

Confronting Vaccine Misinformation in the Workplace

By Kelly Anderson

June 23, 2021

Misinformation about COVID-19 vaccines has proliferated across the Internet in recent months, with false rumors about dangerous side effects, surveillance and other conspiracies. The rise in false information about vaccines has had a marked impact on vaccination rates, with 1 in 4 Americans saying they are not planning to get vaccinated

(<https://www.npr.org/sections/health-shots/2021/04/07/984697573/vaccine-refusal-may-put-herd-immunity-at-risk-researchers-warn>).

Vaccine conspiracies can cause disturbances in the workplace, especially if employees are sharing misinformation or condemning employees who have chosen to get vaccinated.

"It's distracting to others, and it has a real impact to some on their actions around the vaccines," said Elisabeth Joyce, vice president of advisory in the HR practice of Gartner, a research firm based in Stamford, Conn., that provides human resource consulting.

Joyce said disputes over vaccines or company policies requiring employees to get vaccinated should be handled like other workplace disagreements, rather than treating them as a health or safety issue.

"I would be treating it as a manager like I would treat any other kind of disruption in the workplace in terms of having a conversation around what is appropriate or is not appropriate," Joyce said.

Below, experts give tips on how to handle these conversations, as well as a script to use with vaccine-hesitant workers.

Handling Vocal Vaccine Objections

If an employee is claiming that vaccines contain microchips or cause cancer, or is spreading other false information at work, the best recourse for a manager is often the least confrontational one.

Joyce said managers should avoid discussing their own beliefs about vaccines and instead should emphasize that sharing spurious claims with co-workers is disruptive to the professional environment. "This is not work-related, and it's causing people to lose focus on their work," she said. "That's not a way that we want to be engaging in the workplace, regardless of topic."

Robert Neiman, a lawyer who specializes in employment litigation at Much Shelist P.C. in Chicago, suggests that managers approach misinformation-spreading employees with patience and respect, rather than condescension.

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COVID-19 Vaccination Resources

(www.shrm.org/hr-today/news/hr-news/Pages/COVID-19-Vaccination-Resources.aspx)

Feedback

"It's an issue of persuasion rather than changing their mind," Neiman said, "because chances are, you're not going to change someone's mind on things like that."

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Legal Ramifications

False speech is not protected in private workplaces, which means employees who share misleading information about vaccines cannot argue that their claims are protected under the First Amendment, according to Neiman.

"Like all employer-employee relations issues, the key is to treat all of your employees the same way," Neiman said. Lawmakers in several states have proposed legislation that would make vaccination status a protected class under anti-discrimination laws (<https://www.huschblackwell.com/newsandinsights/50-state-update-on-pending-legislation-pertaining-to-employer-mandated-vaccinations>), but those efforts have mostly failed.

The Equal Employment Opportunity Commission (EEOC) has issued guidance that allows employers to mandate vaccinations (<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>). Employees who have valid medical or religious objections, however, must be exempted from vaccine requirements due to statutes in the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964.

Lawsuits against workplace vaccine requirements have been filed in several states. A detention center officer in New Mexico sued his employer over its vaccine mandate (<https://www.jdsupra.com/legalnews/first-lawsuit-challenging-mandatory-7190156/>), which he says made co-workers hostile toward unvaccinated employees and led to his being demoted unfairly. Similar lawsuits have been filed by public employees in North Carolina and California (<https://www.marketwatch.com/story/can-you-be-fired-for-refusing-to-get-a-covid-19-vaccine-america-is-about-to-find-out-11620237075>), and the cases will be the first to test the legality of vaccine mandates.

The lawsuits use the Food and Drug Administration's (FDA's) decision to grant emergency use authorization (EUA) for the Pfizer, Moderna and Johnson & Johnson vaccines as the basis of their legal claims.

FDA policy states that any person may refuse to take medical products approved under an EUA, and that they are entitled to know the consequences of refusal.

The EUA lawsuits are unlikely to form the basis of credible complaints (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-lawsuits-challenge-vaccination-mandates.aspx) against employers that mandate vaccines, said Neiman, who noted that EEOC guidance supersedes other regulatory agencies in the workplace.

Tips for Managers

Establishing trust and providing credible sources of information may help stop the spread of vaccine misinformation. Experts suggest that managers use the following tips when talking with employees who have bought into vaccine misinformation:

- Ask the employee if she's willing to talk to other employees of the same rank or seniority who have been vaccinated, rather than speaking one-on-one with a manager. Vaccinated employees can share their experiences of receiving the vaccine and how vaccinations have benefited their own lives. While dispelling conspiracy theories can be difficult, hearing about vaccinations from a trusted, respected peer can help the employee become more open-minded about the COVID-19 vaccine.
- Create video interviews of vaccinated employees of varying seniority and positions to distribute to unvaccinated employees. In the interviews, ask employees about their motivations behind receiving the vaccine and how it has affected their lives. Neiman suggests e-mailing these videos to unvaccinated employees on a regular basis so they have the opportunity to hear testimonials at their convenience without forcing confrontation.
- Ask if the employee would like to speak with a licensed medical professional to learn more about the vaccine.
- Avoid using a rude or condescending tone, which could alienate a vaccine-skeptical employee who is wary of taking advice or considering different viewpoints.

Jaime Klein, CEO of New York City-based HR consultancy Inspire Human Resources, said offering accommodations for vaccine appointments can also help sway hesitant employees. Klein suggests giving paid time off for employees to receive the vaccine during work hours, as well as giving paid sick days to those who experience vaccine side effects.

"It's crucial to lead in a human-centric way and to validate the opinions and feelings both of team members who received the vaccine and of those who do not want to receive a vaccine," Klein said.

Sample Script

An employee named Sarah has come to her manager, Kim, with a YouTube video that shows someone who claims to be a doctor discouraging people from receiving vaccines. The "doctor" makes several false claims, arguing that the vaccines alter the DNA of recipients, making them more likely to become infected by the virus. Sarah has e-mailed the same video to several co-workers and was overheard telling employees not to attend their vaccine appointments. Here's a sample template Kim could use to respond to Sarah's concerns:

"I understand you're concerned about the COVID-19 vaccine. We respect your opinion and will respect your decision about getting vaccinated regardless of which option you choose. We expect that you will also afford the same respect to your co-workers who may make different decisions. Fomenting fear among your peers is unhelpful to creating a productive work environment and can make it harder for others to make informed decisions about the vaccines.

"Whether or not you get vaccinated is your choice, but we want to make sure you and all of our other employees have the resources to make the best-informed decision. Our company website includes links to information from the U.S. Centers for Disease Control and Prevention, the World Health Organization, and state and local guidance on the vaccines and the coronavirus. The consensus of scientific research is that vaccines are completely safe and overwhelmingly effective at stopping infection and the worst effects of contracting COVID-19.

"More than half of the adults in the U.S. and millions of people across the world have received the vaccines. If you'd like, we can set up a time for you to meet one-on-one with another employee who has been vaccinated to hear about their experience. Your peers who are vaccinated are enjoying the vaccine's benefits: They can now gather indoors with large groups of people, travel with greater ease, and no longer have to wear masks outside and in many indoor spaces. You'll also have much more flexibility at work because you won't have to be tested regularly to work from the office, may not have to quarantine if a member of your household tests positive, and can more freely access common spaces like the lunchroom and conference room.

"If you'd like to hear a medical opinion, we can help set up a time for you to speak with a health care provider or another licensed medical professional. There is rampant disinformation on the Internet from people who often lack qualifications, but speaking with a reputable doctor can ensure you have the most scientifically accurate information about vaccines.

"If you're concerned about the logistics of receiving the vaccine, our workplace has ample accommodations to give you flexibility.

"I understand your worries about the vaccines, and I'm here to enable you to make the best decision for your health. I am happy to have more conversations about vaccines in the future if it would be helpful, but going forward we will not tolerate employees who spread lies about medical issues."

Kelly Anderson is a freelance writer based in Washington, D.C.

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