

Insights, News & Events

EMPLOYEE RIGHTS VS. PATIENT SAFETY: THE BALANCE OF MANDATORY FLU SHOTS

News
Dec 9, 2014

Howard Mavity was quoted on *Becker's Healthcare* on December 9, 2014. The article "Employee Rights vs. Patient Safety: The Balance of Mandatory Flu Shots" discussed the rise of healthcare organizations requiring their employees to take flu shots.

Howard was quoted on his take of mandatory flu shots, within the Healthcare industry.

"The federal government is not neutral on vaccinations," said Howard. "While they won't come out and say you should make [flu vaccines] mandatory, they emphasize their value."

And while mandatory flu vaccine policies in hospitals are not yet universal, they are certainly on the rise. Howard said the rise in mandatory vaccine programs may parallel a growing public acceptance of the vaccinations.

"Legal decisions, to some extent, follow public policy and attitudes," Howard said. "Vaccinations in the healthcare side are becoming more accepted."

The most common objection to mandatory flu vaccines is religion, said Howard, followed by allergy concerns and employee unions.

Should an employee take issue with a mandatory policy for religious reasons and threaten a lawsuit, the courts will likely accept that the refusal is a religious issue warranting some level of accommodation, according to Howard.

Related People



Howard A. Mavity

Partner

[404.240.4204](tel:404.240.4204)

"If you're a children's facility or work with immunosuppressed kids with cancer, you're probably going to have the ability to demand everybody to get a vaccination because you're talking about a patient group that is incredibly vulnerable," Howard said. "If it were a chiropractor's office, that would be less risk."

The key to handling such situations, Howard said, is to not make knee-jerk decisions and just fire the employee. Most first actions, he says, are not disciplinary. Instead, healthcare organizations should speak with the employees and counsel them.

"If a healthcare employer just said, 'If you don't get a flu vaccination, we're going to fire you,' you'd see a lot of legal claims," Howard said. "But you don't see that. You see, 'Let's go through this analysis.'"

"On a practical matter, they should put patient care first," Howard said. "You're going to see a balancing act, but at the end of the day if you're evaluating risk on every level, you're going to err on the side of patient care."

To read the full article, please visit [*Becker's Healthcare*](#).