

Employers Avoiding Cash Vaccine Incentives, Thompson Hine Survey Says

By Alexis Shanes

Law360 (May 27, 2021, 6:26 PM EDT) -- Employers are steering clear of offering financial vaccine incentives to workers even though they overwhelmingly want employees to get the shot before returning to the office, according to a Thompson Hine LLP return-to-work survey released Thursday.

The survey includes responses from nearly 200 employers of varying sizes. The majority of the respondents' workplaces have been fully or partially open since last summer, and most — more than 90% — are encouraging employees to get the shot, many using educational materials or communications from leadership to inspire confidence in the vaccine. A quarter even said they'll offer an on-site vaccination clinic.



Nancy Barnes

But nearly 70% said they won't require employees to be vaccinated before they show up at offices, warehouses and assembly lines. And they're largely eschewing financial incentives and declining to ban unvaccinated workers from group gatherings and business travel.

Nancy Barnes, the Thompson Hine partner who leads the firm's labor and employment practice and spearheaded the survey, said she wasn't surprised by employers' push for people to get the shot. More unanticipated, she said, was the lack of incentives.

"I really did expect a slightly higher percentage to be offering more significant financial incentives," Barnes told Law360 in a Thursday interview. "I was kind of surprised by that."

Most employers are expecting more full- and part-time workers to telecommute after many were stuck at home for more than a year. That wasn't surprising either, Barnes said.

"The workforce has had the opportunity to work remotely and see the value it has in terms of work-life balance," she said.

However, that creates additional issues for recruitment and retention, Barnes added. Employers might limit their talent pool if they insist on having workers in the office five days a week, but they also face challenges maintaining company culture in remote work environments.

"How do you build teams? How do you mentor and train people?" Barnes asked. "The organizations that

solve that problem and are able to have cohesive, constructive work environments — they're the ones that are really going to thrive."

Despite the focus on telework and plans to continue using videoconferencing, businesses aren't as quick to say they plan to downsize their physical workplaces.

Roughly 30% said they would reconfigure workspaces or use "hot-desking," the office system that allows employees who come to work at different times to share the same workstations, but they're not ready to make long-term real estate decisions.

While it's possible that some people responding to the survey on behalf of their companies — such as human resources professionals and general counsel — aren't aware of their organizations' plans for building capacity, it's also likely they're not ready to downsize until they see how remote work plays out in the post-pandemic world, Barnes said.

Even as they encourage workers to get the shot, 60% of employers aren't making distinctions between vaccinated and unvaccinated employees, according to the survey. Most said they will keep mask mandates, social-distancing requirements and increased cleaning measures in place at their physical work sites.

Organizations are making those decisions as they juggle guidance from the Occupational Safety and Health Administration and state, county and local health requirements, Barnes said. But how they opt to handle safety measures also depends on their type of workplace and whether employees get the shot.

Only half of the survey respondents said they'll ask workers to share their vaccine status. Most who do are using anonymous surveys to collect that information or making the disclosure noncompulsory, according to the survey.

While some might refuse to get vaccinated and wear a mask, others might not want to work alongside unvaccinated colleagues, Barnes said. But enforcing disparate safety measures could get tricky, she added.

"Employees are all over the spectrum," Barnes said. "It's going to create conflict. There's no silver bullet or easy win."

It's still too early to tell how other aspects of workplace life will change in the post-pandemic world.

For instance, more than 80% of the survey respondents said they'd seen no increase in employees' requests for accommodations under the Americans with Disabilities Act. Barnes said that's a "trailing indicator."

"In those hybrid models or when all employees are remote, the need to request an accommodation hasn't arisen," she said. "I have a feeling that once more employers move to the, 'OK, we're sort of returning to normal' ... you're going to start seeing an uptick in requests for accommodations."

Barnes has other questions, too. The survey was released around the same time the federal Centers for Disease Control and Prevention issued guidance mostly waiving mask requirements for people who are vaccinated, so employers might now be more reluctant to treat vaccinated and unvaccinated workers similarly, she said.

Anecdotally, Barnes said, attitudes about remote work have also changed, especially along generational lines. She said she's interested to see how teleworking becomes not just an option but, in some cases, an expectation.

"Things are evolving so quickly compared to the last few years," Barnes said. "This is a once-in-a-lifetime sea change."

--Editing by Leah Bennett.