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THE FRONT BURNER

# Mandatory vaccinations for workers?

## Yes: Greater good must rule when it comes to diseases

By FRANK G. DITZ | Guest columnist

Should employees be compelled to be vaccinated? Of course they should. Those who refuse are showing the highest form of selfish behavior. Vaccinations are medical treatments that have been developed to avoid a disease or give partial protection from the medical effects of the disease. They work by stimulating the natural disease-fighting systems of the body to protect itself. Vaccines, thus, must be given to relatively healthy individuals long ahead of any exposure to the threat. Vaccinations are costly to produce and, therefore, are usually only developed to prevent or mitigate the effects of serious and dangerous diseases. Each individual treated with the vaccine not only protects himself, but also helps to protect those around him.

I think it is very important for patients to get vaccinated when it comes to significant public-health risks. The main nonmedical excuse patients would have to comply should be in cases of dire emergencies, and only when there is not an imminent serious public-health threat.

There is risk in everything we do. There is sometimes a greater risk in doing nothing. The simple act of eating food increases the risk of allergic reactions to the food, food poisoning and many other problems. The alternative to eating is starvation and certain death. Many individuals decide not to take any vaccination risk by simply having everyone else take the risk of the immunization. They rely on the immunity of everyone around them for their own protection. But this doesn't work with the current ease of travel and the contagious nature of many diseases.

For example, suppose one person who does not believe in immunizations for nonmedical reasons goes overseas on a sightseeing trip to Africa and contracts a polio virus. He then returns to the United States on a 16-hour flight. He later develops some early nonspecific symptoms after going back to school and work or by going to an amusement park here in Orlando. He has now exposed thousands of unsuspecting individuals to the disease who then may expose thousands more. By the time the symptoms are fully developed, precious time has passed — time that could have possibly helped to treat the disease, but also allowed many people to be exposed to the polio virus.

This is an extreme example, but vaccinations are critical at every level. In my practice, my employees are required to get flu vaccinations every year, because I can't afford for them to expose my patients to illness.

Physicians have a great responsibility to help protect all of our patients. Most of the time, we focus solely on the needs of the individual in front of us. Sometimes, we have to consider the health of the wider population. The needs of the population en masse are sometimes more important than the philosophical issues of the misguided few. In my practice, I am blessed with the ability to spend 45 minutes in my office with each patient to educate him or her as needed on all these issues. Other doctors are not so fortunate.

The unvaccinated carry the risk of not only their own exposure to dangerous diseases, but also the risk of exposing family members, friends and innocent people near them in work, school, the doctor's office or other public environments. I thus would consider the individuals who did not take the needed vaccinations — those who spread the disease — to be responsible medically, legally and financially for those who contracted the disease after being immunized.

In the extreme cases, those people who suffer physically, emotionally, financially and in other ways from exposure to illness should be able to seek litigation to pay for the damages they have suffered from those un-immunized individuals with the disease. I don't think anyone who loses the ability to walk or suffers the death of a family member will just forgive those who decided their right to refuse medical treatment was more important than the right to life and function for the society.

Frank Ditz is a board-certified physician in Rockledge, who specializes in primary care and family medicine.

**The needs of the population en masse are sometimes more important than the philosophical issues of the misguided few.**



Today's moderator



DARRYL E. OWENS  
Editorial Writer

A Boston financial-services company brought in a computer programmer as a contractor. Viruses are familiar threats in the computer world, but the programmer was waylaid by a different virus — measles. He picked up the bug in India, and apparently passed it on. Employees with Investors Bank & Trust, among others, were ordered to stay home past the incubation period.

Officials distributed more than 20,000 doses of measles vaccine — costing nearly \$400,000. And the outbreak handcuffed commerce. Worse, the outbreak wasn't confined to the building.

That happened in 2006. A recent Reuters/Ipsos online survey found that 78 percent think all children should be vaccinated "unless there is a direct health risk to them from vaccination."

Yet, the Boston outbreak and others, and concerns about the increasingly global nature of business, have stoked debate over whether employment should be conditioned on vaccinations.

Critics, like one of today's columnists, argue that employers have no business setting health policy for employees, an invasion of the private life and freedoms, which is why legislators haven't opened that Pandora's box.

On the other hand, advocates of the concept point to the fact that annually influenza, for example, hospitalizes and leads to the deaths of thousands of people. That's why our other columnist argues that mandatory employee vaccinations serve the greater good.

By the numbers

- **29.6:** Percentage of Americans ages 18-49 who received the influenza vaccination in 2013.
- **8.3:** Percentage of Americans ages 18-49 who received pneumococcal vaccinations in 2013.
- **226,000:** The average number of Americans hospitalized annually because of influenza.

## No: Companies shouldn't serve as surrogate parents

By TOM HARRINGTON | Guest columnist

The vast majority of Americans would agree that all adults — like all children — should have the full complement of medically recommended vaccinations. But permitting employers — absent narrow and well-defined business necessities — to compel their employees to have these vaccinations, as a condition of employment, is neither necessary nor desirable.

The relationship between employer and employee should fundamentally be a simple one — the employee provides reliable and diligent work, consistent with his or her required duties, and the employer pays a fair wage for that work. The employer should not act in the role of surrogate parent or like some quasi-state entity and expect its employees to do anything in their private life, outside of work, that isn't part of their job.

There are many valid reasons why Congress and the states have passed no laws requiring adults to be vaccinated. As a democracy, our federal and state legislatures have reflected the will of the people in leaving decisions about vaccinations to the conscience and reason of individual adults. It's a personal choice, to be made by

**Employers should not act in the role of surrogate parent quasi-state entity and expect employees to do anything that isn't part of their job.**



each adult. We all hope that people will make well-informed decisions, and that decisions about vaccinations will generally be made based on sound medical advice and with consideration for the greater good of our society.

But while most Americans agree that all adults should have the medically recommended vaccinations, we recognize that some people have religious, philosophical and science-based, or quasi-science-based, beliefs that make them choose otherwise. We respect this personal autonomy even when we disagree with, or don't share, the underlying beliefs. This is why our representatives have not enacted laws that compel adult vaccinations.

We should not allow employers to do what we don't let the state do. We already see too many examples of employers trying to control aspects of their employees' lives that are — or should be — of no concern to the employer. And this overreaching by employers should be resisted whenever it occurs.

There are, of course, narrow exceptions. Where an employer is a health-care provider, or its employees otherwise interact with fellow citizens at high risk of infection, there may be a compelling societal interest in permitting limited instances of employer-compelled vaccinations. But this should first and foremost be a decision made by legislatures, and not left to corporate whims and preferences. The types of employers and employees working in high-risk environments should be carefully and narrowly defined.

This is not to say that employers can't play an important role in crafting and implementing workplace initiatives to promote vaccinations and other "wellness" goals. But these programs have to be truly voluntary and not indirectly coercive.

Finally, there are already legal protections for employees that any employer inclined to compel its employees to be vaccinated must be careful not to violate. Federal and state laws protect employees from discrimination based on religion. Any employee who is disciplined or fired for refusing, because of religious beliefs, an employer's edict to be vaccinated has legal remedies. And the Americans with Disabilities Act affords protections to employees with many medical conditions from the kinds of intrusions that would result from compelled vaccinations at work.

Let's preserve personal autonomy when it comes to adult vaccinations — while promoting the undeniable individual and societal benefits of vaccinations. And if we as a society decide there are compelling reasons to change course and compel adult vaccinations, let's act through our elected representatives — and not through corporations.

Tom Harrington is a principal with The Employment Law Group PC in Washington, D.C.

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The Needle

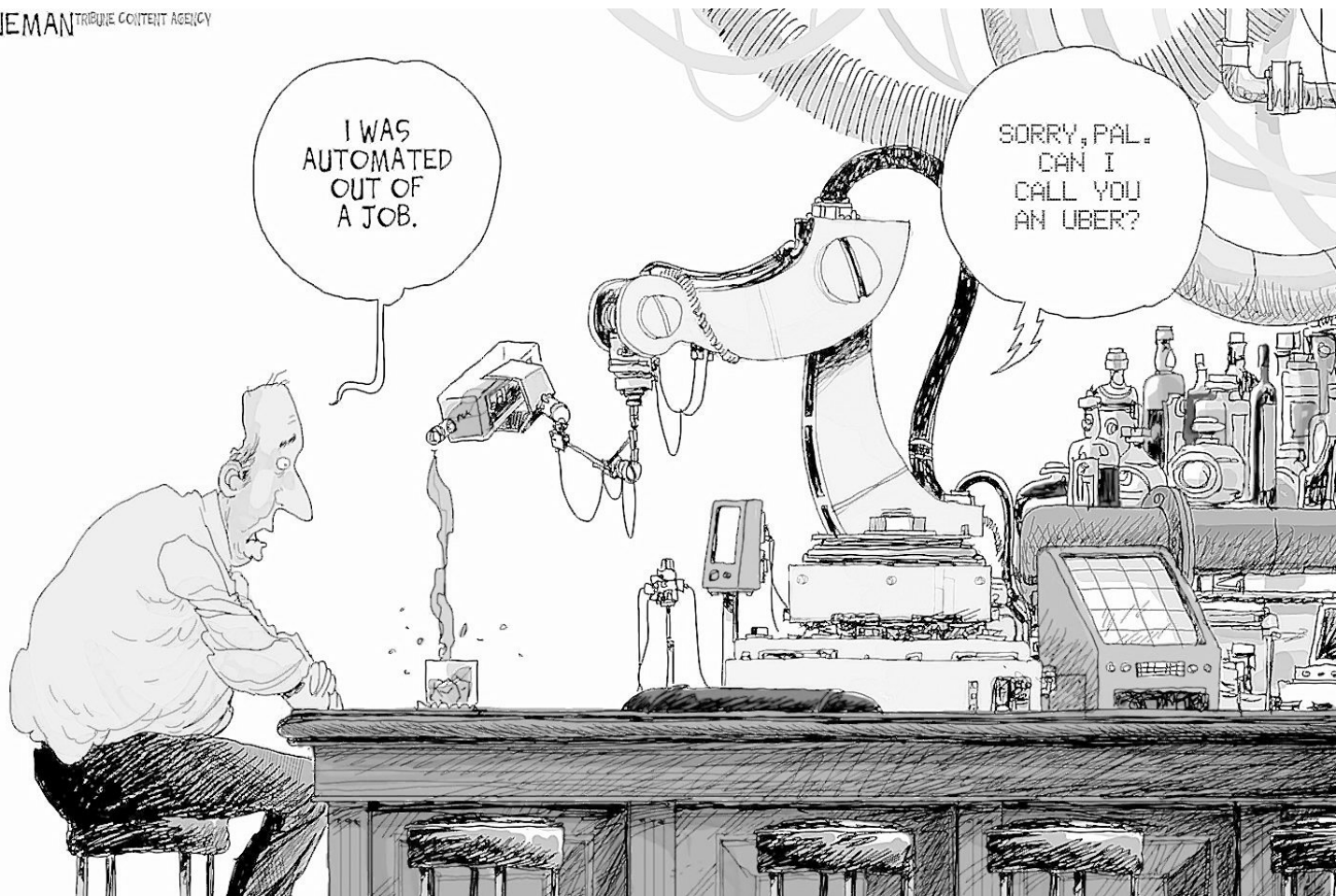
Donald Trump's children released a statement this week calling their father a 'true visionary and a great mentor.' And Trump released a statement calling his kids 'suck-ups' and 'not the best.'

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