

On Mandatory Vaccination against Covid-19 for Employees with a Particular Professional Responsibility

AD HOC RECOMMENDATION

Berlin, 11 November 2021

The pandemic extends into a second winter. The virus can only be hedged in through the implementation of a series of familiar measures: effective testing strategy, highly improved use of data, various forms of hygiene concepts and reduction of contacts. Over the past weeks, public debate on a job-related mandatory vaccination policy has become increasingly intense. Some European countries have already introduced it.

The German Ethics Council has already discussed the option of a job-related mandatory vaccination policy in the context of its Opinion on the measles vaccination in 2019, and has recommended it for a number of professional groups.¹ In its position paper of November 2020 published jointly with the Standing Committee on Vaccination and the National Academy of Sciences Leopoldina, the German Ethics Council moreover states: “Undifferentiated, general compulsory vaccination can [...] be ruled out. If at all, compulsory vaccination could only be justified on serious grounds and for a clearly defined group of persons. This would apply in particular to employees who, as potential multipliers, are in constant contact with members of a high-risk group if serious harm to this group of people could only be prevented by vaccination.”²

Given the current pandemic situation, the Council now recommends without dissenting votes and with three abstentions, that the option of a job-related mandatory vaccination policy in areas where particularly vulnerable people are being cared for should be seriously and rapidly looked into. Employees professionally providing care for the severely or chronically ill, or for very old persons, such as medical or nursing staff, but also members of the social services, companions assisting in daily living, or housekeeping staff, all bear particular responsibility not to harm the persons entrusted in their care. The same applies for institutions, who are responsible to make sure that they do not expose their residents to avoidable health hazards.

The German Ethics Council recommends to the Federal Government to look into a sufficiently differentiated legislation on job-related mandatory vaccination and, where appropriate,

to prepare its practical and effective implementation. Frequently voiced concerns regarding possible negative consequences of such a measure, like people dropping out from the relevant professional groups, must be taken into consideration, but need to be evaluated against the background of the duty to protect people in high-risk groups. In any case, heed must be taken to by no means exacerbate existing structural problems in institutions and for the relevant professional groups.³

It may be hoped that even the discussion about the introduction of a mandatory vaccination policy will be perceived by the institutions as a signal to rapidly organise effective outreach vaccination campaigns which include target-group specific information and education for the various professional groups concerned. Such campaigns may be combined with the already advised booster vaccination campaigns.

The German Ethics Council emphasises that it remains essential to maintain a vaccination strategy based on voluntariness, information, persuasion and confidence building. All efforts to convince as many people as possible of the necessity to get vaccinated should be reinforced. In addition, the vaccination strategy must be complemented by a further expansion of the testing strategy.

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- [1] Opinion of the German Ethics Council (2019): Vaccination as a Duty? <https://www.ethikrat.org/fileadmin/Publikationen/Stellungnahmen/englisch/opinion-vaccination-as-a-duty.pdf>.
- [2] Joint Position Paper of the German Ethics Council together with the Standing Committee on Vaccination and the National Academy of Sciences Leopoldina (2020): How should access to a COVID-19 vaccine be regulated? <https://www.ethikrat.org/fileadmin/Publikationen/Ad-hoc-Empfehlungen/englisch/joint-position-paper-stiko-der-leopoldina-vaccine-prioritisation.pdf>.
- [3] Ad Hoc Recommendation of the German Ethics Council (2020): A Modicum of Social Contact in Long-term Care during the Covid-19 Pandemic. <https://www.ethikrat.org/fileadmin/Publikationen/Ad-hoc-Empfehlungen/englisch/recommendation-long-term-care.pdf>.

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