



FP Flash Survey Reveals: Fears of Labor Shortages Keep Workplace Vaccine Mandates in Check – Although COVID-19 Testing Could Present its Own Nightmares

Insights

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The overwhelming majority of employers cite fear of turnover and staffing shortages as a reason not to implement a vaccine mandate at their workplaces – but is this fear being overestimated? Out of the 1,578 respondents that responded to the latest FP Flash Survey between October 7-11, about 3 in 4 companies (72%) that have actually implemented such a mandate say that they have seen no impact on their staffing levels. And while 30% of employers have instituted or are considering such a mandate – a number that has doubled since our August survey – that figure still remains much lower than expected by most workplace observers. The results of this survey – the fourth one conducted by Fisher Phillips since the start of the year – also demonstrate that nearly half of the employers subject to the impending OSHA rule (43%) are considering the weekly COVID-19 testing option instead of mandating the vaccine. It is unclear whether these employers fully appreciate the resources required to implement such a testing regimen.

Slow and Steady Climb in Vaccine Mandate Numbers

We've seen a steady climb in the number of employers mandating or considering mandating the COVID-19 vaccine mandate among their workforces since we launched our first FP Flash Survey:

- January 2021: 9% of employers
- May 2021: 4% of employers
- August 2021: 15% of employers
- October 2021: 30% of employers

There are five main explanations for the slow and steady increase. When we polled those employers and asked them to lay out their rationale for instituting mandates, the top five factors influencing their decisions were:

- The impending OSHA ETS – 53%
- The Delta variant caused them to reassess the matter – 44%
- Vaccines are supporting the greater good – 42%
- The law seems to permit a vaccine mandate – 39%

- COVID-19 vaccines seem safe now – 25%

While 30% of workforces still represents a staggeringly high number, the most surprising aspect of the survey is that this number is not higher. In fact, about 1 in 5 employers (19%) said they were “not sure” whether they would institute a vaccine mandate, despite the fact that the vaccines have been readily available to the general public for more than half a year so far. Many workplace observers expected the number of employers mandating the vaccine to veer closer to the 50% mark given the one-two punch of the Delta variant and the impending OSHA emergency rule that will require larger employers to either mandate workforce vaccinations or implement weekly testing.

Healthcare Field Outpaces All Others When It Comes to Mandates

It is not surprising that the healthcare industry far outpaces all other workplaces when it comes to instituting vaccine mandates at their workplaces. A full 74% of healthcare employers either have or are considering a mandate (with 73% of pharmaceutical and medical supplies employers also doing so). Other workplaces with high vaccine mandate numbers:

- Technology: 61%
- Real Estate: 58%
- Non-Profit, Industry, or Civic Organizations: 56%
- Agricultural and Food Production: 46%
- Professional Services: 44%
- Education: 41%
- Hospitality: 40%
- Transportation: 40%

Those employers in the Retail sector (33%) and PEO/Staffing/Employment Services fields (29%) fell close to the average of all employers when it comes to instituting mandates.

As for those employers falling well below the national average:

- Automotive: 11%
- Warehousing and Storage: 17%
- Construction: 19%
- Finance and Insurance: 19%
- Manufacturing: 21%
- Administrative Services: 22%
- Energy: 24%

Fears of Worker Shortages Rein in Workplace Vaccine Mandates

When we polled those employers not considering a mandate and asked for their rationale, nearly 3 in 4 (73%) indicated that they had a fear of turnover and workforce shortages (again, despite the fact that 72% of those employers that had instituted a mandate have reported no impact on their turnover or retention levels). Meanwhile, 44% of those employers also said that they believed their workforce was not receptive to a vaccine mandate.

18% of employers not considering a mandate remain fearful of legal challenges from their employees if they launch such a requirement, while 17% said they are not considering a mandate in part because their customers and visitors don't seem to care whether their workforce is vaccinated against COVID-19.

Staffing Shortages Represent a Valid Concern for Some Workforces

Of those employers polled that actually had implemented a vaccine mandate at their workplaces, only 28% said they had experienced turnover or staffing shortages as a direct result of that mandate. 53% of healthcare employers and 57% of those in the transportation industry that have instituted a mandate have seen worker shortages as a result, by far the hardest-hit industries.

Several other industries have seen staffing levels impacted by vaccine mandates; the ones closest to the overall 28% average include:

- Hospitality: 30% of those implementing a mandate have seen worker shortages
- Retail: 30%
- Manufacturing: 27%
- Education: 24%
- Construction: 22%

Meanwhile, other industries have sustained little-to-no worker shortages or turnover as a result of vaccine mandates they have implemented. According to those responding to our survey:

- Technology: only 19% that have implemented a mandate have seen worker shortages
- Professional Services: 14%
- Government: 13%
- Pharmaceutical and Medical Supplies: 0% (out of 10 responses)
- Automotive: 0% (out of 20 responses)

Could Testing Option Come Back to Haunt Employers?

Many employers subject to the impending OSHA ETS are considering a weekly testing regimen instead of implementing a vaccine mandate – but it is unclear whether they are aware of the numerous costs, administrative burdens, and logistical challenges that are associated with such a program. According to our survey, 43% of respondents said they were considering a testing program in lieu of a mandate, and only 18% of employers said they were outright rejecting the testing option.

If you fall in line with this 43%, we recommend you read our [Employer's 7-Step Guide to Implementing a COVID-19 Testing Plan](#), which lays out all of the roadblocks you will need to overcome and offers a way to navigate through these challenges.

Further Resources

Employers wishing to explore further vaccine-related resources on the Fisher Phillips [Vaccine Resource Center for Employers](#) might find the following recent publications helpful:

- [5-Step Plan for Employers After President Biden Announces Workplace Vaccine Mandates](#)
- [An Employer's 3-Step Guide to Responding to COVID-19 Vaccine Religious Objections](#)
- [Federal Contractors Face Vaccine Mandate by December 8: An Employer's Plan for Success](#)

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, the authors of this Insight, 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](#).

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