

What to Do When Workers Defy Your Mandatory Vaccination Policy



If you're among the many employers with mandatory vaccination policies, you face the challenge of enforcement. Here's a quick rundown of what to do if a worker defies your mandatory vaccination policy.

Step 1: Find Out Reason

The first thing you must do is ask workers why they won't get vaccinated so you can determine whether you need to accommodate them under human rights laws. Such is the case when they can't get vaccinated due to a medical condition or other disability, bona fide religious objection or other personal characteristic or circumstance protected from discrimination. By contrast, workers aren't entitled to accommodations when they can take the vaccine but choose not to do so out of personal preferences or beliefs.

Step 2: Take Action Based on Reason for Refusal

Once you find out why refusing workers won't get vaccinated, you have two possible courses of action:

Course 1: Accommodations

Human rights laws require you to make reasonable accommodations to the point of undue hardship. That doesn't necessarily mean letting unvaccinated workers just go about their business as normal. You must carry out a site-specific hazard assessment to determine whether letting the worker come to work would put others at undue risk. If so, you must seek alternative accommodations like letting them work from home, physically isolating them or requiring them to undergo rigorous and regular COVID-19 testing.

Course 2: Discipline

The vast majority of vaccine refusers won't be protected under human rights laws. **Result:** You can discipline them in accordance with your disciplinary policies and procedures without making accommodations, just as you would any other worker who deliberately defies an essential health and safety policy.