

Healthcare Workers and COVID-19 Vaccinations FAQ

The Government has made COVID-19 vaccinations compulsory for care home staff in England.

COVENTRY, WEST MIDLAND'S, ENGLAND, August 10, 2021 /EINPresswire.com/ -- The Government has made COVID-19 vaccinations compulsory for care home staff in England. This means that from November 2021, workers employed in Care Quality Commission (CQC) registered homes will be required to receive two doses of a vaccine. Only those who have an exempted medical condition will be able to carry on working without the jobs.



Mandatory Vaccinations

The decision to approve compulsory vaccinations has created some distress amongst healthcare workers, some of whom feel that there are strong ethical, moral and professional reasons why they are unwilling – or unable – to get vaccinated.

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J Morgan

To help our members try and navigate their way through this complex issue, we've put together the following FAQ:

What are the new rules for healthcare workers and mandatory vaccinations?

There are currently laws being passed, which are not currently finalised, to require care workers to be fully

vaccinated against COVID-19 in order to work in CQC registered care homes. When the laws are passed, which we expect them to be passed imminently, there is a 16-week grace period to allow employees to obtain both vaccinations before the requirement takes effect. That requirement also extends to workers engaged in 'tangential' jobs, such as volunteers and agency staff.

There are exceptions to the new rules, which permit unvaccinated persons to enter care home premises in certain limited circumstances, such as:

- to provide emergency assistance;
- to visit a resident service user as a friend or relative;
- to visit a service user who is dying;
- where it is reasonably necessary to provide urgent maintenance; or
- to provide comfort or support to a service user in relation to a service user's bereavement following the death of a friend or relative.

These rules will only apply to care homes in England when they are finally enacted therefore the legal position for Wales, Scotland, the Republic of Ireland and Northern Ireland will be different.

Can my employer force me to get a COVID-19 vaccine?

While the new rules stipulate that care home staff must be vaccinated, an employer cannot force anyone to get vaccinated against their wishes.

However, they may be able to take action if they think there are substantive reasons why an employee should be vaccinated. This is particularly relevant for care home staff, whose duties regularly bring them into contact with the sick and the vulnerable.

Can I refuse to get a COVID-19 vaccine?

You can refuse – the question is whether you can refuse and retain your current working relationship with your employer. Where there are compelling health and safety reasons, your employer may have a stronger case to insist that you're vaccinated and they may be able to fairly dismiss you.

If you have worries or concerns about this issue, the first thing to do is to discuss them with your line manager. There might be scope, for example, to offer you different duties or redeploy you in some way.

Can my employer amend my contract to force me to get vaccinated?

It's unlikely that your employer will have a reasonable basis to amend your contract and force you to get vaccinated. However, where particular conditions – such as those in the care sector – apply, they may still be able to argue that vaccination is an essential part of protecting service users and other workers.

Comments from our panel Employment Law Solicitor – Lewis

We have asked our senior panel Employment Law Solicitor, Lewis, on his thoughts and comments to the new rules; here is what he had to say.

“This law has come as a surprise to me if I am honest. There have been murmurs about introducing such requirements to assist the health sector but these have been criticised by employment law specialists because they could potentially unlawfully discriminate against persons such as those who are pregnant and those with disabilities.

The proposed law does make exceptions but these are very limited so this could result in many unvaccinated staff being prevented from working therefore out of work.

I do fully understand the serious and imminent need for the care home industry, to reduce the risk of infecting its service users with COVID-19, however this new law could potentially have detrimental ramifications of an inability to service the demand for care workers, if a vast amount of care workers are not vaccinated as they simply will not be eligible to work in a care home.

To try and assist care home workers with this new law the Government is implementing a 16-week grace period before the requirement of care workers to be vaccinated becomes mandatory. The Secretary of State will also monitor this law every 12 months, after it has been enacted, to try to further assist care home workers but this may still result in huge issues for the care home sector.”

I'm worried – what do I do next?

The first thing to do is to chat to your manager so you fully understand your employer's position on this issue. If you still have worries or concerns get in touch.

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