

Virus. Vaccine. Vision.

A Covid-19 information series by laya healthcare, looking after you always.

Ireland's Covid-19 Vaccine Roll-Out: Expert guidance for employers & HR leaders



2021 is set to become the year of the Covid-19 vaccine. While news of Ireland's vaccination roll-out is positive, it represents uncharted territory for employers who now need to consider how the vaccine impacts on their return to work plans.

What do employees think?



4 in 5

employees want to get the vaccine



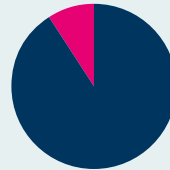
88%

want their employer to give them the vaccine



7 in 10

believe employees should be vaccinated before going back to work



91%

of employees are experiencing anxiety because of Covid-19

*survey of 1,003 employees by Spark Research on behalf of Ilaya healthcare, 15-29 January 2021

Top 5 tips for HR Leaders

The role of an employer and HR leader is to communicate the facts around Covid-19 vaccination and encourage employees to avail of it as part of the wider measures to protect them against the virus. As it currently stands, employers cannot mandate vaccinations nor can they administer vaccines privately. According to our recent survey of 1,003 employees by Spark research on behalf of Ilaya healthcare, that took place in January 2021:

41% employers say they need help in managing and developing their vaccine policy and supports.

As part of its **Brave New Era** series, Ilaya healthcare is working with Ireland's leading legal and clinical healthcare experts to get their insights and advice on how HR and business leaders should approach vaccination and the issues and decisions they need to prepare for now.

In a recent **panel discussion** hosted by Ilaya healthcare, five common themes emerged. The following guidance is provided with thanks to our partners **Jennifer Cashman**, Employment Partner, Ronan Daly Jermyn and **Professor John Gallagher**, Founder and Chief Medical Officer, Cognate Health.



1. Communication is King



2. Vaccination is not a silver bullet



3. Data Protection watch outs



4. Covid-19 testing



5. Establish a foundation of Mental Wellbeing



1. Communication is King

Due to the fluid nature of Covid-19 it's critical that you support employees by communicating the facts around vaccinations, directing them to trusted sources of updated information such as the HSE.

Be clear as to your role as employer when it comes to vaccines. As it currently stands, employers cannot provide vaccinations privately to employees nor can they mandate them to avail of the vaccine. Employers should encourage take-up of the vaccine and it would be best practice to provide paid time off for employees to receive the vaccine. The Covid-19 vaccination is only available through the HSE to eligible groups with the Irish government covering the cost of vaccinations initially for those who wish to receive them.

Laya healthcare has prepared a quick **fact sheet** answering the most frequently asked questions by employees around vaccines. Feel free to share this with employees directly.



2. Vaccination is not a silver bullet

While Ireland's vaccination roll-out is positive and provides hope, it is not a silver bullet. Vaccines alone won't end the Covid-19 pandemic. Employers should encourage employees to avail of the vaccine as part of their overall strategy for addressing the Covid-19 risk including the provision of PPE, encouraging hygiene and handwashing, social distancing and facilitating remote working in line with public health guidance. Measures and protections will vary from workplace to workplace. Employers should have risk assessment frameworks in place, guided by the **Work Safely Protocol** issued by the Government in 2020.



3. Data Protection watch-outs

Data privacy is a major concern for HR leaders when it comes to Covid-19 vaccinations. Two questions come up most frequently;

Q. Can an employer ask if an employee has been vaccinated?

There is no legal basis as things currently stand for an employer to ask an employee if they have received the vaccine. Data relating to employees receiving the Covid-19 vaccination (whether confirmation of vaccination, or proof of vaccination) will constitute a special category of data under the GDPR as it relates to an employee's health. Employers would need to identify a legal basis for the processing of such personal data and

establishing an appropriate legal basis will be particularly challenging in the absence of a clear legislative mandate requiring employees to be vaccinated. In terms of quarantine once travel opens up, employers should be guided by relevant public health advice when that happens.

Q. Can an employee refuse to come to work due to colleagues not taking the vaccine?

An employee maintaining the stance that they will not return to work until they are satisfied that all employees are vaccinated is not reasonable nor will it be possible for the employer to meet that demand as the employer cannot mandate that employees receive the vaccine nor are they entitled to ask whether an employee has received the vaccine as outlined above. If an employee maintains this stance, an employer may have to consider disciplinary action.



4. Covid-19 testing

Can employers mandate Covid-19 testing as part of their return to work strategy? There are data protection considerations to mandating Covid-19 tests in the workplace. An employer may be able to insist on testing provided that they have a legal basis for doing so. This would involve a risk assessment from a health and safety perspective and also a data privacy impact assessment from a GDPR perspective. Employers should not mandate testing in the workplace without taking the appropriate legal advice.



5. Establish a foundation of Mental Wellbeing

Recent research* by laya healthcare shows that 9 in 10 employees are experiencing anxiety around Covid-19. The foundations of good mental wellbeing supports in the workplace are well known. Laya healthcare members aged 16+ have 24/7 phone access to counsellors 365 days a year. This is a **confidential service, made available at no extra cost** to help support your employees' mental wellbeing at this challenging time.

survey of 1,003 employees by Spark research on behalf of laya healthcare, 15-29 January 2021

Laya healthcare is supporting employers through its Brave New Era series. Go to layahealthcare.ie/bravenewera to view expert panel discussion on Ireland's vaccine roll out, read our Covid-19 wellbeing reports and access HR playbooks.

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24/7 Mental Wellbeing Support available to members aged 16+.
Not available on 360 Care and 360 Care Select.