

The do's and don'ts of a mandatory vaccination policy



The Department of Labour published guidelines on 11 June 2021 stipulating that Covid-19 vaccinations can be made mandatory by employers. However, this raises a number of questions, including whether or not any organisation can implement such a policy, and how they go about doing so. Additional factors also need to be considered, such as how this impacts existing health and safety policies, as well as what to do if employees invoke their right not to vaccinate due to religious, personal or medical reasons. The landscape is inherently complex and fraught with challenges, and businesses simply cannot afford to get it wrong. Partnering with an expert in Occupational Health and Safety (OHS) can prove invaluable.

It is not a blanket policy

While the guidelines state that mandatory vaccinations can be implemented by employers, this is by no means a blanket policy that can be unilaterally applied. Employers need to justify their particular circumstances, including the nature of work and the size of the workforce. For example, a small enterprise where the majority of the workforce is able to operate remotely would not be able to justify this approach, whereas a mining or manufacturing concern would certainly have adequate grounds for such a policy.

Collective agreements take precedence

It must also be understood that collective agreements that are already in place with unions will always take precedence. It is important for businesses to work with unions and communicate clearly, engaging with the workforce on the issue. They cannot simply decide to put a mandatory vaccination policy in

place. International standards, such as ISO 45000, backs up this approach. The ISO standard mandates that a consultative approach be followed, and that employers engage with their workforce to create a safe working environment for all.

A risk assessment is the first step

Before any policy or procedure can be implemented, it is essential to firstly conduct a risk assessment of the organisation. This incorporates many aspects, including the viability of a remote workforce and of continued remote work, the requirement for international travel, the number of vulnerable employees, the number of employees exposed to the public, the effectiveness of personal protective equipment (PPE) in the environment, and more.

Once the risk assessment has been conducted to determine the necessity of a mandatory vaccination policy, a plan needs to be formulated to develop clear specifications. This includes how to handle circumstances where individuals will not vaccinate for their personal reasons. The Commission for Conciliation, Mediation and Arbitration (CCMA) precedent demonstrates that individuals cannot be dismissed for refusing to vaccinate, so controls need to put into place to cater to this eventuality.

Expertise and skills are essential

Unpacking all of the requirements to implement any health and safety-related policy can be exceptionally complex, and employers simply cannot afford to get it wrong or be inconsistent. Nor can they run the risk of facing the CCMA. Policies need to include all angles and close all loopholes, and understanding the requirements can be challenging.

An expert partner assists businesses to ensure they are covering all of their bases, removing areas of doubt by ensuring that the nuances are understood and that guidelines and controls are effectively implemented. Without a solid understanding of the implications of a policy, potential objections and how to deal with them, businesses will not be able to handle challenges as they arise. Communication is key, and working with employees and unions is critical, especially given the volatile nature of the current situation.

As the pandemic evolves, the laws around health and safety are changing on an almost daily basis, making this already complex environment more challenging than ever. The right partner is essential in navigating this uncharted landscape and helping employers make the best decisions for their business and their employees.