

A COVID-19 Vaccine Looks Promising. Can You Require Employees to Take It?

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Michael Schmidt spoke with *Inc.* about whether or not employers can require employees to take a COVID-19 vaccine. Employment lawyers and HR professionals say that policies regarding the flu vaccine are a good place to start. Many states mandate that hospital workers and other health care professionals, as well as school children and preschoolers in daycare, get flu shots and other vaccines. But it's not required for most professions. Generally, employers can require a flu vaccination, but an employee may be entitled to an exemption if he or she has a particular disability that needs to be accommodated, or a sincerely-held religious objection to taking the vaccine, says Michael. In both cases, the employer may have to pay for the vaccine or reasonable accommodation. If you refuse to make accommodations for an anti-vaxxer, it's possible to face a claim for violating the Americans with Disabilities Act (ADA), the Civil Rights Act, or the Occupational Safety and Health Administration's whistleblower protection program. Most of the time, he says, the advice is for employers to encourage employees to get a flu shot rather than try to create a policy that demands it.

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