

# “THIS WON’T HURT A BIT – OR WILL IT?” PRACTICAL WORKPLACE SOLUTIONS TO ADDRESS COVID-19 VACCINE SIDE EFFECTS

Insights  
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With public hesitancy regarding the COVID-19 vaccine still running high, employers are considering whether and how to encourage – or even incentivize – employees to get vaccinated. A significant issue that can be overlooked when approaching this topic is the fact that some vaccine recipients will probably experience mild-to-moderate side effects after being inoculated, particularly after the second dose. What can employers do to address this natural occurrence and ensure the majority of your workforce gets vaccinated?

## Steps To Take Pre-Vaccination

Data collected by the Centers for Disease Control and Prevention (CDC) indicates that it is not uncommon for COVID-19 vaccine recipients to experience side effects, such as pain at the injection site, fatigue, headache, and chills, most often within 24 hours of receiving the **second dose** of the vaccine. This reality could fuel what may be the biggest barrier to employees getting vaccinated: apprehension about the safety of the vaccine itself. However, these concerns are often based on misinformation or lack of information, which is where employers can play a vital role.

While concerns about likely side effects are perfectly legitimate, worries over contracting COVID-19 from the vaccine – and other safety concerns – are based on inaccurate information. You can help ease some of this apprehension by providing access to accurate information and offering clarifications to directly address

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misinformation. This includes being as forthcoming as possible about these side effects, while also providing information about the benefits of getting vaccinated.

Employees who understand how the vaccine has been tested, its effectiveness, and track record are generally more likely to get vaccinated. In providing access to helpful information, you should be mindful that employees place much more confidence in information that comes from established healthcare authorities than material that comes from the vaccine manufacturers or political figures. We recommend that you consider gathering material from the CDC, your state or local health authority, or local healthcare organizations and share them with your workforce well in advance of their eligibility to receive the vaccine in order to smooth the waters.

### Steps To Take Post-Vaccination

Especially if you are encouraging your workers to receive the COVID-19 vaccine, you should be careful not to inadvertently penalize employees who end up experiencing side effects as a result of the vaccine. At a minimum, you may want to ensure that you are not punishing workers by docking their pay, depleting their PTO bank, or counting side-effect-related absences as part of your disciplinary process. Keep in mind that some state and local paid sick leave laws may even *require* providing paid time off, or at least offer protected unpaid leave, to employees as they recover from vaccine side effects.

You should also consider not scheduling employees for the day after receiving the second dose, or providing additional paid time off for the day after the second dose, to the extent that employees who experience side effects are unable to work. Again, employees will obviously be less inclined to get vaccinated if they believe they may have to miss work time due to side effects and possibly not be paid, or have to use their banked PTO, for that time. You may even consider providing an additional chunk of PTO to employees who voluntarily choose to get vaccinated, as at least 30% of employers are planning to do. That's according to data collected from [a recent FP Flash Survey](#), which polled employers across the country about their views related to the COVID-19 vaccine. Note, however, that various incentive strategies may involve legal risks, as referenced in [our recent comprehensive overview addressing vaccine](#)

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[incentive programs](#), and you should consult with legal counsel before implementing any such program.

On a related note, you should consider working with your workforce to stagger vaccine appointments – especially the second dose – within particular departments or units. Since employees with side-effect symptoms may need to be absent from work, you can avoid having a staff shortage and keep your operations running if you avoid having an entire business unit simultaneously vaccinated.

## Conclusion

We will continue to monitor developments related to the COVID-19 vaccines and related workplace questions that arise. Make sure you are subscribed to [Fisher Phillips' alert system](#) to get the most up-to-date information. If you have questions about how to ensure that your vaccine policies comply with workplace and other applicable laws, visit our [Vaccine Resource Center for Employers](#) or contact your Fisher Phillips attorney or any attorney on our [FP Vaccine Subcommittee](#).

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*This Legal Alert provides an overview of developing workplace issues. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*