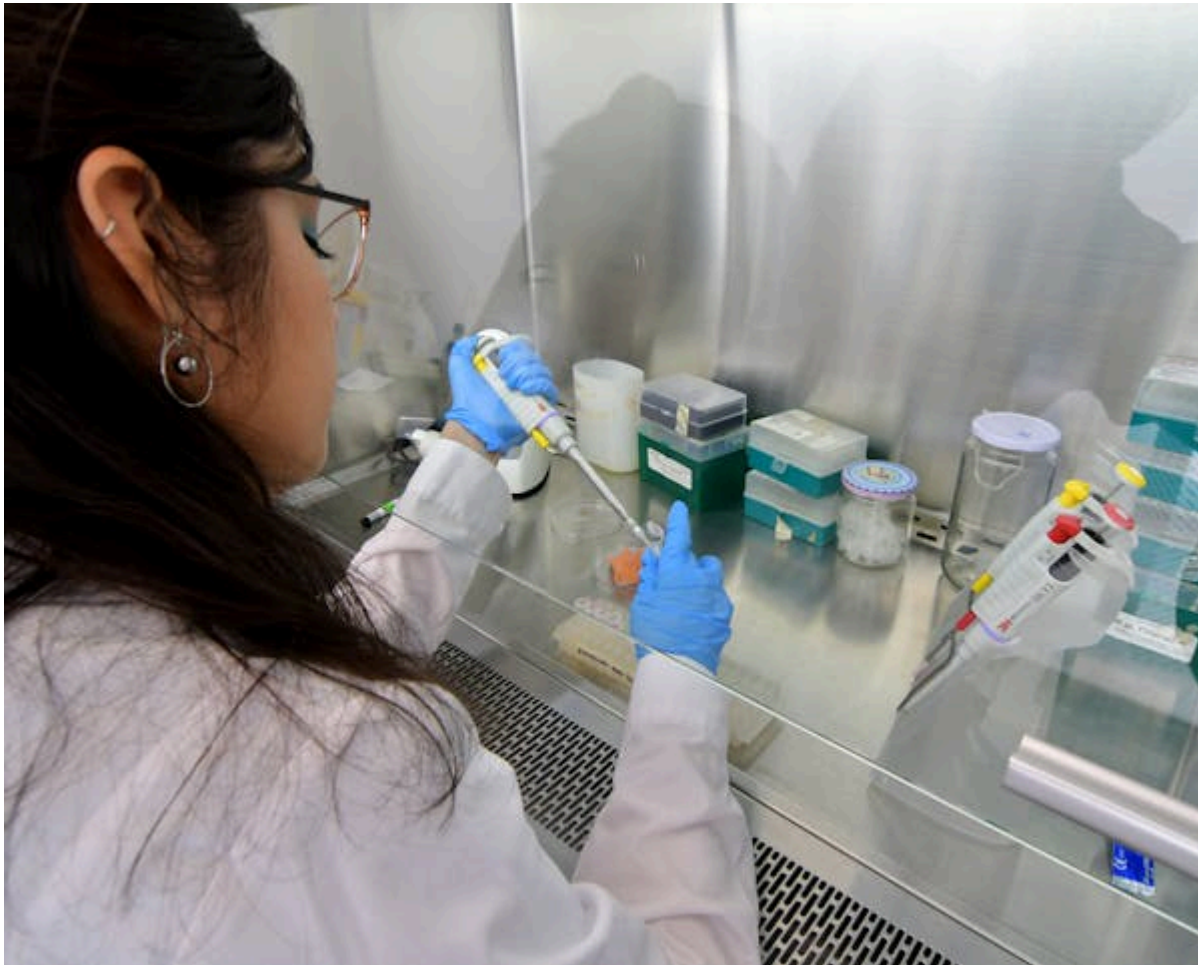


Lessons learned from Covid-19 mandatory workplace vaccinations and the way forward



Introduction

The aftermath of the COVID-19 pandemic proved to be an inspiration for this article. As such, it examines the social implications associated with it alongside the ensuing vaccination laws in South Africa. The primary goal is to analyse secondary data that obtained from published journal publications. The aim of this study is to gather data pertaining to the potential implications of implementing workplace vaccinations mandatory during a pandemic. Employers' reactions to new developments, duty of care, risk management strategies, potential remedies, the role of human resources, lessons gained, and research findings are some of the important subjects discussed.

Reaction to New Developments

According to McDiarmid, Condon, and Gaitens (2021), one of the most significant breaches of duty of care that occurred in the early phases of the pandemic was the insufficient supply of personal protective equipment (PPE). Their findings suggest that employer actions in carrying out duty of care responsibilities not only protect worker safety but also improve employee well-being. It is suggested that proactive management interventions can help to reduce burnout among the workers. Many governments implemented restrictive measures in response to the COVID-19 epidemic. Such measures subsequently led to global changes in vaccination programs. Nonetheless, there are still questions about the unintended consequences of these measures, which bring up moral, scientific, and legal issues. As a

result, Bardosh et al. (2022) make the case for reviewing vaccination strategies, emphasizing enhanced healthcare systems and trust-based approaches.

Duty of Care

Many academics have studied the intricate legal concept of the duty of care. According to Stevens (2017), directors of a corporation may be held liable for misconduct under Section 77(2) (b) of the Companies Act [1] (often known as “the Act”). This is based on common law grounds. This liability includes any losses or damages that the company sustains as a result of violating the section 76(3) (c) duty of care and skill, as well as losses arising from violating any other Act provision not covered by section 77 and any violations of the company’s memorandum of incorporation (MoI). Nampewo, Mike, and Wolf (2022) contend that when human rights are enforceable and binding, they are most effectively safeguarded, advanced, and upheld.

For example, the human right to health is included in the category of human rights. However, one of the primary criticisms of this category is that it is hard to assign the duties that go along with these rights. This is due to the glaring differences in the methods used by the key responsibility bearers.

In this instance, the ethical duty of nurses is to put patients’ safety and well-being first, even though this is not stated in nursing standards. This obligation, albeit it may vary in level of skill, applies to all citizens, not just those in the medical field. Higher standards of care are required because of the specific training that nurses possess, which is consistent with the ethical ideal of beneficence (Dowie, 2017; Fullbrook, 2007; Ruderman et al., 2006; Rustom et al., 2010).

Risk Approach to the Management of COVID-19

While concern levels are typically high, Dryhurst et al. (2020) found that, in comparison to the other countries in the survey, they are particularly high in the UK. Multiple variables have been demonstrated to be significant predictors of risk perception across all sampled nations, such as personal experiences with the virus, individualistic and altruistic beliefs, learning about the virus from social circles, trusting governmental and medical authorities, being familiar with government strategies, and personal and collective capabilities. Cultural differences were evident, but in over half of the countries studied, elements including individualistic perspectives, life experiences, altruistic beliefs, and the impact of social networks—especially friends and family—came to be important.

In all 10 of the countries under study, there was a consistent correlation between risk perception and the implementation of preventive health interventions. The significance of customized risk communication tactics in effectively addressing public concerns and encouraging healthy behaviours is highlighted by their study. Therefore, by using proactive risk management techniques, companies can mitigate the risk of a pandemic. Identifying potential risks, fostering agility, placing the well-being of employees first, and guaranteeing business continuity constitute essential measures (Department of Labour and Employment, 2021).

Possible Recourse

Employers navigating vaccine mandates must balance public health imperatives with constitutional rights and business efficiency. Accommodating medical or constitutional objections is essential, as mandated by guidelines from the Minister of Labour and Employment (Department of Labour and Employment, 2021).

The Role of HRM

Responses to mandatory COVID-19 vaccinations have been varied; some have supported them on the grounds of community welfare and safety concerns. Mandates that are effective must prioritize transparency and fairness while taking necessity, safety, and ethical decision-making into account (Attwell, Roberts & Ji, 2022; World Health Organization, 2022).

Lessons Learned

The epidemic has brought to light the significance of versatile pay strategies, robust resilient organizations, and effective governance. As a means to address impending challenges, scenario assessment emphasizes the importance of searching for extensive, sustainable solutions (Eklund, 2021; Bennett 2020, Eaton and Kalichman 2020; Gatti 2020).

Research Findings

In light of the pandemic, HR Business Partners have taken on more responsibility and placed a higher priority on managing change and employee relations. Aligning priorities with organizational goals, however, continues to provide difficulties (Tabor-Blazewicz, 2022).

Conclusion

HR Business Partners have prioritized managing change and employee relations and assumed greater responsibility in light of the epidemic. However, there are still issues with matching organizational objectives with priorities (Tabor-Blazewicz, 2022).

List of references

- Attwell, K., Roberts, L., & Ji, J. (2022). COVID-19 Vaccine Mandates: Attitudes and Effects on Holdouts in a Large Australian University Population. *International Journal of Environmental Research and Public Health*, 19(16), 10130. Retrieved from:
https://www.ppesydney.net/content/uploads/2020/06/29_Bennett.pdf
- Department of Labour and Employment. (2021). Employment and Labour on new direction with regard to vaccination in the workplace. Government of South Africa. Retrieved from:
<https://www.gov.za/speeches/employment-and-labour-new-direction-regard-vaccination-workplace-14-jun-2021-0000>
- Dowie, I. (2017). Legal, ethical and professional aspects of duty of care for nurses. *Nursing Standard*, 32(16-19), 47-52. Retrieved from:
<https://pubmed.ncbi.nlm.nih.gov/29250939/>
- Dryhurst, S., Schneider, C. R., Kerr, J., Freeman, A. L. J., Recchia, G., van der Bles, A. M., ... van der

- Linden, S. (2020). Risk perceptions of COVID-19 around the world. *Journal of Risk Research*, 23(7-8), 994-1006.
<https://doi.org/10.1080/13669877.2020.1758193>
- Eaton L.A. & Kalichman SC. (2020). Social and behavioral health responses to COVID-19: lessons learned from four decades of an HIV pandemic. *Journal of Behavioral Medicine*, 43, 341-345.
- Eklund, M.A. (2021). The COVID-19 lessons learned for business and governance. *SN Business & Economics*, 1, 25. Retrieved from:
<https://doi:10.1007/s43546-020-00029-2>
- Fullbrook, S. (2007). The duty of care 1: compliance with directives and protocols. *British Journal of Nursing*, 16(1), 52-53. Retrieved from:
<https://pubmed.ncbi.nlm.nih.gov/17353836/>
- Gatti, R. C. (2020). Coronavirus outbreak is a symptom of Gaia's sickness. *Ecological Modelling*, 426, 1-3. Retrieved from:
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7158772/>
- McDiarmid, M., Condon, M., & Gaitens, J. (2021). The Healthcare Sector Employer's Duty of Care: Implications for Worker Well-Being. *International journal of environmental research and public health*, 18(11), 6015.
<https://doi.org/10.3390/ijerph18116015>
- Nampewo, Z., Mike, J.H. & Wolff, J. (2022). Respecting, protecting and fulfilling the human right to health. *Int J Equity Health* 21, 36. Retrieved from:
<https://doi.org/10.1186/s12939-022-01634-3>
- Ruderman, C., Tracy C. S. Bensimon, C. M., Bernstein, M., Hawryluck, L., Shaul, R. Z. & Upshur, R. E. G. (2006). On pandemics and the duty to care: whose duty? Who cares? *BMC Medical Ethics*, 7, 5. Retrieved from:
<https://doi.org/10.1186/1472-6939-7-5>
- Rustom, C. L. T. M., Palmer, J. & Thomas, G. L. (2010). Ethical issues in resuscitation and intensive care medicine. *Anaesthesia and Intensive Care Medicine*, 11(1), 1-5. Retrieved from:
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4199072/>
- Stevens, R. (2017). The Legal Nature of the Duty of Care and Skill: Contract or Delict?
<http://dx.doi.org/10.17159/1727-3781/2017/v20n0a1202>
- Tabor-Blazewicz, J. (2022). The importance of role and tasks of HR Business Partners during the COVID-19 pandemic. In M. Stor (Ed.), *Human Capital Management in the Wandering Context of Events – Challenges for the Managerial Staff* (pp. 98-106). Publishing House of Wroclaw University of Economics and Business. Retrieved from:
https://www.researchgate.net/publication/363861408_The_importance_and_role_of_HR_Business_Partner

_during_the_COVID-19_pandemic

World Health Organization. (2022). COVID-19 and mandatory vaccination: Ethical considerations. Policy brief. Retrieved from:

file:///C:/Users/User/Downloads/WHO-2019-nCoV-Policy-brief-Mandatory-vaccination-2022.1-eng.pdf