

FOR MEMBERS

Can an employer in Switzerland refuse to hire unvaccinated people?



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Covid-19 vaccines

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Questions about vaccination status are legal during a job interview in Switzerland. Photo by Maxime on Unsplash

The question of hiring employees based on their vaccination status presents somewhat of a legal conundrum in Switzerland. This is what you should know about this complex issue.

Swiss government has repeatedly stated that vaccination is not compulsory and nobody can be forced to be inoculated against their will.

This is partly because Swiss people value highly their civil liberties, which include the constitutional right to “self-determination” – the freedom to choose one’s own destiny, including in matters of health.

Swiss law reflects this, with legal experts arguing that compulsory vaccination could only be introduced in relatively narrow cases.

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As it currently stands, this is a bit of a legal grey area – although it will in part depend on your employer and the type of work you do.

According to [official government advice](#), “your employer is only allowed to ask if you have been vaccinated if you are in specific situations where a vaccination may be required as part of your work”.

There are, however, a lot of underlying factors to be considered.

For instance, state-run or public establishments in Switzerland can’t decide to hire only those who have been vaccinated or fire those who haven’t, as this would be against the law.

However, private companies have a bit more leeway in this area and a number of employers in Switzerland now require Covid certificates from either all or some of their employees.

Among them are Novartis, Swiss Post, Swiss Re, Zurich Insurance, SWISS airline, and Geneva’s University Hospitals (HUG).

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In fact, vaccinated people have a strong advantage in Switzerland’s labour market, according to a recent [study](#) carried out by Manpower Group.

It shows that nearly half of Swiss employers consider vaccination against Covid as a prerequisite for hiring.

Just under a quarter of responding companies – 21 percent – require proof of full vaccination for some employees, while 15 percent want both a vaccination and a Covid certificate.

If you work for a private company, employers “can make a distinction between vaccinated and non-vaccinated employees, especially for those who pose a security risk through frequent contact with other people”, Daniella Lützeltschwab, a representative of an employers’ association said in an [interview](#).

Switzerland: Can your employer ask if you are vaccinated?

But is it legal for an employer in Switzerland to refuse to hire people who are not vaccinated – that is, could it be a company policy to hire only those who are vaccinated?

The Local put this question to Dr. Nicole Vögeli Galli, a lecturer at the School of Management and Law at Zurich University of Applied Sciences (ZHAW).

Generally speaking, an employer can’t discriminate a job applicant based on gender, origin, religion, or sexual preference – or even asked questions related to these areas.

However, as Vögeli Galli pointed out, employers have ‘duty of care’ obligations, meaning that they must take measures to make the workplace safe for their employees. “It is the employer’s legal duty to protect the health of all employees, even against their will”, she said.

Also, “employers must protect their third-party contacts, such as customers, patients, students, etc”.

Whether the employer’s duty of care includes hiring only vaccinated candidates depends on the work environment, she said.

“In my opinion, this could, for example, be discussed in the health/school sector or workplaces with very confined spaces”.

Generally speaking, however, “it is lawful for an employer to refuse to hire people who are not vaccinated and to record this as a company policy,” Vögeli Galli noted.

These articles provide more information about vaccination obligation in the workplace:

UPDATED: Can you be fired in Switzerland if you refuse the Covid-19 vaccine?

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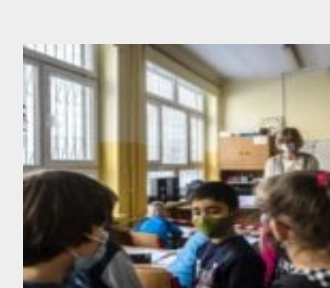
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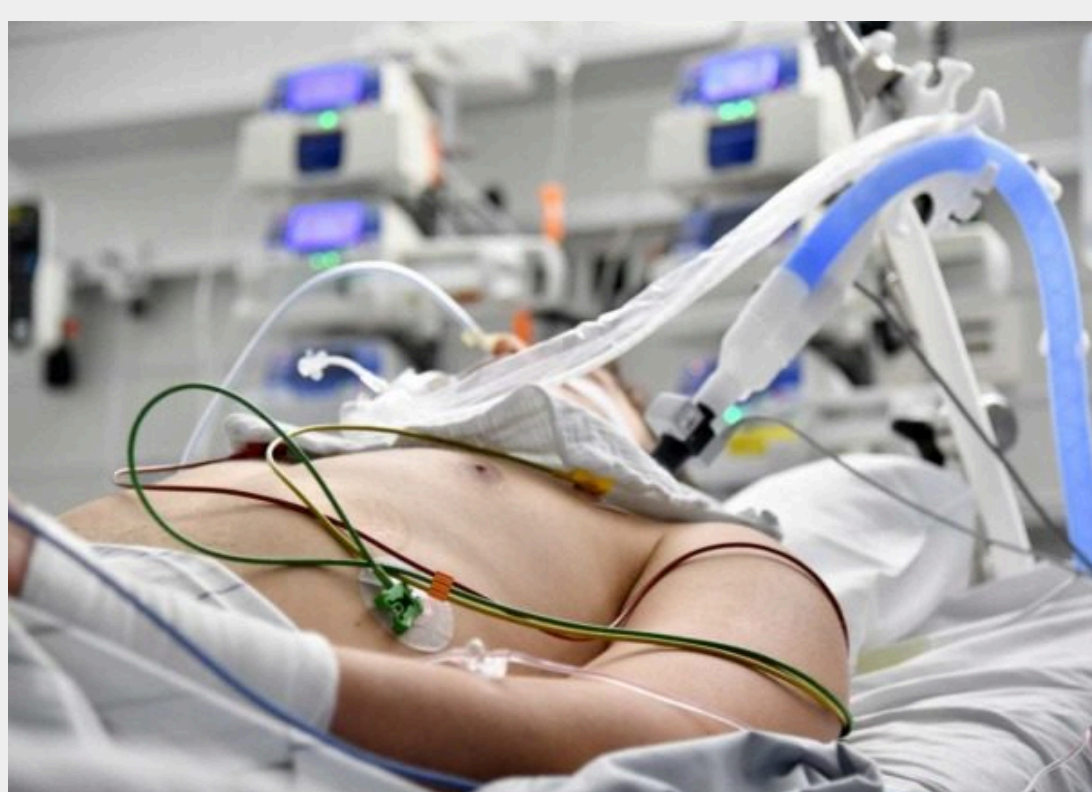
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