

## **Government Must Convene Social Dialogue Talks on Vaccination Policy for the Workplace**

There is growing concern among workers regarding reported demands by employers that workers must have mandatory COVID-19 vaccinations to continue in work or to be employed at all.

Workers are asking: Can my employer fire me if I don't get vaccinated? Or Can an employer require that I be vaccinated before I am hired?

At this moment, the short answer is NO.

There is no legal requirement for compulsory vaccination in Trinidad and Tobago.

For such compulsory vaccination to be required, it may be imposed by way of legislation passed by Parliament. Another way may be by way of Regulations under the Occupational Safety and Health Act or Public Health requirement.

Any of these routes requires policy decision by Government.

As for employers, such a requirement cannot be unilaterally imposed without consultation with the employees and more so where there is a Recognized Majority Union there must be negotiation and agreement as to this new term of employment.

As for an employer making vaccination a condition for new employment, such a condition must be required by law or shall be established condition of employment in the practice of employment in this country.

Failure to employ is one of the elements of a Trade Dispute within the meaning of the Industrial Relations Act and refusal to employ anyone for this reason may be challenged with the assistance of a trade union in the Industrial Court.

So, whether it is for dismissal or refusal to employ the demand of an employer for compulsory vaccination is challengeable in the absence of a legal requirement for same.

For those who suggest that any requirement for mandatory vaccination may be a Health and Safety Issue and not an issue of terms and conditions of employment, and a part of the employer's duty to provide a safe workplace including a safe system of work, again in the absence of a legal requirement, the employer's action can be challenged.

There is currently no provision in the OSH Act or the Regulations for such mandatory COVID-19 vaccination.

This is a new situation in our arena of employment relations. It is a new situation faced by the entire country and the world.

As such, this situation demands open urgent social dialogue and tripartite discussion involving government, employers and labour, to determine an appropriate policy for the workplace. .

Leadership in initiating such discussion should have come from Government which has principal responsibility for the public health of the population and for maintaining a stable employment relations climate to facilitate the economic welfare of the society.

This issue is much larger than any individual or collective contract negotiation involving a single or multiple workers and their and employers. This is not a simple matter of traditional collective bargaining.

This is a matter which should not be left to whether an affected worker engages the disputes procedure and proceeds to the Industrial Court on a Trade Dispute or a matter under the OSH Act.

This is a situation clamouring for urgent social dialogue and national setting of appropriate policy direction to avoid unnecessary conflicts and fights distracting from the National Purpose of defeating the COVID threat and protecting lives and livelihoods.

This crisis demands leadership at all levels.

The potential for a slew of industrial relations conflicts can be avoided and Government should take the leadership and convene social dialogue, not merely consultation, to arrive at a must win solution in the interest of all.

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A Citizen Calling for Social  
Dialogue to serve the National Purpose.

06 June 2021