

At the moment, the Ministry of Social Affairs and Health is preparing a government proposal on a temporary amendment to the Communicable Diseases Act with an urgent timetable. The amendment would oblige organisers and producers of health and social services, both public and private actors, to protect clients and patients susceptible to a severe form of the COVID-19 disease by ensuring that **the personnel and students working in close contact** with these clients and patients would have protection against COVID-19, either from being ill with the disease or from COVID-19 vaccinations. It has been proposed that the amendment be implemented by adding a new temporary paragraph to the Communicable Diseases Act, paragraph 48 a.

When the amendment will enter into force, people with insufficient protection against COVID-19 would **only for a particular reason** be allowed to do such work duties in health and social services where there is a risk that clients and patients susceptible to severe consequences of COVID-19 are infected because of close contact. One particular reason could be a lack of personnel fulfilling the necessary vaccination protection requirements in a situation where the safety of those being cared for requires the presence of employees. Another particular reason could be that the care provider is allergic to the vaccine or has another feature preventing him/her from taking the vaccine.

The susceptibility of clients and patients to severe consequences of COVID-19 would be evaluated on medical grounds. The client and patient groups susceptible to severe consequences of COVID-19 would be those over 70 years of age, and people with underlying illnesses making them extremely susceptible to a severe form of COVID-19. These would be people belonging to group 1 on a list based on a medical risk evaluation by the Finnish Institute for Health and Welfare (12- to 69-year-olds with an illness or condition that poses an extremely great risk of severe coronavirus disease [organ transplant or stem cell transplant, cancer under active treatment, a severe disturbance of the body's defence system, a serious chronic renal illness, a serious chronic pulmonary illness, type 2 diabetes involving drug therapy, Down syndrome]).

Someone who has not proven that they have protection from vaccination against COVID-19, or that they have been ill with the disease no more than six months previously, and the infection has been certified in a laboratory, would not be able to work in close contact to these people. The reason for this is that the severe form of COVID-19, or the consequences of the disease, are more dangerous to the above-mentioned client and patient groups than to others.

According to the government's preliminary draft proposal, employers would get a **temporary** right to process employees' health information concerning COVID-19 vaccination protection or contracted COVID-19 disease. The purpose of this temporary amendment is to ensure that employers providing health and social services can get information on which of their employees have protection from vaccination and which of them have been ill with COVID-19.

The employer must ask for the information from the person him-/herself. If the employee refuses to provide the information, the employer should protect the lives and health of clients and patients and draw the conclusion that the employee does not have the necessary protection, as required by the Communicable Diseases Act, to work in close contact with clients and patients susceptible to serious COVID-19 consequences.

After the new amendment to the law has entered into force, inadequate protection against COVID-19 may prevent a person from working among patients or clients who are susceptible to a severe form of the disease. In these situations, employers have the right to transfer the unvaccinated employees to other duties. If there are no other duties, the employer has **the right to stop paying salary to the employee in question**. In a situation where an employee is prevented from doing their work because they do not fulfil the requirements for it, he/she does not have a right to salary or unemployment benefits. The reason for the stoppage of payment is regarded to be the employee him-/herself.

The employee will not be allowed to work until he/she fulfils the requirements set in the Communicable Diseases Act, for example by getting the necessary protection from vaccination, or until the employer can offer the employee other suitable duties.

The aim is to adopt the temporary amendment to the Communicable Diseases Act as soon as possible. So that those JHL members who work for employers producing health and social services would not end up in a situation where the employer has no other duties to offer them and their salary payment is stopped, **JHL encourages all its members with inadequate COVID-19 vaccination protection to get the matter in order as soon as possible**. People who are susceptible to a severe form of the disease, who themselves do not get sufficient protection from vaccination, can be protected by vaccinating the people who are in contact with them. That is why it is important that the employees who work in close contact with people in the most vulnerable position have adequate protection against COVID-19. Naturally, the vaccinations also protect the employees themselves and their immediate circle from a severe form of COVID-19.