

# How to ethically mandate COVID vaccination at your workplace

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Compulsory COVID vaccination is [in the news again](#) now Qantas has just announced its employees will need a shot.

This follows fruit and vegetable processing company SPC [announcing](#) vaccines would be compulsory for onsite [staff](#), a move that's attracted [some backlash](#).

If you are an employer and thinking about a [vaccine](#) mandate for your workers, there are many things to consider. And if you want to [go down that path as a last resort](#) here's how to do it ethically.

## **Vaccine mandates are not new**

Internationally, COVID vaccines have been mandated in sectors such as [health care](#), education and [business](#).

In Australia, public health orders have paved the way for mandates in workplaces, such as [quarantine and construction](#). Now attention is turning to vaccine mandates in businesses.

The [federal government](#) says in the absence of specific health orders, it's [up to businesses to decide](#) if a vaccine mandate is appropriate. Aside from vaccine mandates in [aged care](#), the federal government says vaccine mandates are [not for government](#) to impose. Not everyone [agrees](#). Employers are also receiving [updated messages](#) about whether a vaccine mandate is legal and under what circumstances.

If vaccine mandates are introduced at work, it's critical they are introduced ethically. And the World Health Organization has [guidance](#) on this.

Of the issues it raises, two stand out as being directly relevant to workplaces—necessity and trust.

In other words, is a vaccine mandate a necessary, reasonable and proportionate response to a public health problem? This is not an easy or

one-off decision. This is because the background risk of COVID infection can change rapidly, as we are seeing in Australia.

Second, how can employers approach the issue, while fostering mutual trust between them, their workers and public health agencies? The issue of fostering trust is what we'll focus on.

## Promote choice first

You might not actually need a vaccine mandate. Offer alternatives before mandates, where possible, as a way of promoting trust.

This is called offering a "[least restrictive alternative](#)", a [liberty-promoting approach](#) that aims not to coerce people unless or until they have been given [every opportunity](#) to be vaccinated because they choose to be.

Here are things businesses can and should try to promote choice:

- **make getting the vaccine easy.** This could include making it available at work or facilitating appointments for any staff who want help booking in. Pay particular attention to those who are not online or need help navigating the system. Government assistance to help people [book an appointment](#) is extremely limited. So businesses who want high uptake among staff should be prepared to take on this responsibility
- make sure there are **no financial burdens** associated with receiving the vaccine. All staff, including casual staff, [should be given paid time off](#) to receive the vaccine and sick leave if they feel unwell following it
- if staff are concerned about being vaccinated, **facilitate access to reliable information** and opportunities to ask questions/receive information in person. This is more than

providing a link to a website. It must include working with local health workers to ensure time is given for on-site information sessions (in a language other than English if needed)

- **offer alternatives** where they are feasible and effective. If a mandate is deemed necessary, consider whether it is possible to achieve the same outcomes (for example, reduced infection in the workplace) by using other public health measures for people who do not want to be vaccinated. Such measures could include alternative work arrangements and frequent COVID testing.

## Make it fair

The second way employers can foster trust, is to make decisions in a way that's fair and to ensure stakeholders feel supported and included. This [procedural justice](#) or fair decision-making process is intended to promote legitimacy—the idea that the decision is a good one—and deal with any disagreements.

[One such approach](#) argues decisions must be fully transparent, relevant, revisable and enforceable.

Here are some ways businesses can help ensure processes are fair when they are considering a mandate and whether they should decide to impose one:

- **involve stakeholders.** Mandates should never come as a surprise. Do staff support a mandate? What is the justification for a mandate? Have open conversations and, if a mandate is agreed on, include staff in the team that develops communication materials for it. Include unions in discussions.
- **be clear about the justification** for and the goal of the mandate. How long will a vaccine mandate be required? Is the mandate a response to an immediate threat or envisaged as

ongoing company policy? If the latter, the business must be able to argue it will continue to be necessary and proportionate, and this may be difficult

- **support enforcement.** Any mandate must be enforceable. Have a plan for how this will happen and make sure people who are responsible for enforcing colleagues' compliance are supported. Any vaccine mandate must include medical exemptions and these should follow government guidance. It is not appropriate for businesses to create their own medical exemption policies.

## How does Qantas measure up?

Qantas [consulted with staff](#) to better understand the appetite for a mandate. More than half the company's workers responded to a questionnaire, and three-quarters of those who answered supported a vaccine mandate.

A questionnaire is a good start, as is the company's policy of providing paid time off to receive the vaccine.

Without more information, it's difficult to know how well supported workers who didn't support the mandate or didn't respond to the questionnaire might be feeling, or what Qantas is doing to address this as part of its mandate process.

We also don't know whether the company used less liberty restricting methods to try to maximize vaccination. (Telstra, for example, [offered every vaccinated worker](#) a voucher for use in its store).

Qantas has announced that the mandate applies to all staff. But such a blanket mandate is difficult to justify. Staff should feel safe at work, but there are many different kinds of roles in a company the size of Qantas and not all of those roles take place in high exposure settings.

## In a nutshell

Maintaining and promoting trust is important when it comes to vaccine mandates. It matters to people subject to mandates and it matters to the public more broadly because mutual trust is a cornerstone of effective public health engagement.

People should feel supported in their health decision making and they should trust and feel respected by their employers.

We're seeing increasing politicization about COVID public [health](#) measures, in Australia and internationally. This is a social harm we should avoid.

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