

## **Covid-19 - is it possible to require people to be double vaccinated to work with or travel overseas with UK based mission agencies?**

We are starting to get a steady trickle of questions from within the network about this matter – for existing staff and for potential new staff - and so we thought it would be helpful to produce some general guidance. We asked two of our members to give us their thoughts to share with you.

**This information is accurate as of 23<sup>rd</sup> November 2021.**

**IMPORTANT NOTE:** this is a developing area and, like many other areas of life affected by the pandemic is likely to change as the situation develops. The information below should be regarded as providing general advice and guidance at this point in time and **is not to be relied upon as legal advice**. The reader is also encouraged to refer to the following websites for updates before making any related decisions: [Acas](#) and [CIPD](#).

### **Mark Mason Employment Law**

Our view remains that, unless there is a specific reason making it difficult for the job to be done by someone who is not vaccinated, an employer can't insist on an employee being vaccinated.

If, however, someone is working in a caring environment or regular travel is required for the job and they are having to quarantine on arrival to the other country or the UK because of not being vaccinated, then, on a case-by-case basis, insisting that the employee is vaccinated / or dismissing from employment *may* be fair.

A dismissal for this reason would fall under the catch-all "some other substantial reason" under the Employment Rights Act.

In the first instance, the employer should:

1. Explain to the employee why being vaccinated is important
2. Outline the difficulties for the organisation if the employee is not vaccinated
3. Give some time to the employee to decide what to do
4. If the employee decides not to be vaccinated, consider dismissal – but only after exploring any medical exemption issues

For specific advice on a particular situation, you can contact Mark on 028 9084 8899 or email him at [mark@markmasonlaw.co.uk](mailto:mark@markmasonlaw.co.uk) . Please note that Global Connections members can benefit from an initial 20-minute no-cost telephone consultation.

### **Thrive Worldwide**

Enquiring about people's vaccination status can be useful to help support and plan what might be needed. Asking for information on status to enable an organisation to support and be aware of the risk / situations for the people involved is not a problem but should not be forced and should be a voluntary process.

If there is a good and justifiable reason for the person to be vaccinated (e.g. healthcare work / working with covid-vulnerable people / working in a high risk environment of being exposed to covid-19 / being a person of high risk of severe illness if contracting covid-19) then requiring vaccination is more justifiable and therefore should be able to be backed up and substantiated legally.

It would be better to have a case by case / team by team approach - assessing risk for each.

Thrive Worldwide are happy to provide help and support to review an individual's covid-risk and / or review cases from an occupational health perspective. Contact details can be found [on their website](#).