

Can You Make Workers Prove They Got the COVID-19 Vaccine?



Public health guidelines in most places still recommend (and a few [require](#)) that you [screen workers and essential visitors](#) ('though not customers) for COVID symptoms and recent exposure before letting them enter the workplace. But now there's an alternative: instead of checking for COVID-19 symptoms and recent exposure, you can ask for [proof of vaccination](#).

Is that even legal, you may be wondering. The answer is yes, as long as you go about it [in a limited and appropriate way](#), i.e., adopt [legally sound verification policies and procedures](#):

1. Don't try to collect any other medical information other than about the worker's vaccination status;
2. Be prepared to [accommodate workers](#) to the point of undue hardship who can't or won't get vaccinated due to disabilities, sincerely-held religious beliefs and/or legitimate creed-based objections, which may include anti-vaxers; and
3. Weigh all [accommodations options](#), including letting the unvaccinated work from home or extra measures that might make it safe for them to enter, such as [having to wear a face mask](#) at all times and/or total physical isolation.

Additional Resources:

Recorded Webinar: [Vaccines and Employer's Rights](#)

In the absence of legislation, an employer cannot force an employee to be vaccinated. However, an employer may be able to implement policies which require vaccination if an employee wishes to remain employed. Any workplace policy, including one that would mandate employees to receive the COVID-19 vaccination, must be reasonably necessary and rationally connected to the workplace. 'employers should not assume that a mandatory vaccination policy is going to be legal. Ryan Conlin and Jeremy Schwartz of Stringer LLP help employers understand their rights regarding vaccinations.

TOOL: [COVID-19 Workplace Testing Policy](#)

The purpose of this Policy is to establish a fair, reasonable, consistent, transparent and minimally invasive COVID-19 testing system that meets the requirements of applicable privacy, human rights and other laws and public health guidelines, as well as to ensure that all employees understand the system and what they are expected to do to comply with it.

Article: [2020: COVID-19 and Re-Opening Requirements Across Canada](#)

Across Canada, provincial and territorial governments are emerging from months of quarantines and restrictions amid the current COVID-19 pandemic. Each province and territory has established a different plan to meet the unique needs of its population and economy. This tracker is updated weekly and summarizes the status of business and community restoration plans across all Canadian jurisdictions.

REPORT: [The Employer's COVID-19 Return to the Workplace Playbook](#)

This guide outlines the key considerations for employers in putting together re-opening plans for the workplace. This playbook includes accommodation considerations, COVID-19 hazard assessment for the workplace and chart of Return to work resources for employers from the World Health Organization, Center for Disease Control, the Canadian Federal Government and each provincial government and provincial health authorities.