACCINATIONS: 10 PRINCIPLES THAT EVERY EMPLOYER SHOULD CONSIDER BEFORE EMBARKING ON A MANDATORY VACCINATION POLICY**

### **1 THE TOP 10 PRINCIPLES**

- 1.1 The following 10 important principles should be considered before introducing a mandatory vaccination policy. Please note that this is not an exhaustive list and factors such as your operational requirements and factors unique to your business will inherently dictate what is applicable:
- 1.1.1 **SAFE WORKING ENVIROMENT:** The obligation to protect employees and maintain a healthy and safe working environment;
  - 1.1.2 **HEALTH AND SAFETY OF CO-WORKERS:** The health and safety threat posed to other employees by employees who object to vaccination and/or the consequences of an employee endangering the safety of fellow employees;
  - 1.1.3 **IS IT REASONABLE:** Whether mandatory vaccinations will be considered to be a reasonable instruction by the employer;
  - 1.1.4 **CONSTITUTIONAL RIGHTS:** The Constitutional rights of employees to, amongst others, privacy, freedom & security of person, bodily and psychological integrity, including the right to religious , cultural and political freedom and expression which may prohibit vaccination;
  - 1.1.5 **TERMS AND CONDITIONS OF EMPLOYMENT:** The risk of a unilateral change to the conditions of employment of employees;
  - 1.1.6 **BUSINESS RISK AND JOB LOSSES:** The risk the employer may face of closure of its business and incurring further potential job losses if it does not act;
  - 1.1.7 **PRIVACY:** The implications of personal data collection and storage imposed by the Protection of Personal Information Act;
  - 1.1.8 **EMPLOYER'S LIABILITY:** The potential liability facing an employer with a mandatory vaccination policy if for instance the employee is adversely affected;
  - 1.1.9 **OTHER PROVISIONS OF THE LABOUR RELATIONS ACT:** Whether an equitable solution encompassing all stakeholders can be found utilizing the tools of the Labour Relations Act, for example, utilizing section 23 of the Act to conclude a Collective Agreement with a majority trade union to ensure enforcement of the policy; and
  - 1.1.10 **CONTRACTORS AND SUB-CONTRACTORS:** The implications in terms of relationships with sub-contractors and their employees who work shoulder to shoulder with the Company's employees, and the service level agreements in place with these parties and other persons and workers in the workplace.

#### **NOTE:**

These principles include applicants' for employment.

Voluntary buy-in is always the first prize. Accordingly, it will be important to consult with employees or their representatives on any change that will impact them.