

MALAYSIA

Vaccine mandate can be enforced on employees if necessary: MEF

OSHA 1994 among legal provisions imposing duty on bosses to ensure workers' safety, health, and welfare

Updated 7 hours ago · Published on 03 Sep 2021 9:00AM · 0 Comments



Protecting co-workers and clients is a major reason for employers wanting all their staff to be inoculated, says MEF president Datuk Syed Hussain Syed Husman. – The Vibes file pic, September 3, 2021

BY

Amar Shah Mohsen

KUALA LUMPUR – Employers are advised not to mandate vaccinations for their staff, but if presented with no choice, they are permitted under the law to enforce such conditions before allowing them to enter their workplaces.

Malaysian Employers Federation (MEF) president Datuk Syed Hussain Syed Husman said employers have a clear priority in wanting their staff inoculated to protect their co-workers as well as clients.

Additionally, he said employers also want to avoid any legal liability for potential workplace infections, and see the government's National Covid-19 Immunisation Programme as the solution to this.

Noting cases of individuals refusing to be vaccinated, Syed Hussain pointed out that it is the legal duty of employers to provide a safe and healthy workplace.

He cited Sections 15 and 17 of the Occupational Health and Safety Act 1994 (OSHA) as among legal provisions that impose a duty on bosses to ensure the safety, health, and welfare of employees.

Section 24 of the same Act, he said, also states that workers are under a similar responsibility to ensure their well-being and that of their co-workers.

“Based on these provisions, it would be reasonable for employers to request employees to be vaccinated,” he told The Vibes yesterday.

“Employees who refuse to be vaccinated without reasonable reasons may be barred from entering the workplace until such time they are vaccinated or the government declares that Malaysia is free from Covid-19.”



MEF president Datuk Syed Hussain Syed Husman says employers can encourage employees to get immunised by providing information, increasing access to clinics and doctors, and clarifying rumours and misinformation. – MEF pic, September 3, 2021

Syed Hussain was commenting on a statement by the [Malaysian Trades Union](#)

Congress (MTUC) on Monday slamming certain employers who have made it a requirement that staff get vaccinated or be barred from coming to work.

It said there have also been complaints wherein employees were told that they could face action, including dismissal, if they continue to reject vaccination.

Syed Hussain said that, while he notes that vaccination is currently not mandatory in the country, it is seen as the only way for the population to achieve herd immunity and protect themselves against Covid-19.

However, he said where possible, employers would prefer to encourage vaccinations by means of appropriate company promotional campaigns.

“Employers can encourage employees to get immunised by providing information, increasing access to clinics and doctors, and clarifying rumours and misinformation.

“In the absence of legislative provision mandating vaccination, employers should consider a more cautious policy of promoting vaccination, rather than making it mandatory. It is not advisable to invoke the provisions of OSHA,” he said.

On whether employers will consider a person’s vaccination history as part of their conditions for hiring, Syed Hussain said this would depend on the job requirements, with those needing to travel overseas, for instance, potentially needing to be jabbed.

Additionally, he said, employees who are forced to skip vaccinations due to underlying medical conditions should be treated differently from those refusing them without reasonable grounds. – The Vibes, September 3, 2021