

# Vaccinations of workers must remain voluntary – CHR-6 chief

November 25, 2021



*The Commission on Human Rights said workers cannot be forced to be vaccinated as a precondition to their employment. (Photo courtesy of Gilbert Paul Valderrama)*

By Joseph B.A. Marzan

The head of the region's human rights office said Wednesday that there must be enough supplies of the coronavirus disease 2019 (COVID-19) vaccines before making it mandatory for workers.

Commission on Human Rights-Region 6 (CHR-6) director Atty. Jonnie Dabuco told Aksyon Radyo Iloilo that their central office in Quezon City may not have been approached and consulted by the national Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) regarding mandatory vaccination of workers.

While the CHR is also pushing for herd immunity against COVID-19, Dabuco said individual choices should be respected.

He added that if the government wanted to make COVID vaccination mandatory, supplies should be readily available and accessible to people.

"[We are pushing for] vaccines [to] be available and accessible before making vaccination mandatory, because if they are not, then that requirement might be useless and other people may be prejudiced. It's like not wanting people to litter, but because there's no trash can, then people would just throw their trash everywhere," Dabuco said.

Dabuco suggested that employers will also ultimately bear the burden in requiring employees to either get vaccinated or undergo testing.

Employers may even be charged with constructive dismissal if they do not allow unvaccinated workers to work.

“The burden here is also with the employers. Say [employees] hadn’t undergone RT-PCR [testing] or aren’t vaccinated, what can the employer do, disable [the employee] from working? They may be sued for constructive dismissal,” he said.

Dabuco added that vaccination mandates for employers and employees may even be in conflict with the DOLE’s mandate and previous position that vaccinations should be voluntary.

While the current IATF-MEID mandates do not explicitly state a “no-vaccine-no-work” policy, requiring workers to undergo RT-PCR testing in lieu of vaccination would have a similar impression.

“Most likely, there may be conflict with the mandate of the DOLE. The DOLE has also previously released its stand that vaccinations must be voluntary, and employees cannot be dismissed simply because they did not get the vaccine. While the [IATF-MEID resolution] does not state a ‘no-vaccine-no-work’ policy, but they are mandated to undergo RT-PCR test. If you look at that, it will have the same effect,” he explained.

The IATF-MEID’s Resolution No. 148-B dated Nov. 11, 2021 mandates all establishments and employers to require COVID vaccination for all of their employees, effective Dec. 1.

Unvaccinated employees may be terminated solely due to not being vaccinated or be required to undergo regular RT-PCR testing.

As of this writing, the Department of Labor and Employment (DOLE) has not released guidelines to implement this, while the Civil Service Commission (CSC) has allowed government workers to be excused from work due to vaccinations and possible side effects, via CSC Memorandum No. 16 s. 2021.

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