

Covid-19 vaccinations – FAQs

Some employers may want staff to be vaccinated to reduce health and safety risks within the workplace. However, it may be difficult for many employers as it would not be in line with the Government's advice on the vaccine.

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Please note: the information contained in this legal update is correct as of the original date of publication.

Should employers mandate staff to have the Covid-19 vaccination?

Some employers may want staff to be vaccinated (when widely available) to reduce health and safety risks within the workplace. However, relying on health and safety to justify such a requirement may be difficult for many employers as it would not be in line with the Government's advice on the vaccine. They have said they are not making vaccinations mandatory for UK citizens. The Government guidance says that an individual should be given enough information to enable them to make their own decision regarding vaccinations.

The starting position would be to assess whether it is a fair and proportionate measure to take. For example, if you are in the care or medical sector it may be more reasonable for you to mandate your staff to have the vaccine.

What are the risks of making the vaccination mandatory?

Making vaccinations mandatory for staff may leave you at risk of employment claims being brought against you.

For example, these claims could include discrimination allegations from staff who have decided not to have the vaccination (for example on religious grounds, health grounds or because they are pregnant) and feel that their personal views and/or beliefs or health has not been considered.

Likewise, if staff refuse to be vaccinated and are dismissed as a result, this could lead to claims for unfair dismissal (if they have the required 2 years' service).

What should employers do?

For the majority of employers, it would be appropriate to provide staff with the facts including links to Government and NHS website links; this will allow them to make their own decision on whether to have the vaccination.

Employers may also encourage and recommend staff to have the vaccination. A lot of employers have already publicly set out their support for the vaccine and have played their part in supporting the public message that we all need to be vaccinated.

But it is more than that. Health and safety legislation obliges employers to take reasonable steps to ensure a safe working environment. It is likely that encouraging staff to be vaccinated is a reasonable step in ensuring your working environment is as safe as it can be for all your staff and customers.

So practically how do you encourage staff to have the vaccination?

Why not hold a webinar, deliver a podcast and/or send a global email? Whatever you feel is the right way to send a message to your staff – one that works for you.

What information should your message include?

- Start with informing staff of your support for the Government's vaccination plan and why.
- You may want to discuss the vaccination rate and the momentous achievement that is being realised by the NHS.
- Vaccines are the way out of this pandemic and there is no doubt that your staff are looking forward to life returning to normal.

Provide staff with the facts. For example, the Oxford University/AstraZeneca being used in the UK have undergone robust clinical trials and have met the Medicines and Healthcare products Regulatory Agency's strict standards of safety, effectiveness and quality.

Put together a company vaccination policy setting out your support (we recommend that this document provides for change and updates to accommodate further Government guidance).

But remember...

Even though the vaccination roll-out has started, it will be many months before everyone in the UK is vaccinated. It seems to be accepted that it is likely that Covid-19 will be around for a long time to come. Therefore, it is still paramount that employers continue to comply with all Covid-19 safety procedures and protocols until advised otherwise by the Government.

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