

11th June 2021

To:

Managers, Directors, Heads, HR Managers of any company or other organisation
Information Sheet re:- COVID-19 (Restriction of Access to Specified Institutions)
Regulations 2021, made under the Quarantine Act 2020

Re:- Rights of employees regarding vaccination against Covid-19

Dear Managers, Directors, Heads, HR Managers of any company or other organisation,
Following the introduction of the COVID-19 (Restriction of Access to Specified Institutions) Regulations 2021, made under the Quarantine Act 2020 (effective from 21st June 2021), regarding mandatory vaccination, it has been observed and reported that there has been a general tendency to put pressure on employees to be vaccinated, notwithstanding the fact that the Regulations currently apply only to certain categories of people, i.e. those who need to have access to medical and educational institutions, including the personnel of such institutions.

While we have strong doubts and concerns about the legality of the said Regulations, and are taking measures to challenge the latter in court, what is however clear is that these Regulations are only limited to the categories of people mentioned above.

We would therefore like to remind you that:

1. requesting evidence of a Certificate of Vaccination or PCR Test Result to those who wish to access your premises, including your personnel, may be in contravention of the Data Protection Act 2017, which object is to provide for the protection of the privacy rights of individuals, in particular special categories of personal data, such as sensitive medical information.
1. requiring your personnel/staff member to get vaccinated or tested against their will, refusing access to unvaccinated and untested personnel/staff member, and/or requesting unvaccinated and untested personnel/staff member to take a leave without pay, are contrary to the Workers' Rights Act 2019, and will result in a breach of the contracts of employment. It may also be in contravention of the Constitution of Mauritius and the Equal Opportunities Act 2008.

Should you be found guilty of infringement of the laws mentioned above, you may be subject to penalties, payment of compensation, and even imprisonment.

We also wish to draw your attention to the following for your own consideration.

- We are far from being in an emergency health situation as the majority of persons testing positive are asymptomatic or have only mild symptoms, and the country has not recorded any abnormal excess mortality as a result of Covid-19. The current situation in Mauritius therefore does not warrant drastic measures in violation of our fundamental rights, and alternative safety measures could - and should be - considered instead, as was the case last year when the country was declared Covid free/safe without any recourse to vaccination.
- Moreover, we are given to understand that the vaccines are still in experimental stage, with little known about the health risks in the medium to long term. There are also very strong indications that countries which have high rates of vaccination have been experiencing a spike in the number of positive cases.

Should you require more information to ensure that you continue to abide with all laws of the Republic of Mauritius that guarantee the rights and freedoms of all citizens, and to act in accordance with the Constitution of Mauritius, please feel free to contact us: mybodymychoicemyvoice@gmail.com.

MY BODY MY CHOICE MY VOICE