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**Subject: CAN EMPLOYER'S MAKE VACCINATIONS MANDATORY? AND HAPPY HOLIDAYS TOO!**

Hello All,

This is my 20<sup>th</sup> and hopefully last E-Blast about COVID-19 in 2020.

This is just a short note to provide some input into a question everyone has on their minds.

**As an employer, can you make vaccinations mandatory?**

Short answer - the law is not clear.

I doubt you will be able to physically force an employee to get a vaccination (that is a joke, of course you can't do this).

I seriously (no joke) doubt employers will be able to terminate an employee who refuses a vaccination.

However, employers may be entitled to implement a policy that places an employee on unpaid leave if they refuse vaccination, at least for a period of time until transmission rates are reduced.

This may depend on what the employee's duties are and how much access the employee has to other staff and the public. An employer will likely be required to make individual assessments for every refusal and determine, in a specific situation, if masking is a sufficient alternative.

Employees who cannot get vaccinated due to medical or religious reasons will require individual accommodation.

The answer will greatly depend on the Ontario Public Health directives, which are expected in the new year. The Ontario Government has indicated it will not impose mandatory vaccinations, but Public Health may issue strong directives for primary health care and other public workplaces, which will give employers more flexibility to create vaccinations policies.

I recommend employers take a wait and see approach for now. If you have not received any vaccinations for your staff, it is better to wait to see what Public Health guidelines will be issued. If your organization has already received vaccinations and is encountering employee objections, please contact me and I will help you work through this issue.

In the meantime, I wish each and every one of you a very Merry Christmas and Happy Holidays. You have been heroes this year.

I hope you take some time to enjoy some well-deserved downtime and take care of you.  
Wishing you and yours the best year ever in 2021, to make up for the hot mess that was 2020.

Warmest and kindest regards  
Maria

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