

Corporate social responsibility and unvaccinated employees' rights during Covid 19 pandemic

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Abstract The Covid 19 pandemic, has raised new issues regarding corporate social responsibility (CSR) policy of mandatory vaccination or compelled measures regarding unvaccinated workers. These new patterns- enacted by corporations beyond the law as CSR practices- have been derived out of concerns regarding the health of various stake holders including other employees or customers and suppliers. The current paper wishes to address a gap in the literature and explore the tension between CSR and labor rights in times of pandemic. Accordingly, the article will explore the operation of corporations in advancing the use of vaccines and medical checks in attempt to prevent covid 19 infections among different stake holders and the public. These CSR practices have created a tension between individual rights of employees and the public interest for health and the prevention of infection by the virus. CSR is often analyzed through the Corporate Social Performance model (CSP) which includes a few dimensions: Institutional or organizational and individual (Wood 1991). The paper further develops some dimensions of the CSP model and the CSR pyramid of Carroll (1999)-composed of economic, ethical, legal and discretionary components. Drawing on a few aspects of the CSP model and CSR pyramid, the article presents two possible approaches of CSR in times of pandemic: Individual -labor CSR and Ethical- Public CSR. While the former posits that corporations should advance individual interests of employees and their social rights, the latter claims that corporations should advance the public interest and the health of suppliers as well as customers or other employees and mostly the public. Hence these two approaches differ in relation to different targets of the social responsibility patterns –either employees or the public. Following the two CSR patterns, the paper explores the judicial regulation of these practices in Israel and the United States and draws on the lines for a suggested approach that courts should embrace. The research question is: Which approach should the courts embrace in regulating CSR practices regarding unvaccinated employees.