
Guidelines on the Administration of the COVID-19 Vaccine in Workplaces

The Department of Labor and Employment (“**DOLE**”) recently released its guidelines on the administration by employers in the private sector of the COVID-19 vaccine in workplaces. This is in line with Republic Act No. 11525 or the COVID-19 Vaccination Program Act of 2021, which provides that private entities may procure COVID-19 vaccines *only* through a multiparty agreement with the Department of Health (“**DOH**”), the National Task Force Against COVID-19 (“**NTF**”), and the relevant supplier of the COVID-19 vaccine.

Vaccination in the Workplace

All establishments and employers in the private sector that administer COVID-19 vaccines in their workplaces shall adopt and implement the appropriate vaccination policy as part of their occupational safety and health program, and consistent with the guidelines issued by the DOH and the Inter-Agency Task Force in accordance with existing laws, rules, and regulations. Priority in the inoculation of the vaccines shall remain with the healthcare workers, senior citizens, economic frontliners, and essential workers. But chief medical officers of these private establishments shall be allowed to formulate their own vaccine recipient list and implement their own operational procedures if it will expedite and enhance the efficiency of the inoculation process and prevent the spoilage of vaccines.¹

Further, this vaccination policy shall be in conjunction and without prejudice to compliance with other COVID-19 prevention measures such as flexible work arrangements, proper ventilation systems and the minimum public health and safety standards of wearing face masks and shields, frequent disinfection, and physical distancing.²

Establishments and private sector employers may procure COVID-19 vaccines, supplies and other services as well as seek the support of appropriate government agencies in the procurement, storage, transport, deployment, and administration of these vaccines.

Employers shall shoulder the expenses related to vaccine administration and no cost of vaccination shall be directly or indirectly charged to their employees.

Prohibition on “No Vaccine, No Work” Policy

Employers shall encourage their employees to get vaccinated but cannot compel them to do so as a condition for their employment.

¹ See Republic Act No. 11525, Section 5.

² See Department of Trade and Industry (“**DTI**”)-DOLE Joint Advisory No. 21-01, DTI-DOLE Joint Memorandum Circular No. 2020-04-A, DOLE Department Order No. 224-21, and DOH Department Memorandum 2021-0099.

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Any employee who refuses or fails to be vaccinated shall not be discriminated against in terms of tenure, promotion, training, pay and other benefits, or be terminated from employment. A “No Vaccine, No Work” policy shall not be allowed.

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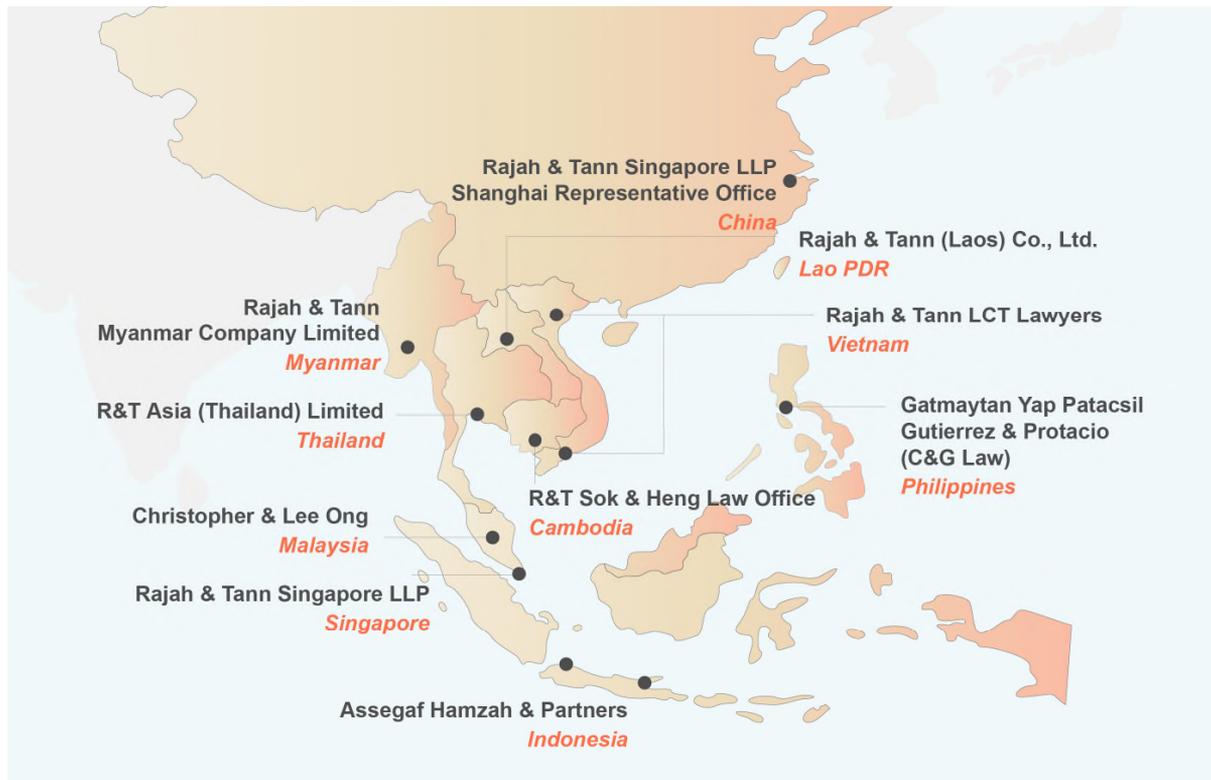
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