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Safe Actions For Employee Returns

Spectrum of Employer Vaccine Approaches

As the world begins the third month of the largest vaccination effort ever seen, employers in the United States and around the globe have been challenged to understand how to best support this critical effort. Through its *SAFER: Safe Actions for Employee Returns* task force, the National Safety Council has tracked employer questions, responses and practices during this process, and seen a variety of approaches emerge. These approaches lie on a spectrum ranging from simple communication on one extreme to directive mandates on the other, with most employers appearing to opt for a policy that lies somewhere in-between.

NSC fully supports employers who choose to take bold action along this spectrum, but recognizes that every organization must make decisions based on risk, exposure and economic factors. We also understand the factors influencing vaccine approach are fluid and that an employer's direction may change from month to month or even day to day. To that end, this document provides a summary of these approaches, as well as guidance around how to best decide on an approach for your workplace.

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Communicate

As has been true throughout the COVID-19 pandemic, the starting point for employers has been frequent and transparent communication. In the case of the vaccine effort, this includes updating communications campaigns to include relevant and fact-based information on vaccination from reputable sources such as the CDC, NIOSH and state/local public health departments. Other tools may include anonymous employee surveys to understand points of view around the vaccine (e.g. will they take it, are they undecided) to help shape go-forward policies, as well as timely update and rollout of both specific vaccination and other COVID-19 risk mitigation policies. Leveraging external information related to vaccine uptake can occur at this initial point on the spectrum, but some employers may stop short of actual encouragement of vaccination. That said, early data and discussion indicates this is simply a starting point, not an end point, for most businesses.

Encourage

Beyond communication, many employers have developed internal efforts, as well as joined external coalitions and other bodies that seek to encourage employee uptake of COVID-19 vaccines through either increased ease of access, positive messaging or a mix of both. Common employer tactics that NSC has seen deployed or reported on include fully subsidizing

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vaccinations through insurance and offering additional paid time off both to receive the vaccination shot(s) and potentially also for post-vaccination side-effect fatigue/mild illness. These efforts are often paired with messaging that goes beyond the factual, creating positive association with vaccination and highlighting its ability to get us “back to our lives” as quickly as possible, and can include personal stories of employees who have already received or who are planning to receive the vaccine. Many, if not all, employers appear to have embraced this step on the spectrum.

Incentivize

Going one step further than encouragement, some employers have begun to offer financial incentives for employees who choose to vaccinate. This approach is somewhat more controversial than encouragement, as it comes with potential challenges related to discriminatory practices. As with widely-popular employee wellness programs, employers must be exceedingly careful not to create an environment in which incentives can be seen to be exclusionary of those who choose to opt out of a program for religious, medical or other protected reasons. For example, offering employees a flat insurance premium incentive or other direct financial benefit that is only available by virtue of vaccination may be discriminatory. Offering the same incentive as one amongst a pool of available options to reach an incentivized dollar amount may not be. While NSC believes incentivization is a powerful and potentially appropriate approach, employers looking to act on this level of the spectrum should ensure they thoroughly examine legal implications before doing so.

Mandate

The boldest action employers can take is to fully mandate vaccination as a condition of work. Several employers, including major corporations, have indicated they plan to mandate vaccination. By and large, these include organizations that have an extreme level of risk and/or exposure to COVID-19 both within their employee populations and to those they serve and the public (healthcare, air travel, retail, hospitality, etc.). In the event that employers choose to take action, the single biggest decision they must make is how to handle protected exceptions (as in the *incentivize* approach), with even more potential legal exposure given that an individual's or individuals' employment is on the line. For instance, there may be a particular job that is high risk for exposure to the employee or customers/communities. If an employee has a protected exception and chooses not to vaccinate, it is incumbent upon the employer to seek a reasonable accommodation or alternate type of work before taking further action.

Guidance: Risk Profile & Exposure Level

In developing your organization's vaccine response and policies, as well as in choosing specific tools and tactics to deploy, NSC recommends a risk and exposure assessment approach. This should ideally be performed at both the enterprise level and at a level of granularity that can determine job-level exposure to risk. For example, in a typical medium-sized manufacturing business, there will be various employee categories, including administrative, executive and production workers. Each job has a different risk profile and potential for exposure to COVID-19, starting with whether a job can effectively be performed remotely. Performing an assessment at this level of specificity will allow you to better understand the appropriate starting point along the response spectrum.

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In addition, it is critical to assess both employee-to-employee risk and risk/exposure to customers, communities and the public. For example, in a typical retail environment, a cashier may have low risk of employee-to-employee exposure (due to social distancing and masks), but may have high risk of employee-to-customer exposure. This might indicate that an employer would want to take steps further along the response spectrum with such employees as opposed to, say, a lone worker in the store's warehouse who has little interaction with either other employees or the public.

Finally, it is important to understand that the vaccination effort does not mean employers can let down their guard on the basic COVID-19 risk mitigations that have proven effective, such as social distancing, masking (including double-masking as appropriate), testing, contact tracing and sanitization. By the same token, employers should in all likelihood not immediately remove engineering controls (such as plexiglass barriers) or administrative ones (such as training and policies) put into place for good reason. Further, new tools, such as vaccine identification registers, particularly for travel and events, but more generally for return to a traditional work environment, will likely be necessary. In short, even as the vaccine rollout accelerates, we need to utilize all of the tools in our kit to effectively reduce transmission.

For additional guidance, including a vaccine framework, policy development questions and vetted third-party information, please visit nsc.org/vaccine or contact us at safer@nsc.org. In addition, it is recommended that employers seek applicable legal advice as they develop and refine their vaccine approaches.

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