

FAQs · Vaccination

April 2021



INTRODUCTION

Andersen, through the member and collaborating firms of Andersen Global and its European Employment Practice, has prepared this edition of the Newsletter with an overview of the requirements and obligations that employers have regarding the Vaccine. The Newsletter provides an overview of 20 countries covering the most common questions regarding vaccination:

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Is there a right to choose a certain vaccine?

We are confident that this overview will help employers in Europe to solve the most common questions in this regard. In case you are interested in receiving more detailed information, please contact one of the members of the Andersen Employment Practice who will be glad to give further advice.

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ALBANIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Currently, vaccination against Covid-19 is not compulsory.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, given that the vaccines against Covid-19 are not mandatory, employees who refuse the vaccination can neither be dismissed nor transferred on other fields of activities for such refusal.

Is there a right to choose a certain vaccine?

No, currently the choice of the vaccine to be applied is not an individual choice but must be based on the efficacy and indication of the vaccines for the different population groups, as the Government itself has decided.



Shirli Gorenca
Kalo & Associates
Collaborating Firm of Andersen Global

BOSNIA AND HERZEGOVINA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

For now, the limited number of vaccines available have been offered to workers employed in the health care system and persons older than 65, but on a voluntary basis. At present, the government has no intention of making vaccines mandatory for any groups of population.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Employers do not have a right to remove an employee from certain fields of activity or to terminate the employment contract.

Is there a right to choose a certain vaccine?

Although vaccination has not officially started yet for the entire population, each citizen will have the right to choose which vaccine he/she wants to receive from the available ones.



Dragan Stijak
Sajic Law Firm
Collaborating Firm of Andersen Global

BULGARIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

No, the vaccination depends on the personal choice of the individuals. However, it should be noted that under the “anti-crisis labor legislation” the Minister of Health could introduce this obligation in the future.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, as long as the vaccination is voluntary, the employer cannot take any action against employees who refuse to be vaccinated. This would only be possible if a law or an administrative act introduces compulsory vaccination.

Is there a right to choose a certain vaccine?

There is no explicit regulation on this issue, but its answer can be revealed in an interpretative way. As long as vaccination is voluntary, individuals may refuse to be given certain vaccines. In this case, if another type of vaccine becomes available, they will be notified and will be able to re-exercise their right to choose whether or not to be vaccinated.



Stefan Stefanov
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CROATIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Obligatory vaccination is not prescribed for all and/or specific groups of employees.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, the employer does not have a right to remove an employee from certain fields of activity or terminate their employment contract if the employee refuses vaccination.

Is there a right to choose a certain vaccine?

No. However, if someone refuses a certain type of vaccine, they will have to wait for another vaccine, all depending on their availability in Croatia.



Ivan Matic
Kallay & Partners
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CYPRUS

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Vaccinations are voluntary but highly recommended specially for the vulnerable, elderly, persons with underlying, serious illness risk factors and health problems and healthcare professionals.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, an employer cannot terminate one's employment based on the above. However, the Government has placed an obligation on all employers and employees to undertake a weekly rapid test to monitor the health status within the workplace.

Is there a right to choose a certain vaccine?

Individuals are free to choose which vaccination they wish to be administered.



Nicky Xenofontos Fournia
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GERMANY

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Currently, there is no obligation to be vaccinated against Covid-19. According to the Infection Protection Act, however, a corresponding obligation could be pronounced by legal ordinance, but this is not currently planned. There are also no plans to grant special rights in the case of corresponding proof of vaccination - for example in the form of a vaccination passport.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

In the absence of an obligation to vaccinate, an employee does not violate his or her duties under the employment contract if he or she does not have himself or herself vaccinated. However, according to the Infection Protection Act, employers in hospitals, doctors' offices and nursing services are allowed to ask their employees about their vaccinations and can relocate doctors or nurses if they refuse a Covid-19 vaccination. Whether more extensive measures, such as termination or suspension of pay, are possible has not yet been decided by the courts and tends to be rejected by the majority.

Is there a right to choose a certain vaccine?

Due to the scarcity of vaccines, there is currently no right to choose between the different types of vaccines (mRNA or vector vaccine). Also, no specific manufacturer can be chosen.



Cord Vermunft
Andersen in Germany
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GREECE

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At the moment, the mandatory nature of vaccination in any category of employees has not been legislated, and therefore, it is deemed voluntary.

All that has been provided for is the ability for some critical categories of employees to precede the optional vaccination against the general population (such as healthcare staff, social services, and care center staff for the chronically ill, as well as staff of critical state services).

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Considering that vaccination in the workplace is voluntary, it cannot be said that the employer can impose vaccination on his employees and any refusal to be vaccinated to automatically end up with reprisals and in particular with dismissal.

However, it is debated that an employer, after taking into account specific criteria (such as the serious risk of transmission of Covid-19, the objective and subjective possibility of each employee to be vaccinated, written recommendation from the occupational physician etc.), is entitled to proceed any personalized measures against unjustified refusals for vaccination. Taking into consideration the observance of the principle of proportionality, the telework or the temporary change of the employees' duties or place of work so that he/she does not contact with the public or his/her colleagues, could be justified as milder means in relation to the dismissal.

Is there a right to choose a certain vaccine?

At present, individual choice for a specific vaccine is not available. The choice of the vaccine to be applied depends on the efficacy and indication of the vaccines for the different population groups.



Anastasios Triantafyllos
Andersen Legal in Greece
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HUNGARY

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

No. Although the Minister responsible for health is entitled to order compulsory vaccination, it is completely voluntary as of now.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, since the vaccination is completely voluntary, the employer cannot enforce any measure against employees who choose not to get vaccinated.

Is there a right to choose a certain vaccine?

As the vaccination is voluntary, individuals have the right to refuse certain vaccines. In this case should another type of vaccine become available, they will be notified and may choose again to get that type of vaccine (or not).



Szilvia Fehérvári
Andersen in Hungary
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ITALY

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At present, there is no specific law for the Covid-19 vaccine, so the vaccine is administered only on a voluntary basis.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

In the absence of a legal obligation to vaccinate, an employee who refuses to undergo vaccination cannot be dismissed since vaccination is considered to be a medical treatment and not an individual protection. However, it is possible to move an employee to perform tasks that do not expose him/her to the risk of infection using the normal precautions used by all other employees.

Is there a right to choose a certain vaccine?

In particular cases, one vaccine may be administered instead of another on medical prescription, but only for medical reasons. It is not possible to choose the type of vaccine for other reasons.



Francesca Capoferri
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Andersen in Italy
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LUXEMBOURG

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At present, there is no obligation to be vaccinated against Covid-19. If the employers cannot oblige their employees to get a vaccine they may consider setting up a vaccination campaign to encourage employees to get vaccinated.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

The employers cannot compel their employees to take any vaccine and they are not entitled to get any information on the health of their employees. Under the current legislation, employers whose employees are or may be exposed to Covid-19 according to the risk assessment are simply encouraged to provide their employees with the opportunity to get vaccinated if they are not already immune. Employers specifically operating in the healthcare sector whose employees are or may be exposed to Covid-19 according to the risk assessment, have to provide their employees with the opportunity to get vaccinated. Under no circumstances these employers cannot enforce vaccination on that basis.

Is there a right to choose a certain vaccine?

No, the choice of the vaccine to be applied is not an individual choice. The analysis of a vaccine's efficacy and the decision to administer one type of vaccine rather than another depend on the competent health professionals and also on the available types of vaccine in the country.



Catherine Graff
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MOLDOVA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Vaccines are currently not obligatory, and there are no reported plans of the government to impose obligatory vaccinations. The Moldovan Government has approved a National Vaccination, pursuant to which doctors, medical staff and public officers working in demanded sectors may receive vaccines with priority, but in any case, – on a voluntary basis. Before the vaccination happen, people sign an approval document by which they state their consent to get the vaccine.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

This is not expressly permitted by the law. However, employees who refuse to undergo a medical examination for employment and regular examination shall not be admitted to work until they have duly performed the relevant examination. This rule would allow the employer not accepting or removing from work those employees, whose positions are more exposed to Covid-19, if these fail or refuse to vaccinate.

Is there a right to choose a certain vaccine?

No specific right to choose a certain vaccine currently exists. Patients are entitled to either refuse or accept the vaccine proposed for vaccination. A patient who refused to vaccinate with a certain vaccine, may then be re-approached with a proposal to vaccinate (with the same vaccine or with another, as the case may be). Thus, to the extent that they are available, people may choose what vaccine to get.



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NORTH MACEDONIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

The vaccination process is not obligatory, and the prior consent of the patient is required for the injection of any vaccine.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

The employer does not have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination. Moreover, the employer could not force an employee to be vaccinated or take any reprisals against him if he decides not to be vaccinated.

Is there a right to choose a certain vaccine?

There is no right to choose one type of vaccine, given the fact that the vaccination process in our country has just begun and that from the start there was only one type of vaccine. However, at the moment other types of vaccines are arriving, but there is still no information if the individuals that want to be vaccinated will have the right to choose a certain vaccine from the several different vaccines.



Svetlana Neceva
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POLAND

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

Vaccination for Covid-19 is voluntary. The vaccines are prepared only to patients who agree to be vaccinated and who have passed a medical qualification for vaccination.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Under the existing legal framework, it is not possible to terminate employment for unwillingness to be vaccinated for Covid-19.

Is there a right to choose a certain vaccine?

It is not possible for the patients to choose to be administered a specific vaccine for Covid-19.



Magdalena Patryas
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PORTUGAL

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

There is currently no law that establishes the compulsory nature of its vaccination, and the vaccine is only provided on a voluntary basis.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

In the absence of a legal obligation of vaccination, an employee who refuses to submit to vaccination cannot be dismissed. However, there are certain activities/workplaces that are necessarily subject to exposure to biological agents and/or risks of infection. In these cases, if the employee does not intend to be vaccinated, the employer may displace/change the employee's functions to others that do not involve such high exposure and risk.

Is there a right to choose a certain vaccine?

The choice to take a certain vaccine is not an individual choice. The assessment of a vaccine's efficacy and the decision to administer one vaccine rather than another is of a medical nature and should be made by competent health professionals.



José Mota Soares

Andersen in Portugal

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ROMANIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

No, so far vaccination for Covid-19 is voluntary, requiring the prior consent and express acceptance of the individual to be vaccinated.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, the employer may not remove an employee due to the unwillingness to be vaccinated, considering that vaccination for Covid-19 is voluntary and also that the right to work and fundamental freedoms are guaranteed by law.

Is there a right to choose a certain vaccine?

In principle, authorities do not offer the possibility of choosing a certain vaccine. However, currently an individual may choose to receive a certain vaccine by registering on the waiting list of the vaccination center that uses the desired type of vaccine.



Șerban Pâslaru

Țuca Zbârcea & Asociații

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SERBIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At present, vaccination against Covid-19 is not compulsory.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Currently, an employer has no right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination.

For the employer to be able to take any reprisals against the employee who refuses the vaccine, the employer would first need to require vaccination in its H&S statement with risk assessment, provided that vaccination was declared mandatory for the subject kind of work by the national vaccination program. Only law can mandate vaccination upon the population.

Is there a right to choose a certain vaccine?

No, the choice of the vaccine to be applied is not an individual choice. In Serbia, there is a right to choose a certain vaccine (of course, in case of health problems, medical doctor would recommend the vaccine that is the best fit for specific person). The state has provided range of vaccines and everyone can choose between the available vaccines.



Milica Vesić

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SLOVAKIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

No, it does not.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Given the fact that there is no obligation to vaccinate against Covid-19, the employer does not operate with legal basis and therefore is not entitled to force employees to be vaccinated and to act in this manner.

Is there a right to choose a certain vaccine?

No. At the moment a person, that is being vaccinated, is not entitled to choose a type of a vaccine. When being vaccinated, person obtains vaccine that is currently available in the Slovak republic.



Pavel Legát

Lansky, Ganzger & Partner

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SLOVENIA

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At present, vaccination against Covid-19 is not compulsory, and prior consent of the patient is required for the injection of influenza type vaccines.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

No, considering that the governmental authorities have not decreed that the vaccination against the Covid-19 viral pathogen is compulsory.

For the employer to be able to take any reprisals against the employee who refuses the vaccine, the employer would first need to require vaccination in its H&S statement with risk assessment, provided that vaccination was declared mandatory for the subject kind of work by the national vaccination program. Only law can namely mandate vaccination upon the population.

Is there a right to choose a certain vaccine?

Due to quantity and logistics limitations the right to choose a certain vaccine cannot be provided in the current first phase. The right to choose might be granted later if there is enough vaccination against Covid-19 available for all residents.



Maja Stojko

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SPAIN

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At present, vaccination against Covid-19 is not compulsory; however, the competent health authority may authorize in the future the compulsory vaccination of a specific group of the population due to its work in a particularly sensitive service.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Since the Government itself does not require mandatory vaccination, the employer could not, in principle, force an employee to be vaccinated or take any reprisals against him (dismissal, penalty, removal from certain functions, etc.) in the event that he/she decides not to be vaccinated.

Is there a right to choose a certain vaccine?

No, the choice of the vaccine to be applied is not an individual choice but must be based on the efficacy and indication of the vaccines for the different population groups, as the Government itself has considered.



Alfredo Aspra
Andersen in Spain
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SWITZERLAND

Does the relevant government contemplate obligatory vaccinations (for all or specific groups of employees)?

At present, the vaccination against Covid-19 is not compulsory; the prior consent and express acceptance of the patient is required for the injection of any vaccine.

Does the employer have a right to remove an employee from certain fields of activity or even terminate, if the employee refuses the vaccination?

Since the Government itself does not require mandatory vaccination, the employer could not, in principle, force an employee to be vaccinated or take any reprisals against him (dismissal, penalty, removal from certain functions, etc.) in the event that he/she decides not to be vaccinated.

Is there a right to choose a certain vaccine?

No, the choice of the vaccine to be applied is not an individual choice. At present, the vaccines are distributed according to the available supplies.



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