

FP FLASH SURVEY REVEALS THAT MOST EMPLOYERS CONTINUE TO REFRAIN FROM MANDATING COVID-19 VACCINE BUT VAST MAJORITY ENCOURAGING IT

Insights
May 25, 2021

It appears an overwhelming number of employers are not mandating their employees receive the COVID-19 vaccine – more than four in five – but are instead encouraging their workforce to get inoculated from the virus. That’s according to a survey conducted by Fisher Phillips, with over 600 respondents providing their thoughts between May 14-19. The most recent survey – [which follows a similar survey the firm conducted in January 2021](#) – sheds light on the rationale behind these business decisions and reveals some shifting attitudes on this topic over the last few months.

The Vast Majority of Employers Are Not Requiring the Vaccine

83% of employers responding to the survey indicated that they are neither mandating nor considering mandating that some portion of their workforce receive a COVID-19 vaccine. [That’s a fairly big jump from our January survey](#), when only 64% of respondents said they were not thinking about forcing their employees to get inoculated.

Back in January, more than a quarter of employers (27%) were unsure how they would proceed when it came to vaccine mandates. That number has now dipped to just 13%. And while nearly one in ten employers were either mandating or considering mandating the vaccine at the beginning of the year, now less than one in 20 employers (4%) said they were going to require the shot or were considering doing so.

Related People



Megan L. Janes

Partner

[954.847.4717](tel:954.847.4717)



A. Kevin Troutman

Senior Counsel

[713.292.5602](tel:713.292.5602)

But A Very Large Portion of Employers Are Encouraging Inoculation

Three out of four employers – a full 75% – are encouraging their workers to receive the COVID-19 vaccine. That’s about the same level of workplaces that were encouraging or planning on encouraging their workers to get inoculated (78%) when we first asked the question back in January.

In an interesting development, the number of employers unsure about whether they will encourage workers to get the shot dropped from 13% in January to 7%, and most of those moving out of the undecided camp seemed to have decided not to encourage the vaccine. The number of employers not interested in encouraging their workforce doubled in the past four months, from 9% in January to 18% in this most recent survey.

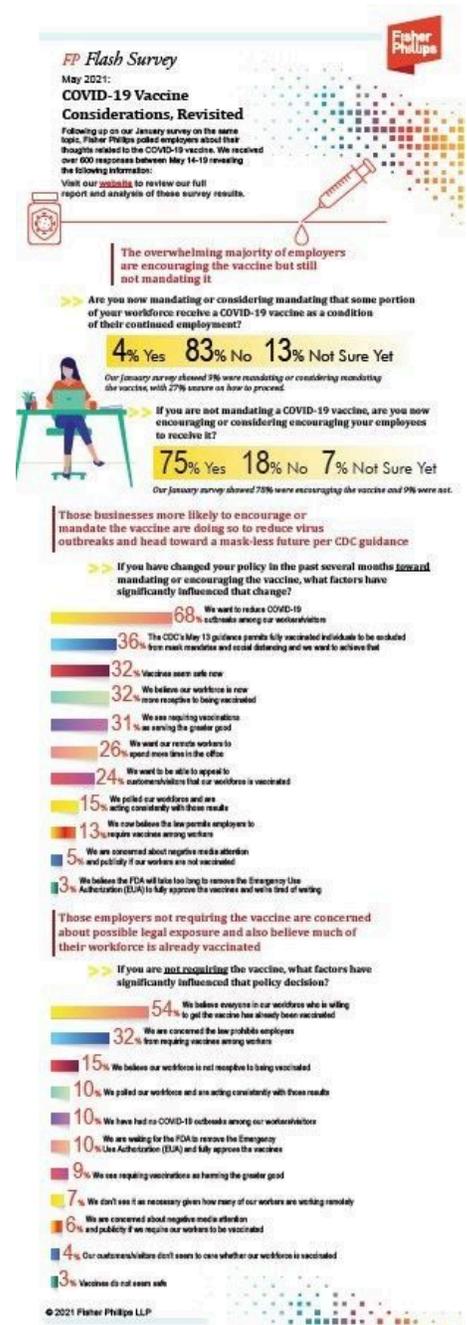
Those Businesses More Likely to Encourage or Mandate the Vaccine Are Doing So To Reduce Outbreaks and Head Toward a Mask-Less Future Per CDC Guidance

When we polled those employers that have changed their policy in the past several months toward mandating or encouraging the vaccine, there was one factor that most significantly influenced that change: 68% of those employers said they wanted to reduce COVID-19 outbreaks among their workers/visitors. That justification was far and away the most common rationale cited by this grouping of employers. The second-most influential factor? [The recent CDC guidance that permits fully vaccinated individuals to be excluded from mask mandates and social distancing](#). Over a third of respondents (36%) cited the desire to achieve this mask-less existence as a reason why they were mandating or encouraging the vaccine.

Other popular reasons for pushing the vaccine centered around society’s gradual acceptance of the shots. 32% said they were persuaded because vaccines seem safe now, while an equal number also said they believed their workforce is now more receptive to being vaccinated. Meanwhile, 31% said they see requiring vaccinations as serving the greater good and are therefore encouraging or mandating them.

Business reasons also accounted for a quarter of those who had decided to mandate or encourage the vaccine. 26% of employers said they were doing so because they wanted

Vaccine Flash Survey



their remote workers to spend more time in the office, and 24% said they wanted to be able to appeal to customers and visitors that their workforce was vaccinated.

Those Employers Not Requiring the Vaccine Are Concerned About Possible Legal Exposure and Also Believe Much of Their Workforce is Already Vaccinated

Despite the fact that nearly half a year has gone by since the EEOC indicated that employers can mandate the vaccine without running afoul of key federal anti-discrimination laws, nearly a third of our respondents (32%) indicated that they were not considering mandating the vaccine because they were concerned that the law prohibits them from requiring it among their workers. Meanwhile, the single-most common factor that significantly influenced employers' decisions not to require the vaccine was that more than half of them (54%) believe that everyone in their workforce who is willing to get inoculated has already done so.

Some other common rationales cited for not requiring the vaccine:

- 15% said they believed their workforce is not receptive to being vaccinated
- 10% said they polled their workforce and are acting consistently with those results
- 10% said they have had no COVID-19 outbreaks among their workers and visitors
- 10% said they were waiting for the FDA to remove the Emergency Use Authorization (EUA) and fully approve the vaccines

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' Insight 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](#).

Meanwhile, we will continue to survey employers on the most pressing topics of the day on a regular basis and report back on the results. To ensure you are part of the process, please subscribe to [Fisher Phillips' Insight system](#).