

# E-briefing: Advisory on Vaccination Protocol at the Workplace (as of 23 August 2021)

03 September 2021

On 23 August 2021, the Tripartite Partners (Ministry of Manpower (“**MOM**”), National Trades Union Congress (“**NTUC**”) and Singapore National Employers Federation (“**SNEF**”)) and the Ministry of Health (“**MOH**”) updated their advisory on vaccination at the workplace.<sup>1</sup>

The full advisory may be viewed at: <https://www.mom.gov.sg/covid-19/advisory-on-covid-19-vaccination-in-employment-settings>

This e-briefing summarises the key aspects of the advisory and what it means for employers.

## Key aspect(s) of the new advisory

- All employers are encouraged to adopt the Vaccinate of Regular Testing (“**VoRT**”) regime as a company policy for existing employees and new hires.
- Introduces vaccination-differentiated measures under the VoRT regime.

## Implementation of the VoRT regime

From 1 October 2021 onwards, employees in the following sectors will be required to be vaccinated or undergo regular testing<sup>2</sup>:-

- (a) Healthcare;
- (b) Eldercare;
- (c) Settings with children 12 years and below;
- (d) Border front-line workers;
- (e) COVID-19 front-line workers;
- (f) Workers in Construction and Process Construction & Maintenance;
- (g) Food Services;
- (h) Gyms and fitness studios;
- (i) Personal care services with prolonged close contact between individuals;
- (j) Retail malls and large standalone stores;
- (k) Supermarkets;
- (l) Arts classes;
- (m) Pivoted bars, nightclubs, discotheques and karaoke establishments that are allowed to re-open;
- (n) Markets;
- (o) Last-mile delivery personnel, including parcel and food delivery personnel;
- (p) Cleaners in sectors listed above, and those offering disinfection services;
- (q) Public and private transport; and
- (r) Public service, including uniformed services.

(collectively referred to as the “**Identified Sectors**”)

The rationale behind the VoRT regime stems from the need to make workplaces more resilient given the expectation that COVID-19 will become an endemic. Regular testing will enable the early detection of infections which can be treated early and reduce the risk of community transmission.

<sup>1</sup> This advisory supersedes the Advisory on Covid-19 Vaccination in Employment Settings issued on 2 July 2021.

<sup>2</sup> This list of identified sectors is not exhaustive. The respective Ministries may publish further sector-specific details. MOH, Press Release Annex A – “Sectors subjected to the “Vaccinate or Regular Test” regime”, <https://www.moh.gov.sg/docs/librariesprovider5/default-document-library/annex-a2c38c82f53d24bd3a1374f87f22b1270.pdf>

The table below summarises the implications of the VoRT regime on the various sectors:-

	<b>Identified Sectors</b>	<b>Other sectors</b>
<b>Adoption of the VoRT regime</b>	Mandatory.	Optional but adoption of the VoRT regime is strongly recommended.
<b>Request proof of vaccination status</b>	Employers may request proof of vaccination status. This can be verified through the employee's Trace Together application and token, HealthHub application or the original physical vaccination card.  Where employees refuse to disclose their vaccination status, employers are entitled to presume that the said employee is unvaccinated.	Employers may request for employees' vaccination status for business purposes (e.g. business continuity planning).  Where employees refuse to disclose their vaccination status, employers are entitled to presume that the said employee is unvaccinated.
<b>Testing frequency</b>	Employers should implement Employer Supervised Self-Swab (" <b>ESSS</b> ") which can be conducted either at the workplace or remotely. Testing should be done twice a week for unvaccinated employees and appointed swab supervisors will need to upload these test results on the Swab Registration System (" <b>SRS</b> ").	For unvaccinated employees, employers may decide on the appropriate testing arrangements and frequencies that are suited to the company's operational needs.  Employer should take reference from MOH's recommendation on testing frequency for selected sectors and should not test employees more than the recommended frequencies.

Employers may also implement additional workplace measures. However, such measures should be reasonable and necessary for business operations. Employers should also be prepared to justify these measures if the need arises.

### **Differentiated measures between vaccinated and unvaccinated employees**

While COVID-19 vaccination rates in Singapore are high, it is crucial for employers to note that vaccination remains voluntary – although strongly encouraged. As such, employers cannot mandate their employees to be vaccinated. Neither can employers terminate the services of their employee solely by reason of their vaccination status.

Nevertheless, unvaccinated employees can expect to see vaccination-differentiated workplace measures under the VoRT regime. The table below summarises the differentiation between vaccinated and unvaccinated employees:-

	<b>Vaccinated employees</b>	<b>Unvaccinated employees</b>
<b>Testing frequency</b>	Vaccinated employees do not need to undergo regular testing.	Regular testing may be required.  Employers may decide on the appropriate frequencies that are suited to the company's operational needs.
<b>Work and social events</b>	Pre-Event Testing (" <b>PET</b> ") not required before participation is allowed.	Employers may require PET before participation is allowed. Employers may also consider implementing reduced group sizes when unvaccinated employees are participating in the events.

		The current cap for work-related events is 50 persons. It is possible to have more than 50 persons but they must be split into multiple groups at different locations. Each group must be capped at 50 persons.
<b>COVID-19 related expenses</b>	Employers should extend support to vaccinated employees in this regard.	Employees may have to bear the costs of COVID-19 related expenses such as the costs of tests kits, etc., that are incurred over and above those for vaccinated employees.
<b>Leave</b>		In instances where unvaccinated employees are required to serve longer periods of movement restriction, employers may require the additional days to be taken from existing leave entitlements.
<b>Medical benefits</b>		Employers have the option of choosing to exclude unvaccinated employees from medical benefits associated with COVID-19.

### **Moving forward**

- Employers are urged to encourage all their medically eligible employees who have yet to be vaccinated to do so.
- Employers are encouraged to facilitate vaccination by granting paid time-off to employees for Covid-19 vaccination and additional paid sick leave (beyond contractual or statutory requirement) in the rare event that the employee experiences a vaccine-related adverse event.
- Regardless of vaccination rates, employers and employees should continue to observe Safe Management Measures at workplaces.

**For further information contact:**

**Suressh S.**

Partner | Harry Elias Partnership LLP  
Suressh@harryelias.com  
+65 6361 9883



**Jaclyn Leong**

Senior Associate | Harry Elias Partnership LLP  
JaclynLeong@harryelias.com  
+65 6361 9806



**Cherrilynn Chia**

Associate | Harry Elias Partnership LLP  
CherrilynnChia@harryelias.com  
+65 6361 9808



**Data protection and privacy statement**

Your information will be held by Harry Elias Partnership LLP. You can unsubscribe from our e-bulletins, newsletters and other marketing publications and materials at any time. To unsubscribe please email [contactus@harryelias.com](mailto:contactus@harryelias.com) and include the word 'unsubscribe' in the subject field. **Harry Elias Partnership LLP** is a limited liability partnership registered in Singapore under the Limited Liability Partnerships Act (Cap 163A), UEN T10LL0175E and with our registered place of business at 4 Shenton Way #17-01 SGX Centre 2 Singapore 068807 Singapore. We are regulated by the Law Society of Singapore and the Legal Services Regulatory Authority.