

# CLIENT | ALERT



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## Can Employers Mandate COVID-19 Vaccination?

Many employers have asked whether they can require COVID-19 vaccination for all employees. In general, mandatory vaccination programs are allowed, subject to several important caveats. However, requiring vaccination can raise difficult issues, and Moreton & Company recommends that employers discuss this issue with their employment law legal counsel before implementing any such program.

Employers should consider carefully whether it is worth mandating vaccination, as opposed to encouraging vaccination. Some of the issues raised by a mandatory program include:

- Under Title VII and the ADA, exemptions should be available to employees who refuse the vaccine for medical or religious reasons;
- Any mandatory vaccine policy must be implemented uniformly (subject to medical or religious exemptions). Employers should consider carefully whether they are willing to terminate employees who refuse the vaccination;
- While initial research on available COVID-19 vaccinations seems positive, an employer should consider potential liability if vaccination is mandatory and an employee has an adverse reaction;
- Potential state law protections for employees who refuse a vaccine based on the perception it is unsafe or not sufficiently tested.

While mandatory vaccination programs (subject to certain exemptions) are common in medical environments, instituting such a policy in other industries can be challenging. Employers, in consultation with legal counsel, should carefully consider the pros and cons of such programs.

Please visit [www.moreton.com/news-events/](http://www.moreton.com/news-events/) for more information and to view other client alerts. This Client Alert was written by Carolyn Cox, Moreton & Company's in-house corporate counsel who provides our clients with compliance services. For additional questions, please contact Carolyn at 801-715-7110 or [ccox@moreton.com](mailto:ccox@moreton.com).

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