

Costa Rica: Communication from the Ministry of Health on the mandatory vaccination against COVID-19

October 4, 2021

On September 28, 2021, the National Commission for Vaccination and Epidemiology issued a communication stating that approval for mandatory vaccination against COVID-19 was ordered for all employees in public sector jobs. This obligation is extended to workers in the private sector whose employers choose to incorporate vaccination against COVID-19 as mandatory. In the private sector, mandatory vaccination is left to each employer's discretion.

Moreover, the Ministry of Health announced that, in the next few days, the respective Executive Decree, establishing vaccination as compulsory will be published and will take effect as of October 15 of this year.

Even when no specific rules or guidelines have been yet issued by the Ministry, we understand that the legal requirements for a company in the private sector to implement the mandatory vaccination against COVID-19 would be that the company would have to amend and adjust its internal guidelines/policies on the prevention of COVID-19, to expressly state that vaccination is mandatory. In its contents, the guidelines/policies should specify whether the vaccination is mandatory for all personnel, for only certain departments, or for only certain employees, given the type of work they do. Policies/guidelines should also state whether this measure will be taken into account in the recruitment process of new hires. This measure will not apply to people with proven medical contraindications that would cause them harm if vaccinated.

Until the definitive measures and guidelines are published on October 15, 2021, there is no clarity yet on the disciplinary measures that employers can take against employees who do not comply with this requirement.

For legal advice in Costa Rica on Employment and Labor Law, Human Resources or Immigration Law, please do not hesitate to contact us.

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