

WHAT EVERY EMPLOYER NEEDS TO KNOW

Updated Directive for COVID-19 in Certain Workplaces

The Department of Employment and Labour recently published updated COVID-19 Directives, the changes which look specifically at the issue of **vaccinations in the workplace**.

Here are the five things **you need to know** regarding vaccine-related changes:

	Employers must have their risk assessments reviewed within 21 days after the Directive comes into effect (11 June 2021) as to whether vaccinations must be made mandatory. This assessment considers the risk of transmission through their work or the risk of the severity of the disease due to age and/or other co-morbidities.
	The reviewed risk assessment must then guide the risk management plan/COVID-19 plan to indicate the measures that will be taken in terms of vaccinations.
	The employer must consult with the trade union and the health and safety committee or the employee representative on the risk assessment and plan.
	Employees must be given paid time off to receive the vaccination .
	Employees suffering vaccination side effects must be treated as paid sick leave .

VACCINATIONS: MANDATORY OR NOT?

Guidelines to consider

1. The decision must be informed by the **risk assessment**.
2. There must be a **collective agreement** between management and employees.
3. The plan should be clearly communicated to all employees and should indicate:
 - a. The obligation to be vaccinated when a vaccine becomes available to those employees.
 - b. The right of refusal based on Constitutional and/or medical grounds.
 - c. The opportunity to consult with the trade union, health and safety representative or employee representative.
4. If an employee **refuses to be vaccinated?** Then the employer should:
 - a. Counsel the employee and allow him/her to seek further guidance.
 - b. Refer him/her for further medical attention should there be medical contraindications to the vaccination.
 - c. If required, take steps to accommodate the employee in a position that does not require vaccination.

The decision to make vaccination mandatory must consider the following five things:

- Constitutional right to bodily integrity
- Constitutional right of freedom of religion, belief and opinion
- The risk of employees becoming infected due to the nature of their work
- Underlying risks such as age and/or other co-morbidities
- The operational requirements of the business