

COVID-19 Vaccine Rollout – The Beginning Is The End Is The Beginning



On December 8, 2020, 90-year-old Margaret Keenan of Bristol, England, received the first dose of fully approved, non-test COVID-19 vaccine; many hope Ms. Keenan symbolizes the start of a global revitalization.

After many months of the global pandemic upon us, there is real chance of immunity. Governments worldwide will approve COVID-19 vaccines throughout December. In Canada, the first vaccine received approval on December 9th 2020. Deployment plans are immediate.

While this development is an unmitigated boon to humanity, any diligent enterprise must pro-actively plan for potential business impacts from vaccination roll-out and impacts beyond, which will be the greatest social enterprise in a generation and will dominate all business regulation in 2021.

Global mass human vaccinations on accelerated timelines are as unprecedented as the lockdowns and restrictions of COVID-19 policy. The bespoke nature of this very real situation means that a great deal of novel and rapid regulation will be on the way locally, federally, and internationally.

Here are some of the legal and strategic issues for which major industries should plan:

Governance & Reputation

Will you have a corporate policy related to vaccination rollout? Will you have a public position regarding vaccine hesitancy? Will your Board lead, follow or decline initiatives to have corporate Canada support vaccine policy? There are volatile variables in the impact a real, practical rollout will have for major enterprises. Early thoughtfulness will pay dividends.

Regulatory Compliance

As the roll-out evolves, anticipate mirrored evolution of COVID-19 health and safety requirements. Ontario already has indicated the possibility of continued additional restrictions on non-vaccinated individuals over time. Questions abound regarding the impact of vaccination on regulations for business lockdowns, retail operations, and any possible private vaccine markets, among other issues. Be prepared to monitor these regulatory changes closely and be

first in class with your responses.

Labour & Employment

Expect evolving rules, policies and dispute risks, related to: mandatory, encouraged or voluntary vaccination of employees; data privacy for health information from any tracking of employee vaccination status; the hosting and promotion of vaccination clinics in the workplace; and, workplace accommodations arising from the balancing of personal choice and operational need.

The sooner employers can engage in the thinking exercise as to where it will fall along the spectrum vis-à-vis expectations of its workforce, the sooner it can start the education and communications exercise that may be needed to build employee buy-in, as well as to plan for the complex logistics and decision-making that will follow these decisions.

Supply Chain

The logistics of the vaccine distribution will be complex. It is expected that Canadian supply chains will struggle to meet sensitive transport and storage requirements at scale, including the often-cited need for the front-runner COVID-19 vaccines to be maintained in frozen or ultra frozen conditions. There are also practical challenges in distributing bulk-shipped vaccines into many distribution channels in an on-demand or “just in time” fashion.

Combined with the complexity of managing two, time-spaced doses to each recipient, Canada’s distribution infrastructure is likely to undergo its greatest test. Canada has a network of highly skilled private-sector distributors that have the capability and scale to support this initiative. We are watching closely as the plan comes into focus. All eyes will be on the efficiency of hand-offs within the chain of custody or synchronization delivery of ancillary supplies to points of care.

Risk Management

In all aspects of this endeavour, there will be standards; there will be rigorous requirements; there will be alleged contract breaches and novel tort claims. Insurance and coverage questions likely will arise quickly. Watch the space closely and be ready to understand your relevant legal obligations and best paths to risk management.

The inoculation of the world against COVID-19 will be a seismic event that defines our future. It will affect businesses in unpredictable ways that are context-specific. Organizations will benefit by viewing legal and strategic decisions from that perspective.

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