

## BRIEFING

### **On the institutional implementation of the Government Decree Non. 599/2021. (X. 28.) regarding the mandatory vaccination against coronavirus of the employees of state and local government institutions**

The ELTE Epidemiological Operative Coordinating Body (JOKT) which has been established by the 3/2020 (II.28) Joint Directive of the Rector and the Chancellor of the University, based on its authorisation in the directive, sums up in this BRIEFING all obligations and calls concerning the mandatory vaccination against coronavirus for the University CITIZENS.

#### **1. The subject of this Briefing**

On 28 October 2021 the Government of Hungary issued Decree No. 599/2021. (X. 28.) on the mandatory vaccination against the coronavirus of the employees of state and local government institutions. The scope of the decree applies to the employees of higher education institutions covered by the law CXC. of 2011 on National Higher Education. The cited government decree stipulates the mandatory vaccination against the coronavirus in those higher education institutions which are covered by the decree, including our University. This Briefing serves as the institutional implementation of this legal obligation.

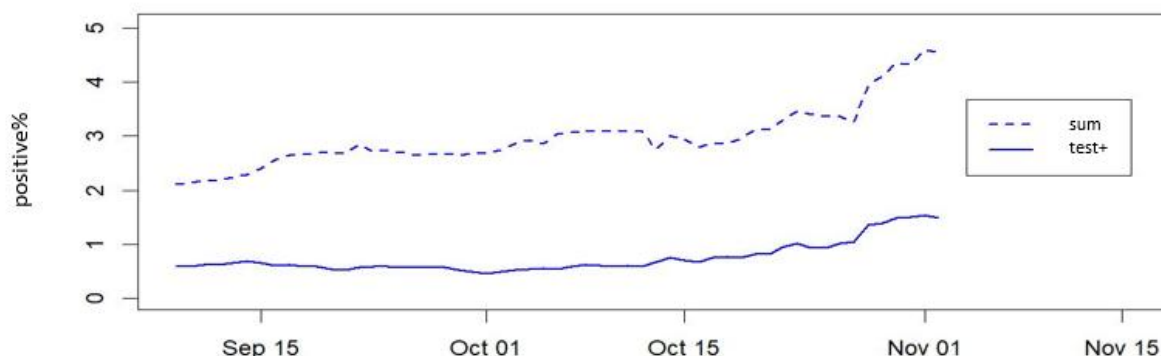
#### **2. Institutional background and vaccination data**

From the time the coronavirus vaccination became accessible, the JOKT has strongly recommended to the University Citizens to be vaccinated. According to the most recent JOKT Briefing in force published in the beginning of the 2021/2022 Academic Year: *The University expects all university citizens to be vaccinated against the coronavirus.*

As the vaccination is key to the safe operation and to the health of the university citizens, at the beginning of the academic year the University made efforts to assess the level of vaccination with electronic anonymous questionnaires. At the beginning of the 2021/ 2022 Academic Year for the JOKT's call 1302 teacher/ researcher, 906 staff member, 19540 students filled out the anonymous electronic questioner. This also means that the 61% of the academic staff, 55% of the supporting staff and 56% of the students participated in the survey. Based on the data collected from these questionnaires the ratios of the fully vaccinated respondents are the following: 97% of the responding academic staff, 90% of the responding supporting staff and 87% of the responding students.

The JOKT has been measuring the current infection rates of the university community on a weekly basis, which, although falls behind the national average, still started to grow in the recent period. The figure below shows the proportion of confirmed and suspected coronavirus cases among the respondents calculated with seven days moving average. The "test+" line shows the number of respondents with an active COVID-19 infection confirmed by PCR or antigen test, the "sum" dashed line aggregates the confirmed cases with those who believe they are infected but do not have proof in the form of a test result.

Ratio of COVID+ responses



It is a scientifically grounded fact that is unequivocally reflected in practice as well, that vaccination mitigates the symptoms of the illness and lessens the chances of spreading the infection and developing complications. That is why, vaccination serves our own, our family members', our friends', our colleagues', our students', and our immediate surroundings' safety as well. The vaccinations had proven to work in the past hundred years in the face of such illnesses as Polio, Pertussis etc. which – exactly due to the compulsory vaccines – had vanished from Hungary by now. The coronavirus vaccination has been administered to over one billion people worldwide already. We provide authentic information on the vaccination on the <https://www.elte.hu/en/coronavirus> website.

Unfortunately, despite the favourable vaccination data and the measures taken, many University citizens are affected by the complications of the spreading of the coronavirus. There are casualties of the virus amongst our University community and many have faced the tragic outcome of the infection and health damage in their families and friend circles as well. The institutional and individual defences, even with the best intentions and best results, cannot provide enough protection, as it is proven that it is achievable only through vaccination.

Until now the legislative environment did not allow the university management to make the coronavirus vaccine compulsory for its employees. ***In contrast, the above referred government decree that came into effect on 1 November 2021 does not allow the University to ponder, but it orders the compulsory administration of the vaccine following the regulations below.***

### 3. Details of the decree on compulsory vaccination

Below we quote the relevant and compulsory regulations of the 599/2021 (X. 28.) government decree.

2. § (1) par. *"To protect the health and life of citizens and perform public service unobstructed, those employees who had not been administered the SARS-CoV-2 coronavirus vaccine (from hereon: vaccine) prior to this decree coming into effect are **obligated** to – except for the ones exempted in paragraph (3) –*

*a) in case of one-dose serum the vaccine, in case of two-dose serum the first doze of the vaccine*

*aa) is to be taken until 15 December 2021 in case the employee meets clients regularly during their work,*

*ab) until 31 January 2022, if not covered by point aa),*

*b) in case of a two-dose serum, the second dose has to be taken at a time determined by the physician administering the vaccination.*

*(2) The employer shall determine whether the employee is an employee within the meaning of paragraph (1) a) aa) or ab) and shall inform the employee on that electronically (including the use of e-mail) or on paper until 15 November 2021. The information should also cover the possible legal consequences of not being vaccinated.*

*(3) An employee who is contraindicated to receive the vaccine for health reasons shall be exempted from the obligation pursuant to subsection (1) and this shall be confirmed by a medical opinion pursuant to subsection (4).*

*(4) The medical opinion shall be issued on the employee's initiative by a medical specialist of the occupational health service competent to do so according to the employer. In case this is not possible, the medical opinion shall be issued by another doctor entitled to assess the employee's health capability for the activity within the employee's legal relationship. In case this is not possible, the medical opinion shall be issued by the employee's general practitioner.*

*(5) Upon the employer's request, the employee is obligated to prove the administration of the vaccine within five days the way the employer specifies it, with an official pass that is suitable for personal identification and **one of the documents below:***

*a) a digital Covid-certificate that is in order to ease free mobility during the Covid19 pandemic interoperable and is issued in accordance with the European Parliament's and Council's 2021 June 14. (EU) 2021/953 decree on certificates related to Covid19 vaccination, test and healing (digital Covid-certificate of the EU),*

*b) an immunity certificate or application with indefinite expiration date in accordance with the 60/2021. (II. 12.) government decree on the certificate of immunity against coronavirus [from hereon 60/2021. (II. 12.) government decree],*

*c) a certificate of vaccination issued by the medical practitioner who verifies the administration of the vaccine, based on a sample published on the National Public Health Centre's website,*

*d) a vaccination certificate issued by the World Health Organization, if it contains a note from the medical practitioner who verifies the act of administration of the vaccine,*

*e) an immunization certificate issued by a state that is recognized by Hungary to qualify to issue an immunization certificate, and this recognition is stated in a mutually agreed decree by the Minister responsible for foreign affairs and the Minister responsible for the border police."*

#### **4. Details of the University's execution of the regulation**

##### **4.1. For whom is it compulsory to get the vaccine?**

All **employees** of the University are **obligated** to get the vaccination – if they have not got it yet – and present it until **15 December 2021**.

This deadline concerns:

- All employees who actually or potentially physically meet University students as part of their employment.
- All employees who actually or potentially provide service or support in person to University citizens or people contractually linked to the University.

Those employees who do not belong into the groups above will receive a separate message that it is obligatory for them as well to be vaccinated against coronavirus and present verification until 31 January 2022.

In case of vaccines with two doses, all people obliged to be vaccinated **must** take the **second dose** as well, at the time and place set by the doctor giving the first dose and present verification of receiving this.

The University obliges **external lecturers** to get vaccinated and present verification the way described above if they have not yet done so.

Employees with a special-order contract have the same obligation as described above.

#### 4.2. Further expectations related to vaccination

The University obliges **service providers** who provide their services at the university campus to get vaccinated (if they have not yet done so) without further delay, like all employees of the University and expect the same from their own employees.

The University also requires **students** to get vaccinated if they have not yet done so. The University brings to the students' attention that employees of institutes in charge of health and social services (hospitals, etc.) are obliged to be vaccinated and all employers can require the same from their employees. Professional practice can be completed at such workplaces only if the student is vaccinated and proves it as required at the workplace. The University does not provide a different workplace that does not require their employees to be vaccinated to complete the professional practice. Getting vaccinated doesn't only protect the student and fellow students but also the professors, who were the reason the student selected ELTE as the foundation of their life and career.

The University encourages those who got their second dose more than four months ago to take the **third dose**.

#### 4.3. Exemption from getting vaccinated due to health reasons

In case the vaccination is contraindicated due to health reasons, the employee must visit the occupational health-care professional in charge during consulting hours and present the documents and information that support the contraindication, including reports by a medical specialist. The occupational health-care professional is allowed to exempt the employee from getting vaccinated and will notify the employer through the leader of the Human Resources Directory.

#### 4.4. Employees on permanent leave

Employees on permanent leave do not have the obligation to present verification that they are vaccinated during their absence. By the time they return from their leave they have the obligation to present verification as well.

#### 4.5. Place of presenting verification

All employees are required to present the verification of the vaccination, in accordance with the legislation cited above, to the employer's right holder or their appointed manager. Employees with a special-order contract and external lecturers must present the verification to the head of the unit in charge of determining their tasks.

Leaders of Faculty units must present their verification to the leader of the Faculties' Dean's office.

Leaders of faculties and the Head of the Faculties' Dean's office, Leaders of Rector's Cabinet and Rector's Coordination Center must present their verification to the Head of Rector's Cabinet.

Leaders of university companies', the Rector's and the Chancellor's verification is controlled by the Human Resource Director.

Leaders in charge of controlling verification, in accordance with the information stated in point 4.8, can continuously track the vaccination verifications presented but they are not allowed to accept or store the document verifying vaccination, neither in paper nor in electronic form and are not allowed to copy data included in them.

#### 4.6. Deadline to present vaccination verification

Those who were vaccinated before 1 November 2021, must present the verification within five working days if possible but until 30 November 2021 at the latest.

Those who are vaccinated after 1 November 2021 or are obliged to be vaccinated in accordance with the law referred to must present the verification until 15 December 2021 at the latest.

Those who ask for exemption must schedule the visit to the occupational health-care professional in charge so that the verification of exemption arrives at the Human Resources Directory until 15 December 2021.

#### 4.7. Acceptable certifications and method of verifying the certification:

The EU Digital COVID Certificate, which can be downloaded from [www.eeszt.gov.hu](http://www.eeszt.gov.hu). The authenticity can be verified using the QR code verification app; (links: [https://www.eeszt.gov.hu/oldalvalaszto\\_tovabb.jsp](https://www.eeszt.gov.hu/oldalvalaszto_tovabb.jsp) vaccine verification app; COVID Control)

Certificate issued by the COVID-19 vaccinator; the authenticity of the certificate must be verified; (links: <https://www.nnk.gov.hu/attachments/article/1158/OLT%C3%81SI%20IGAZOL%C3%81S%20magyar-angol%20egyben.pdf> )

The administrative manager will provide assistance in the verification of certificates issued abroad – in non-EU countries.

#### 4.8. Data storage:

The manager checking the certificates must only keep a record of who has presented a valid certificate and who has not. For those who have not provided proof of vaccination, the name and serial number of the person, collected by the Head of the Dean's Office of the faculty (the central units will do this directly), will be given to the Human Resources Directorate by the person exercising the Employer's rights for enforcement by the end of the working day following 15 December 2021.

After 15 December 2021, only data on the employee relating to the absence of a certificate or, if the date of the second vaccination falls after that date, data regarding the second vaccination (possibly a fact to be certified after the 15 December deadline) may be stored. Once the data on the absence of certification has been transferred to the Human Resources Directorate, all previous records and data shall be permanently deleted and destroyed. For this purpose, all persons exercising the Employer's rights and persons and heads of departments entrusted by him/her shall be liable.

The Human Resources Directorate may keep data relating to vaccination and its certification for the duration of the measure taken as a legal sanction or, if shorter, for the period specified by law.

#### 4.9. Legal consequences

Government Decree 599/2021 (X.28.) (599/2021. (X. 28.) kormányrendelet) explicitly provides the mandatory sanctions for failure to vaccinate.

If the employee fails to present his/her vaccination certificate or obtain a medical certificate indicating a contraindication to vaccination from the occupational health specialist by the deadline, he/she will be subject to adverse legal action:

- The person exercising the Employer's rights will order leave without pay (salary) for those who fail to present their certificate in response to the request of the assigned manager (e-mail to the e-mail address of the university) as described above. After one year, their employment will be terminated. *Anyone who receives their vaccination or presents a medical certificate indicating a contraindication to vaccination during their unpaid leave will have their unpaid leave terminated immediately by the University.*
- In the absence of a certificate of vaccination or medical certificate indicating a contraindication to vaccination, the University will terminate the contract of external lecturers and the student's employment contract.
- The University may not enter into a public service (or labour) employment agreement, student employment contract or teaching assignment with a person who does not provide proof of vaccination in accordance with the law prior to the employment agreement. In the case of a new legal relationship, the place of certification is the Human Resources Directorate in the case of an employment agreement, or the manager responsible for the assignment in other cases.

#### 4.10. The method of informing the employees about their obligation regarding vaccination, and the legal consequences

The University informs all its employees of their obligations to provide proof of vaccination and of the adverse consequences of failure to do so by means of this ELTE Epidemiological Operative Coordinating Body (JOKT) Briefing. This Briefing will be posted on the University's website and sent to the DÖR account and e-mail address of all employees.

### 5. Maintaining other protection measures

The provisions of this Briefing do not touch upon the institutional control measures regarding the pandemic, which were included in previous documents of the ELTE Epidemiological Operative Coordinating Body (JOKT) (in particular, the Briefing of 30 August 2021).

### 6. Enforcement of the briefing

This briefing will take effect on 4 November 2021.

Budapest, 3 November 2021.

Eötvös Loránd University

Epidemiological Operative Coordinating Body