

# Occupational Vaccination Policy



<b>Trustee Owner</b>	Andrew Cobb
<b>Effective date:</b>	1/3/22
<b>Review date:</b>	1/3/25
<b>Related documents</b>	Health and Safety Policy Employee Code of Conduct COVID risk assessment Risk assessments for visitors, individuals and activities

## Approval History

Version	Reviewed by	Amendment History	Approved by	Date
1.0	Jane Sullivan	First draft	Andrew Cobb	01/03/22
1.1	Katharine Jane	Updated for charity status	Jane Sullivan	14/7/22
1.2	Andrew Counsell	Reviewed – no action needed	Katharine Jane	11/3/24

## Purpose

The purpose of this policy is to set out Newton Rigg Ltd's stance on occupational vaccinations in relation to any person working or volunteering on Newton Rigg Ltd and how these impact on the health and safety of our workplace.

## Scope

Employees and volunteers working on behalf of Newton Rigg Ltd.

## Policy Statement

We are all exposed to hazards and risks in the workplace and as an employer, Newton Rigg Ltd has a legal duty to protect the health of its employees under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. Some of these hazards and risks are caused by bacterial and viral infections and vaccinations can provide protection against some of these.

In the COSHH hierarchy of control measures, vaccinations, as a protection against infection at work, is the last line of defence and other controls should be available ([HSE guidance](#)). However, in work settings where a risk assessment shows there is a risk of exposure to biological agents (as required under the COSHH Regulations 2002), and effective vaccines exist, then provision should be made to determine whether an employee is already vaccinated and to offer vaccinations (free of charge) to those not already vaccinated.

This policy ensures that Newton Rigg Ltd is compliant under current legislation regarding occupational vaccinations and has additional benefits by reducing the risk and cost to Newton Rigg Ltd, by having a healthier workforce, which minimises loss of working time and improves business continuity which ultimately improves its financial security.

## Policy Aims

This policy aims to:

1. Provide guidance to all employees and volunteers regarding the health benefits of vaccinations in general and how this can be promoted.
2. Provide guidance to managers regarding the need for mandated occupational vaccinations at Newton Rigg Ltd and how this can be determined.
3. Provide guidance to managers regarding the management of implementing occupational vaccinations as a contractual requirement.
4. Provide guidance on the implications of collecting information regarding a person's vaccination status with regard to GDPR and the Data Protection Act 2018.

### 1. Why are vaccinations important?

Newton Rigg Ltd recognises the importance of vaccinations as a means of protecting people against ill health and stopping the spread of infectious diseases and furthermore supports the scientific evidence that vaccinations protect people against infectious diseases (for further information please see [NHS](#)).

The NHS provides a range of free vaccinations details of which can be found [here](#).

However, whilst most people welcome vaccines as part of their own health management, some people will be reluctant or refuse to have a vaccine. The reasons for this could be varied and include medical grounds (including temporary medical conditions such as pregnancy), religious, philosophical or spiritual grounds and those who have an allergy or fear or uncertainty regarding vaccinations. We would encourage employees and volunteers to talk to their line manager regarding any concerns.

The Health and Safety at Work Act 1974 obliges employers to take reasonable steps to reduce workplace risks, which means we can determine whether a particular vaccination is a contractual requirement in order to protect people who work at Newton Rigg Ltd following a risk assessment.

### 2. Determining the need for mandated occupational vaccinations

Any requirement for a mandated occupational vaccine must be determined following a risk assessment for a specific activity and must only be used as a final control measure as part of a risk matrix.

When carrying out a risk assessment other aspects to consider include:

- Updating risk assessments to reflect changing government guidance and availability of vaccines to different age groups
- Special measures for any clinically extremely vulnerable employees or volunteers

- Any claims for discrimination that may arise resulting from vaccination or a failure to be vaccinated
- Reviewing other control measures in place

### **3. Managing the implementation of occupational vaccinations**

If any vaccinations are determined to be a condition of employment, then the following must happen:

- The specific vaccination in question is stated on their contract of employment and accepted prior to commencement of employment.
- If a new vaccination is determined to be mandated during an existing employment contract, then any changes must be with the employee's agreement otherwise this would constitute a breach of contract and employees could resign and claim constructive unfair dismissal.
- The vaccination strategy must include exceptions for employees or volunteers who cannot accept the vaccine due to medical or possibly belief reasons in line with the Equality Act 2010. Other control measures would then need to be implemented.
- Any incentives offered should not discriminate against employees with protected characteristics who have reasons for not having the vaccination.

In addition, all employees and volunteers working at Newton Rigg Ltd are also obliged to adhere to government guidelines regarding the introduction of mandatory vaccinations in the workplace at any given time.

#### **Time off for occupational vaccination appointments**

Occupational vaccination appointments should be attended outside normal working hours so far as possible, or where not possible, with the minimum disruption to the working day (i.e. at the beginning or end of the working day). Where vaccination appointments cannot be arranged outside normal working hours, employees can take up to half a day paid time off in total

Employees must obtain approval from their line manager prior to attending a vaccination appointment during working hours, by giving as much notice of the time off required for this purpose as possible and by providing evidence of their appointment where required, such as proof of a vaccination appointment booking.

Following a vaccination, employees are expected to return to work, provided they feel well. Employees who are unwell after receiving a vaccination should refer to the sickness absence policy.

#### **Employee Conduct**

Newton Rigg Ltd will not condone or tolerate any form of harassment, bullying or intimidation among employees or volunteers relating to other employees' or volunteers' views or decisions taken in relation to vaccinations. This applies both in the workplace and in any work-related setting outside the workplace, for example, during business trips, at external

training events, at work-related social events and when using social media where employees can be identified as working for Newton Rigg Ltd.

Any employee of Newton Rigg Ltd who is found to have bullied or harassed another employee in violation of this policy will be subject to appropriate disciplinary action under the our disciplinary procedure.

#### **4. Collecting information regarding a person's vaccination status with regard to GDPR and the Data Protection Act 2018**

- Medical information that an employee has received a vaccine will constitute special category data so employers who choose to keep records should do so in accordance with GDPR and the Data Protection Act 2018.
- Under this legislation processing of personal data concerning health constitutes a special category and is prohibited, unless vaccination records are necessary and proportionate.
  - **This reiterates the need for lawful basis for processing this data which can only stem from government legislation or an internal specific risk assessment which would constitute 'legitimate interests' under our health and safety obligations and/or public health interests**
- Employers should have a policy document and data risk assessment covering the processing to ensure compliance with key data protection principles including transparency, data minimisation and security requirements.
- Employee Privacy Policies should be reviewed and updated.