

Can You Make Workers Get the COVID-19 Vaccine?



Over 100 hospital workers in Texas sued their employer for requiring them to get the COVID vaccination or risk losing their jobs. The court tossed their case. It's only a matter of time before cases like this occur in this country. And if the situation is the same as it was in Texas, those lawsuits will also end up in the garbage can.

The reason we can project this is that while COVID is a novel disease, the laws governing the right of an employer to require health care and other high-risk workers to get a vaccine for an infectious illness to protect the health and safety of their co-workers, patients, customers and clients have been around for a while. They were forged by courts in cases involving flu, SARS and West Nile virus. Based on these cases, a mandatory COVID vaccination policy would likely be justified under 4 conditions:

1. It's a necessary health and safety measure for the particular workplace;
2. The policy is no more intrusive than it has to be;
3. It doesn't violate the contractual or collective agreement rights of employees; and
4. It doesn't discriminate on the basis of religion, disability or other grounds protected by human rights laws.