# Question:

 **Can I insist that my PA takes the Coronavirus vaccine?**

# Answer:

You cannot force your employee to take the vaccine as it is classed as a medical treatment which requires consent.

Individual employers may be fearful that their PAs are putting them at risk by refusing to take the vaccine and considering disciplinary action or even dismissal.

**ILG Support take the view that in most cases dismissing a PA who is refusing to take the vaccine will be unfair and here we explain the reasons why.**

Individuals have the right to refuse any kind of medical treatment and cannot be forced, even by the Government (save for very limited occasions), to undertake a medical treatment. The Human Rights Act provides that an individual has the right to a private and family life. This protects an individual’s right to personal autonomy and their mental and physical integrity. In short, they can do or refuse to do with their own body as they wish.

Employers who dismiss an employee for failure to follow an instruction must show that the instruction was both reasonable and proportionate. Whilst most employees will be happy to be vaccinated, there are some who will worry about possible side effects they may suffer. The consensus is that vaccines are safe for most people, but we know that a minority will suffer difficult side effects putting their health at risk. That so it cannot be said that a PA holding the belief that their health could be at risk is an unreasonably held belief. It would be difficult to show that the instruction to vaccinate was reasonable and proportionate where the employee reasonably held the belief that their health is at risk and so a dismissal isn’t likely to be fair on these grounds.

All employers must also ensure that their workers do not suffer a detriment on the grounds of a protected characteristic, such as disability or religious belief. Employers must be mindful of the reasons why a PA is unwilling to be vaccinated and seek advice to avoid discriminating unlawfully.

In addition, The Government have stated that it isn’t clear whether the vaccination would prevent an individual from passing on the virus [click here to see the Government guide for healthcare workers.](https://www.gov.uk/government/publications/covid-19-vaccination-guide-for-healthcare-workers/covid-19-vaccination-guide-for-healthcare-workers#will-the-vaccine-protect-those-you-care-for) The Covid vaccinations operate to reduce an individual’s reaction to being infected and developing symptoms. It isn’t guaranteed however, that being vaccinated reduces the risk of contracting the virus and passing it on to someone else. When considering whether or not a dismissal is fair on these grounds, the scientific awareness and subsequent Government guidance will be relevant and should be carefully considered.

To summarise, it is not possible to force an employee to take the vaccination so we would encourage employers to communicate thoroughly and calmly with their PA(s). Explain why it is sensible for the whole household, including PA’s, to have the vaccination and be ready to have an open conversation about its benefits and their concerns. Your PA may benefit from the sharing of sensibly sourced information on the vaccine, it’s benefits and risks. We recommend following Government guidance and ensuring sound health and safety measures remain in place while individuals build up their resistance to the virus.

**Please note that our answer to this question reflects the law only and it is not in any way an opinion on whether it is sensible to have the vaccine or how effective it is.**