

# Developing a Vaccination Strategy

Whether employers require or encourage employees to get the COVID-19 vaccine, they need a plan

By Jathan Janove, J.D.

January 12, 2021

**L**et's say your CEO walks into the HR department and says, "I need your help. I want an employee vaccination strategy and plan. Please get to work ASAP."

What will your strategy be? Will the goal be vaccination for all employees, including those who continue to work from home or are in hybrid positions? Will you require proof of vaccination? Will the focus be on the "carrot" (benefits, incentives and other forms of persuasion for being vaccinated) or the "stick" (threat of disciplinary action)?

Have you decided if you will encourage or require vaccinations ([www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/if-workers-refuse-a-covid-19-vaccination.aspx](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/if-workers-refuse-a-covid-19-vaccination.aspx))? How will you handle employees who say, "I have a disability that prevents my being vaccinated," "I'm afraid of the side effects" or "My religious beliefs preclude my being vaccinated"? What overall action plan will be in your employer's best interest?

[*SHRM Research: Majority of Employers Will Encourage, Not Require, COVID-19 Vaccine* ([www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/majority-of-employers-will-encourage-not-require-covid-19-vaccine-shrm-research.aspx](http://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/majority-of-employers-will-encourage-not-require-covid-19-vaccine-shrm-research.aspx))]

I asked four experienced HR professionals to share their plans and approaches.

## Covering All the Bases

Cláudia Schwartz, president of HR Results in San Diego, recommends an agile, six-phase approach.

### Phase 1: Assessment

The first phase is one of learning. What are other companies doing, and what do current employees think about vaccination? Schwartz recommends fielding an anonymous employee survey to gather feedback. "The company can assess what percentage of employees plan on taking the vaccine, what incentives would most encourage them to do so and how beneficial it would be for the employer to offer onsite vaccination, and get an estimate of how many employees the company needs to be prepared to engage with in the interactive process for disability and religious reasonable accommodations." Take care that the survey does not raise unrealistic expectations or create liability, she added.

### Phase 2: Decision

Based on the assessment, the company can decide whether to follow the market trend and encourage employees to get the vaccine or to require vaccination as Equal Employment Opportunity Commission guidance allows ([www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-mandatory-vaccinations.aspx](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-mandatory-vaccinations.aspx)) (with caveats). Schwartz noted that if the company opts for mandatory vaccination, it can strategically choose to require it for certain groups and not others. "For instance, it can require vaccination of employees whose job functions entail contact with the public and/or presence at the worksite, or otherwise where the employee not receiving a vaccine would pose a significant risk of substantial harm to the health or safety of the individual or others."

### Phase 3: Incentives

Employers should consider offering incentives to boost the number of employees taking the vaccine. These could include making the vaccine available at the worksite for free during paid time or paying for time off and expenses associated with vaccination. Schwartz noted, "Some companies find that proactively offering extra PTO [paid time off] or a small discretionary bonus is a worthwhile investment, compared to unexpected time off due to COVID-related illness and isolation."

#### **Phase 4: Resources, Including Interactive Process**

Schwartz recommends ensuring you have sufficient in-house or contracted HR talent with specialized training to answer questions, engage in the interactive process, and work with leaders to provide reasonable accommodations for needs related to disability or religious belief, such as transfers to positions with lower exposure and lower need for vaccination. Additional competencies needed: handling leaves of absence; benefits administration; workers' comp, including investigation and presumption of exposure at work; and revision of employment policies and processes.

#### **Phase 5: Communication and Education**

"The employer should create a plan to educate everyone about the vaccine," Schwartz said. "This includes the company's call to action [encouraging or requiring employees to take the vaccine] and incentives to take the vaccine." She also recommends providing information on seeking exemptions related to disability and religious beliefs, engaging in the interactive process, and exploring alternative positions where not receiving vaccination is more acceptable (e.g., 100 percent remote work). Additionally, the employer should provide training and learning tools on communication and conflict resolution with co-workers whose COVID-19 infection control actions are having a negative impact on health, safety and the collective good at the company.

#### **Phase 6: Implementation and Continuous Improvement**

Schwartz emphasizes that vaccination-related decisions and practices are not solely HR's responsibility. "However, HR facilitates the process, including the continuous re-evaluation and improvement of the practices, with participation of project teams composed of diverse employees and leaders." She urges employers to be open to course correction, considering changes in the external environment (such as trends in vaccination practices in the industry, as well as marketplace, social, economic, scientific, technological and legal developments) and internal climate (employee engagement, retention, talent acquisition challenges, safety and health data, and employee behaviors).

*[Find answers to your COVID-19 vaccine questions on SHRM's Vaccination Resources page ([www.shrm.org/hr-today/news/hr-news/Pages/COVID-19-Vaccination-Resources.aspx](http://www.shrm.org/hr-today/news/hr-news/Pages/COVID-19-Vaccination-Resources.aspx))]*

#### **Voluntary Vaccination**

"We opted to make the vaccine voluntary," said Paul Falcone, CHRO at the Motion Picture and Television Fund in Calabasas, Calif. "Making vaccinations a condition of employment could trigger wrongful-termination charges and ADA [Americans with Disabilities Act] interactive process obligations for medical and religious reasons." Falcone also noted that "we're a union shop, and the union made it very clear that they expect members to have a choice." He believes making vaccination voluntary "gives us an opportunity to train and educate our workforce on the benefits of the vaccine, and we're hopeful to get a high level of participation."

#### **Being Flexible**

Colleen McManus, SHRM-SCP, a senior HR executive with the Arizona state government, believes that there has been so much disinformation and misinformation about COVID-19 and various ways to treat it that "it's wise for employers to provide their employees with information from reliable and evidence-based sources as they address or implement vaccine procedures." For her, the main point to

consider in whether an employer should mandate a COVID-19 vaccine for its employees is the type of business the employer is engaged in and the type of work performed by the employees. "Staffing concerns may factor into this decision as well, because if many highly skilled or specifically trained individuals become ill with COVID, this may jeopardize the employer's ability to continue to do business," she said.

McManus suggests that for employees who work remotely or virtually, or who work in settings where social distancing and other precautions can readily be taken, the employer may want to take the position of encouraging, rather than mandating, that employees receive the vaccine. "Given the lower level of risk of possible exposure for these employees, and the current high demand for vaccine supplies, this may be a more viable option," she said.

McManus noted that early guidance from the Centers for Disease Control and Prevention recommended that employers not require their employees to provide medical documentation for COVID-19-related matters, so as to not overburden health care professionals at such a critical time. "Because of this, and because COVID numbers are now at some of the highest we have experienced during this pandemic," she noted, "it would seem consistent for an employer to continue to allow employees to operate on the honor system with respect to their medical status relating to COVID, including whether they have received a vaccine."

What if an employee with no known medical issues or religious objections doesn't receive the vaccine after being required by his or her employer to do so? "I would talk with the employee to identify the concerns or problems he or she may be encountering around the issue. Maybe there is an underlying disability or religious issue that needs to be accommodated," McManus said. "Maybe it's a question of someone's inability to get into their provider to receive the vaccine due to high demand right now. I would want to work with the employee to identify a reasonable solution before simply moving to corrective action."

### **Rights and Responsibilities**

In Oregon, 1 in 4 adults surveyed by the State Health Department indicated that they are unwilling to be vaccinated. Faced with such resistance to vaccination, Isaac Dixon, SHRM-SCP, associate vice president for HR at Portland State University, said, "First, I will talk to employees, managers and leaders about the benefits of vaccination, [highlighting] what we can do again on campus if employees get vaccinated versus what things must remain off the table if not enough of them do."

One approach he has found effective in having conversations about vaccinations has been to focus on rights and responsibilities. "I can acknowledge that there is a right in the U.S. to decline a vaccination, but there is also a responsibility that we have as members of society to care for the health of those around us," he said. "I add that as an employer we acknowledge the right of employees to make decisions based on their values, but as an employer we have the responsibility to look out for the health of every employee who comes back to work on campus."

Portland State will require proof of vaccination for each employee working on campus, whether hybrid or full time. "There will be no exceptions unless signed by a certified health professional or licensed physician," Dixon said. "Religious exemptions will be permitted only after review by our General Counsel's Office."

## **HR DAILY NEWSLETTER**

News, trends and analysis, as well as breaking news alerts, to help HR professionals do their jobs better each business day.

Email Address

**CONTACT US ([WWW.SHRM.ORG/ABOUT-SHRM/PAGES/CONTACT-US.ASPX](http://WWW.SHRM.ORG/ABOUT-SHRM/PAGES/CONTACT-US.ASPX)) | 800.283.SHRM  
(7476)**

© 2021 SHRM. All Rights Reserved

SHRM provides content as a service to its readers and members. It does not offer legal advice, and cannot guarantee the accuracy or suitability of its content for a particular purpose.

[Disclaimer \(www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer\)](http://www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer)