

Up to employees

Good for bosses to encourage vaccination but final decision rests on workers

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PETALING JAYA: While it is not mandatory, it is a good idea for employers to encourage their workers to get vaccinated against Covid-19.

This can be done by providing them with the relevant information and increasing their physical access to clinics and doctors, according to the Malaysian Employers Federation (MEF).

MEF executive director Datuk Shamsuddin Bardan said companies could also help by providing clarification in the face of rumours or misinformation.

“Taking the vaccine will enable them to protect themselves,” he said.

However, he told theSun it is within the rights of employees to not go for vaccination.

He added that the bottom line is employers should take into consideration reasons for an employee declining to be vaccinated, especially if it is based on medical or religious grounds, fear of allergic reactions or, for women, if they are expecting a baby.

“Even job applicants cannot be asked to show proof that they have been vaccinated as a condition for employment.”

On the other hand, he said employees who need to travel abroad for work may have to be vaccinated, in line with requirements of the destination country.

He said invoking provisions under the Occupational Health and Safety Act to make vaccination mandatory is not advisable. Under the Act, it is the duty of an employer to ensure the safety, health and welfare of employees.

Malaysian Trades Union Congress deputy president Mohd Effendy Abdul Ghani agreed that the decision on whether to be vaccinated is the prerogative of the employee.

But steps should be taken to ensure that those employed in key sectors be given the vaccination.

“Discussions should be held to address issues such as who will bear the cost of the vaccine,” he said.

“We are of the view that it is necessary for workers in important sectors to take the vaccination,” he said, without specifying the sectors.

Human resource manager Srithren Krishnan said employers cannot force their workers to take the vaccine because such a requirement is not stipulated in work contracts.

“Hence, it is unfair to sack an employee for refusing to be vaccinated,” said Srithren.

It should also be noted that the government has not made it a requirement for everyone to take the vaccine.

“As such, employers should be aware that they are not to make it mandatory.”

He added that for job applicants, proof of vaccination, such as a “vaccine passport”, can be an added advantage.

Lawyer Xenia Z.C. Lok described the Occupational Safety and Health Act as a “double-edge sword”. “It requires employers to ensure the safety and health of their workers. But if an employee is forced to get vaccinated and something untoward happens after that, the employee can turn around and accuse the employer of breaching the law.”

She said that under the Act, an employer is not conferred a “clear, legal right and position” to compel an employee to be vaccinated.

“Each individual employee is given equal protection under the law in regard to his fundamental liberties concerning his body.

“If it is proven that an employer has infringed upon this right, it is in my view, a violation of established principles of law governing the employer-employee relationship,” she added.