

## COVID PASSPORTS WEBINAR – SUMMARY

On 23 February, the Society of Conservative Lawyers and Conservative Health held a joint meeting on immunity certificates or 'COVID passports'. Lord Ribeiro, in his introduction, noted that this was a topical, timely and well-informed discussion of the major issues associated with this policy as a means of 'opening up' after COVID.

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**Rt Hon Jeremy Hunt MP** provided an overview of the opportunities and ethical challenges posed by the introduction of COVID passports:

- Patient safety might require the introduction of compulsory inoculations for medical staff, as there is for seasonal flu in Seattle (USA) and for Hepatitis B in this country.
  - Clearly a balance to be struck – contrast 'police state' COVID app in mainland China.
  - An international scheme is largely out of our hands, but records of vaccination might be made available to meet airline requirements as with Yellow Fever.
  - NHS records are confidential; they might provide verification. They should be kept separate from other government departments and agencies (e.g., the Home Office).
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**Professor Peter Openshaw** discussed the development of vaccines over the past year:

- Although there are high levels of vaccine uptake in the UK (Jeremy Hunt suggested this was largely due to the high level of public trust in the NHS), attitudes in other countries (e.g., France) may hinder a wider use of certificates.
  - Unanswered questions about vaccines include the degree to which they reduce an individual's infectivity. An understanding of this would have an influence on a passport scheme and research is underway on how long the virus may live in the upper respiratory tract of a vaccinated individual.
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**Dr Michael Veale** discussed problems with developing a digital COVID vaccine passport:

- The app must certify that the vaccine has been given to a person – this requires that records be made available for inspection but otherwise kept confidential.
  - But is the person present the same as the person vaccinated? Such linkage raises questions of access to confidential data. How to manage this?
  - Concerns that the UK would hold no rights to personal data once handed over to tech companies (in or out of the jurisdiction). This would be an irreversible decision.
  - Keep it simple and timely, and consider the level of precaution against fraud that is actually necessary. Perhaps paper passports/certificates would better secure against downside risks?
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**Jill Andrew** discussed issues with regard to Employment Law and the scope for employers to introduce requirements for COVID vaccines.

- Compulsory vaccination policies could encompass Health and Safety Law, Employment Law, Contract Law, Discrimination/Equalities Law, Unfair Dismissal and Whistleblowing
- Employers may renegotiate contracts with existing employees or offer new ones, though undoubtedly at risk of litigation in court/tribunal.
- Lower levels of protection from unfair dismissal for those who are not employees – e.g. 'workers' in the gig economy (cf: Uber and Pimlico Plumbers) and the self-employed.
- 'No job, no job' policies must be 'proportionate' – this will vary widely depending on the facts, such as proportion of employees who refuse and the nature of the work.
- Care homes etc are obvious places where compulsion might be justifiable.