

LHAG INSIGHTS EMPLOYMENT & INDUSTRIAL RELATIONS

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26 OCTOBER 2026

NO BREACH IN 'NO VACCINE, NO ENTRY' RULE UPHeld ON APPEAL

by Amardeep Singh Toor & Roseveen Kaur Tyndall

*SAPURA BINTI MOHD NOH V SENTOSA MEDICAL
CENTRE & KPJ HEALTHCARE BERHAD*

(HIGH COURT KUALA LUMPUR CIVIL APPEAL NO.:
WA-12BNCVC-59-06/2025)

The Plaintiff commenced proceedings in the Sessions Court alleging that the Defendants had breached her constitutional, statutory, and contractual rights.

The Plaintiff was employed as the Pharmacist-in-Charge at Sentosa Medical Centre Sdn Bhd ("**SMC**") part of the KPJ Healthcare Berhad ("**KPJ**") group. Amid the surge of COVID-19 cases in Malaysia, the Defendants implemented a policy requiring all employees to be vaccinated as a condition of entry into KPJ hospitals ("**Entry Requirement**").

Despite being afforded multiple options, the Plaintiff refused vaccination. As a result, she was placed on unpaid leave in accordance with the Entry Requirement.

KEY LAWYERS

AMARDEEP SINGH TOOR
Partner
ast@lh-ag.com



ROSEVEEN KAUR TYNDALL
Associate
rkt@lh-ag.com



Subsequently, the policy was withdrawn following changes in public health measures, where vaccination status was no longer required for entry into public premises.

The Plaintiff brought a claim seeking, among others, damages for alleged breaches of constitutional rights, harassment and intimidation, breach of contract, breach of statutory duty, negligence, as well as aggravated and exemplary damages.

The Sessions Court dismissed the Plaintiff's claim, holding that the Entry Requirement was lawful and consistent with the Government's policy at the material time. For our alert on the Sessions Court's decision, please click [here](#).

On appeal, the High Court affirmed the Sessions Court's decision and dismissed the Plaintiff's appeal. In doing so, the High Court held, *inter alia*, that:

- (a) No constitutional issue arose on the facts of the case;
- (b) There was no breach of the employment contract or duty of care by the Defendants;
- (c) The Plaintiff had resigned voluntarily;
- (d) It was reasonable for the Defendants to impose stringent precautionary measures, including vaccination requirements, in light of the COVID-19 pandemic;
- (e) Placing unvaccinated employees on unpaid leave was not unreasonable in the circumstances; and
- (f) The Plaintiff suffered no loss or prejudice, and any grievance relating to constructive dismissal ought properly to be pursued before the Industrial Court.

This decision reiterates that employers are entitled to implement reasonable workplace policies, particularly those grounded in public health considerations, without breaching employees' legal rights. It further underscores that disputes relating to alleged constructive dismissal fall within the jurisdiction of the Industrial Court, rather than the civil courts.

The Defendants were represented by Partner, **Amardeep Singh Toor** and Associate, **Roseveen Kaur Tyndall**.

Head Office

Level 6, Menara 1 Dutamas
Solaris Dutamas
No. 1, Jalan Dutamas 1
50480 Kuala Lumpur
Malaysia
Tel: +603 6208 5888
Fax: +603 6201 0122

Johor Office

Suite 21.01
21st Floor, Public Bank Tower
No.19, Jalan Wong Ah Fook
80000 Johor Bahru, Johor
Tel: +607 278 3833
Fax: +607 278 2833

Penang Office

51-12-E, Menara BHL Bank,
Jalan Sultan Ahmad Shah,
10050 Penang
Tel: +604 299 9668
Fax: +604 299 9628

Email

enquiry@lh-ag.com

Website

www.lh-ag.com

If you have any queries, please contact Partner **Amardeep Singh Toor** (ast@lh-ag.com) or Associate **Roseveen Kaur Tyndall** (rkt@lh-ag.com)

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