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COVID-19 VACCINATION

Public sector employees may be forced to take the vaccine

Government may consider making Covid-19 jobs mandatory for public service employees if vaccination rates don't improve, according to a circular from the Department of Public Service and Administration (DPSA).

News24 reported on October 29, that discussions are ongoing with stakeholders and organised labour to "consider the introduction of a mandatory vaccine mandate, along the parameters of OHS [occupational health and safety] direction".

The Department of Employment and Labour's revised Direction on Occupational Health and Safety Measures on vaccinations in the workplace states that employers must do a Covid-19 risk assessment in the workplace, depending on operational needs. Employees and employers must also find a reasonable resolution when employees refused to be vaccinated on medical and constitutional grounds.

Unions and employers might clash about vaccination

Despite Pres Cyril Ramaphosa's public assurance that inoculation was not mandatory, SA's trade union movement could find itself at loggerheads with employers over some workers refusing to be vaccinated against Covid.

With businesses expected to invoke the Occupational Health and Safety Act in instances of employees rejecting vaccination, the 1.8-m member-strong Congress of South African Trade Unions (Cosatu) has warned that no employer had a right to dismiss workers over non-vaccination. Cosatu made it clear that it would use the Labour Relations Act and the Constitution to defend workers. According to public health lawyer Safura Abdool Karim, companies had an obligation "to create a safe working space for their employees" in line with the Act and a directive issued by the Department of Employment and Labour. Karim said companies choosing to terminate employment of workers for not vaccinating do have a legal basis upon which to do so.

A recent survey by the universities of Stellenbosch and Cape Town on vaccine acceptance in SA found that there was an increase in the proportion of adults willing to get vaccinated from 71% in March to 76% in May. However, nearly one in four participants was still hesitant about getting inoculated.

BUSA looks to court for clarity on mandatory vaccines

Business Unity SA (BUSA) plans going to court to seek legal certainty on companies' right to require their staff to be vaccinated against Covid-19, as part of an effort to speed up SA's vaccine rollout and ensure workplace safety, reported **Business Day** (25 October 2021) "BUSA's plans to apply to the high court for a declaratory order on workplace vaccine mandates, comes as a growing number of companies look to implement such policies. It comes, too, in a context in which demand for jobs has declined to a level where SA is now

unlikely to achieve its target of vaccinating 70% of adults by December and is at risk of not reaching even 50% by year end.

Booster shots for healthcare workers on the way

According to Health Department spokesperson Foster Mohale healthcare workers awaiting their booster Covid-19 vaccines needn't fear mixing and matching of vaccines (as happened in the US) due to "consistency purposes". – The Citizen (4 Nov 2021).

South African Medical Association president, Dr Angelique Coetzee, said international studies had confirmed the efficacy of the Covid vaccine started waning after six to eight months, which meant doctors and healthcare workers needed to be given a booster shot. She said while they were not sure when the fourth wave would come, studies have shown that booster shots were needed to reduce deaths and hospital admissions. The booster is only for those who received their first dose under the Sisonke trial. The rest of the country will get it a few months later because they are not yet over their six to eight months period.

No job, no job

In September it was reported that Business for South Africa (B4SA) chair, Martin Kingston, said big business has agreed to start "substantive" discussions about how a framework for vaccine mandates can be created and rolled out. The discussions will involve business, labour, government and community representatives at formal negotiation structures.

Kingston said if an employee does not want to be vaccinated, the employer is obliged to ascertain whether alternative work is available. When all options have been explored, the employer has the right to commence the due process with respect to terminating the employment of the individual concerned.

Meanwhile, the Minister of Employment and Labour, Thulas Nxesi, has left it to companies/employers to conduct a Covid-19 risk assessment in line with occupational health and safety standards, which will allow them to determine whether vaccine mandates are required to keep workers safe in the workplace.

Also read: *The Citizen* (17 September): Health of society is above human rights F

<https://www.citizen.co.za/premium/2627155/health-of-society-is-above-human-rights/ollow>

Anti-vax doctors could lose their licences

"The Health Professions Council of SA (HPCSA) is investigating complaints lodged by the public against

doctors who have apparently adopted an anti-vaccination stance, as the country pushes for higher levels of immunisation against the Covid-19 virus,” reported *Times Live* (8 Nov 2021).

HPCSA spokesperson Christopher Tsatsawane has confirmed the investigation and said a committee of inquiry will determine if these healthcare professionals will be allowed to continue practising.

The National Health Department’s Foster Mohale said it condemned “any form of unethical and illegal behaviour by any healthcare worker, including medical professionals, and will not hesitate to refer them to the HPCSA for disciplinary action for breaching their ethical duties by advocating for people not to take Covid-19 vaccine and proliferating misinformation.