

21109 'Jab for a job' is LEGAL: Ministers believe companies that force their staff to get the Covid vaccine in order to work would be protected by health and safety laws

dailymail.co.uk 8 February 2021 |

Bosses who demand their staff get the coronavirus vaccine in order to work would not be breaking the law, ministers believe, potentially paving the way for 'a jab for a job'.

Firms who insist on workers having a Covid-19 immunisation and take action against those who refuse on non-medical grounds would be covered by health and safety laws requiring them to have a duty of care for their staff, it is believed.

The idea of employers forcing staff to get a jab is controversial, with the Vaccines Minister Nadhim Zahawi previously branding it 'discriminatory'.

The issue has reportedly divided Whitehall, with some ministers supporting the enforced vaccination scheme in the interests of 'public health' whilst others believe it would foster discrimination.

There are fears it could be seen to discriminate against minority communities where take-up of the vaccine has been lower.

But a source told the paper: 'If someone is working in an environment where people haven't been vaccinated it becomes a public health risk.'

'Health and safety laws say you have to protect other people at work, and when it becomes about protecting other people the argument gets stronger.'

The source added that those with a medical reason for not being vaccinated, such as an allergy, should be exempt from the scheme - and that ministers had considered introducing new health and safety legislation.

Asked whether the Government is considering issuing vaccine passports, Mr Zahawi told Sophy Ridge on Sky News: 'No, we're not. One, we don't know the impact of the vaccines on transmission. Two, it would be discriminatory and I think the right thing to do is to make sure that people come forward to be vaccinated because they want to rather than it be made in some way mandatory through a passport.'

'If other countries obviously require some form of proof, then you can ask your GP. But we are not planning to have a passport in the UK.'

Although there is little precedent for companies being taken to court over the decision to sack unvaccinated employees, tribunals have previously ruled in favour of bosses who have dismissed staff for failing to isolate with infectious disease, The Telegraph reports.

Nick Wilcox, a partner at employment law specialists BDBF, told the Guardian that mandatory vaccinations 'could be an issue', advising employers to consult workers about jobs rather than imposing them.

Companies calling for a no job, no job, approach could indirectly encourage other discrimination.

407 words