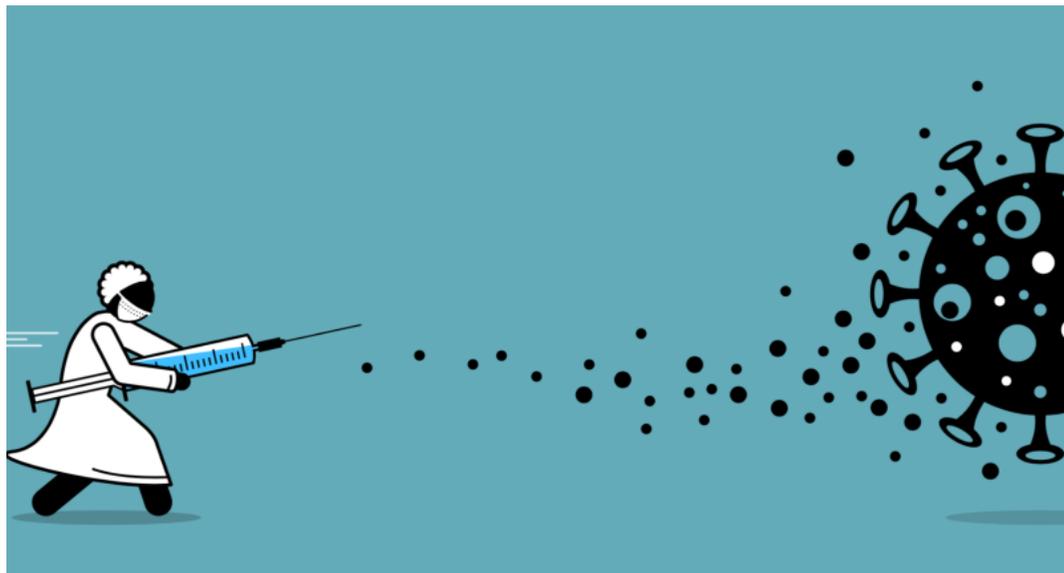


HEALTH

Fired for not getting the COVID vaccine? This could be a reality

Kyle Schnitzer January 18, 2021

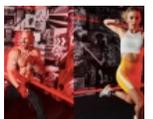
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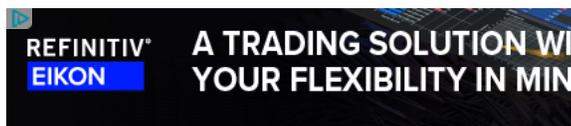
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Heading back to the office will be a treat for workers after what will be a year come March. Regardless of whether your company has outlined a safe return plan (or if **some hybrid work schedule** will be implemented), it's important to know one thing: You might **need to be vaccinated** before heading back to work.

Following the breakthrough Pfizer-BioNTech and Moderna vaccines released in December, **the Equal Employment Opportunity Commission (EEOC) said** that requiring employees to receive a COVID-19 vaccination would not violate the Americans with Disabilities Act, which protects employees from certain medical examinations that employers' may be interested in.

The EEOC said that the COVID-19 vaccine is not considered a medical examination, which the origination defines as "a procedure or test usually given by a health care professional or in a medical setting that seeks information about an invidious physical or mental impairments or health."



These can be vision tests, blood, urine, or breath analyses, blood pressure screenings and diagnostic procedures, according to the EEOC.

“If a vaccine is administered to an employee by an employer for protection against contracting COVID-19, the employer is not seeking information about an individual’s impairments or current health status and, therefore, it is not a medical examination,” they said.

But what happens if an employee doesn’t want to get a vaccination? Does it mean they could potentially be fired for refusing if their company requires it as a safety precaution?

There are exceptions, such as medical or religious reasons, [according to the Associated Press](#):

And even though employers can require vaccinations, there are reasons they might not want to.

Tracking compliance with mandatory vaccination would be an administrative burden, said Michelle S. Strowhiro, an employment adviser and lawyer at McDermott Will & Emery. Employers would also have to manage exemption requests — not to mention legal claims that might arise.

As a result, many employers will likely strongly encourage vaccination without requiring it, Strowhiro said.

Could you lose your job if you don’t agree to be vaccinated?

A British plumbing company recently told employees they could be terminated if they didn’t agree to be vaccinated, [MarketWatch reported](#).

Pimlico Plumbers CEO Charlie Mullins said in an interview that if his workers agree to a “job for malaria” that they should accept the COVID-19 vaccine.

“No vaccine, no job...When we go off to Africa and Caribbean countries, we have to have a jab for malaria — we don’t think about it, we just do it. So why would we accept something within our country that’s going to kill us when we can have a vaccine to stop it?,” he said via the report.

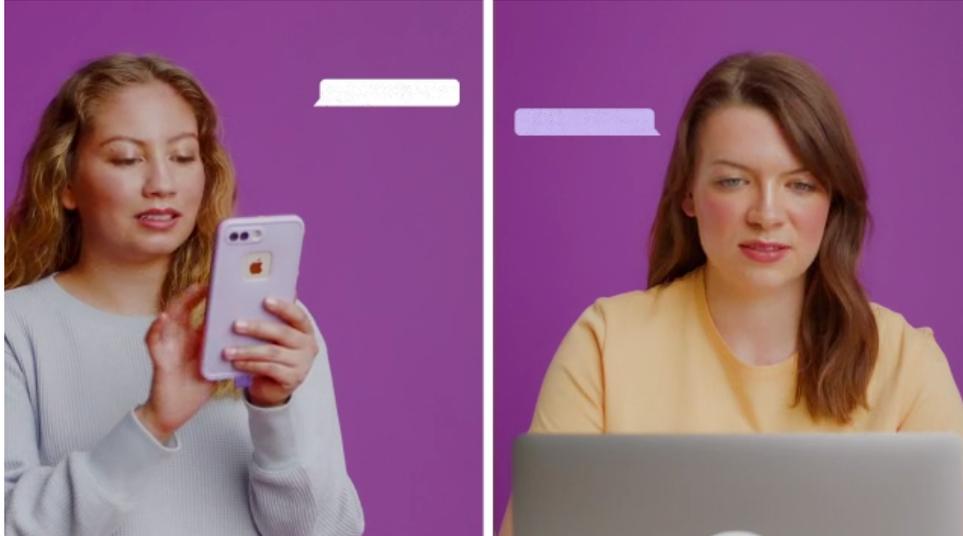
Since the initial comments, the company, which employs 400 people, walked back a bit from Mullins’ comments.

“Nobody will be forced to have a vaccination by Pimlico. Just to be clear, as a company we believe that vaccinations are the way of

the future to keep people safe from COVID-19,” the company said in a statement.

“However, that doesn’t mean that anyone should be forced to have a jab, and as a company not only can we not do that, but we would never advocate such a policy; it would be an outrage.”

Mullins said he would “change their contracts” to require workers to receive the vaccine, but that would break employment laws since it would require the employees’ consent.



So, how should companies approach vaccination inside the office? Employment lawyer Lindsay Ryan [told CNBC’s Make It](#) that employers could mandate the vaccine, which typically come in health care or education, but encouraging employees in other sectors to get it could be a better option than mandating it.

“More than other vaccines that might have been either encouraged or required in the past, such as the flu vaccine, we’re going to see a lot more pushback from fearful employees,” Ryan told the outlet. “This is going to be particularly true of employees that haven’t felt like they’ve had an opportunity to learn about and fully understand the vaccine. [Mandating vaccination] could result in low employee morale. It could even result in reducing the workforce if employees feel like it’s an ultimatum that they’re not going to accept and they would rather forego the vaccine and lose their jobs.”

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