

Tripartite Partners Issue Advisory on COVID-19 Vaccination in Employment Settings

In line with the Government's recent efforts to encourage everyone who is medically eligible to get vaccinated against COVID-19, the tripartite partners issued an advisory on 2 July 2021 ("**Advisory**") to provide guidance to both employers and employees regarding COVID-19 vaccination in employment settings. The Advisory can be found here: <https://www.mom.gov.sg/covid-19/advisory-on-covid-19-vaccination-in-employment-settings>.

We set out below a summary of some key points of the Advisory which employers should take note of.

General workplace vaccination policy

1. Vaccination is strongly encouraged but remains voluntary. Employers should not make COVID-19 vaccination mandatory.
2. Employees who decline vaccination should not be penalised, such as having their employment terminated on the ground of declining vaccination.
3. Nonetheless, employers should strongly encourage and facilitate all their medically eligible employees to get vaccinated. Some steps that may be taken include:
 - (a) granting paid time-off to employees for COVID-19 vaccination; and
 - (b) facilitating public education programmes on vaccine safety and efficacy for their employees.
4. Employers are permitted to ask employees for vaccination status for business purposes, e.g., business continuity planning.

Employment settings where employees are exposed to higher risk of COVID-19 infection

5. Where an employee's employment setting exposes the employee to a higher risk of COVID-19 infection compared to the general employment setting,¹ **employers may require COVID-19 vaccination as a company policy for these higher risk employment settings.**
6. Such settings include:
 - (a) where there is a higher risk of exposure to COVID-19 due to the work environment;
 - (b) where employees are staying in a communal living environment; or

¹ The Advisory states that a useful reference point in assessing whether an employment setting exposes an employee to a higher risk of COVID-19 infection is whether the employee is required to undergo Rostered Routine Testing (RRT), mandated Fast and Easy Testing (FET), or is in regular contact with known COVID-19 cases/persons who are isolated due to risk of COVID-19. The Advisory also provides certain guidelines to determine such employment settings.

- (c) where the work environment or nature of work does not allow for safe management measures to be effective or practicable.

7. **Where such a policy is adopted, employers:**

- (a) Should provide affected employees with additional paid sick leave (beyond contractual or statutory requirement) to support their recovery from any immediate adverse medical complications arising from vaccination.
- (b) Should exempt (from the vaccination requirement) employees who belong to groups identified by the Ministry of Health as not suitable to receive the COVID-19 vaccine or are not scheduled for vaccination yet.
- (c) **Cannot terminate or threaten to terminate the service of an employee who declines vaccination.**

8. However, where employers have implemented a policy of requiring COVID-19 vaccination for higher risk employment settings, employers may, in consultation with the unions (if applicable), adopt the following measures for employees in these higher risk employment settings who decline vaccination:

- (a) Redeploy such employees to another job with lower risk of COVID-19 infection that is commensurate with their experience and skills, in accordance with existing redeployment policies. Please note, however, that if there are no such policies, the employee's agreement is required for redeployment.
- (b) Recover COVID-19 related costs (e.g., COVID-19 testing costs or costs of stay-home notice ("SHN") accommodation) incurred by the employer from employees (who declined vaccination) that are over and above the costs incurred for vaccinated employees in similar employment settings.
- (c) Adopt a differentiated leave policy for vaccinated employees versus employees who decline vaccination such as putting the latter on no-pay leave for the duration of any SHN served; or
- (d) Implement any other measures that the employer and the union may mutually agree to be taken for employees who decline vaccination.

9. Employers who require vaccination in their company policy should communicate clearly to affected employees their policy and make reasonable efforts to find out why employees decline vaccination and address their concerns. Such communication should include:

- (a) reassurance to employees that they will not be penalised or have their employment terminated because they decline COVID-19 vaccination;
- (b) for jobs or employment settings which expose employees to a higher risk of COVID -19 infection, the reasons why vaccination is required for these employees;

- (c) information on the measures taken by employers for employees who decline vaccination (e.g., redeployment, cost recovery, leave arrangements while serving SHN); and
- (d) information on any forms of assistance offered to individuals who suffer from adverse complications due to the vaccination requirement.

For completeness, safe management measures at the workplace must continue to be observed, regardless whether employees are vaccinated or otherwise.

If you require assistance on drafting vaccination policies or have any queries on the above, you may wish to contact the Partner at WongPartnership whom you normally work with or any of the following Partners:

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