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Employers are implementing stricter vaccine mandates. It's good for business.

Rachel DuRose



Vaccine mandates don't put employers at risk; they protect them from potential lawsuits.

The Delta variant is surging, and companies are taking a stronger stance on vaccination policies. Workplace experts say it's the smart move.

On Tuesday, the consulting firm Alvarez & Marsal announced a vaccine policy that requires workers to go on unpaid leave if they decide not to get vaccinated. CNN previously took its vaccine policy a step further and fired three staffers for coming into the office unvaccinated. CNN did not immediately respond to a request for comment. Companies such as IBM and Uber have also embraced vaccine mandates.

Contrary to what social media or other platforms may suggest, data showed that employees were generally in support of these vaccine mandates, and legal experts said employers benefit from the protection.

Walter Foster, a labor and employment attorney with Eckert Seamans Cherin & Mellott, said vaccine mandates are poised to become more common in the workplace, even if they don't go as far as CNN's. "There are many other industries and businesses following suit," he said.

Employees support vaccine mandates

A Qualtrics study on vaccine mandates conducted in August, following surges in COVID-19 cases, found that 60% of employees supported vaccine mandates for in-person work, and over 50% of tech workers would consider leaving their positions if mandates weren't implemented.

The study also showed that almost half of workers who have been working remotely would feel unsafe returning to an office without vaccine mandates. At CNN, where vaccine mandates apply across all offices, over a third of employees have returned to in-person work, said a memo sent by Jeff Zucker, CNN's president.

Additional surges in COVID-19 cases would likely force more employers to adopt mandates, Foster said. He added that employers risk losing workers who feel unsafe returning to work if their employers don't mandate vaccinations.

To be sure, while companies such as Alvarez & Marsal and CNN have a "zero-tolerance policy," some businesses may choose "to find a middle ground," Foster said, in an effort to not lose employees who are against vaccination mandates.

Not requiring vaccination is a liability for employers

Businesses should be more worried about being sued by customers than by staff, Foster said. If a customer catches COVID-19 from an employee, the company could be sued on the basis of premise liability, which says business owners are responsible for creating safe conditions for customers and employees.

"Most business owners are very concerned that somebody would say: 'Wait a minute, you didn't protect me enough. You didn't give me a safe environment to eat or a safe environment to go shopping,'" he said. This legal concern is what ultimately creates an economic incentive to enforce protections.

CNN relied on an honor system to uphold its vaccine policy. It's now considering requiring proof of vaccination, Zucker's memo said — an added step that administrators may find a hassle to implement but is necessary for enforcement, Foster said.

But generally speaking, it's still up to companies to implement the policies they see fit, Foster said. He added, "Every business has to tailor whatever policy they have to what their needs are."

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