

INSIDE THE BOARDROOM / BETSY ATKINS

DECIDING THE FUTURE OF WORK

All-virtual, on-site only or maybe a blended approach? Mandate vaccinations—or not?

Think hard: What you choose now will have long-reaching effects on your company—and its culture.

AS THE CONVERSATION around “return to work” continues, critical decisions must be made about the long-term health, competitiveness and vitality of the enterprise, while taking into account the overall health and well-being of the critical foundation of the company, which is the employee base. Companies need to make the decisions on the future of what is best for their company and industry.

It’s time to decide if it is right for your business to stay 100 percent virtual, return to 100 percent in-person or adopt a blended hybrid model where people come into headquarters or hub locations. Each company has a unique culture and approach to answer the “return question” based on their values and mission. Whatever model is chosen, it will be up to the board and leadership team to make sure we have clarity and transparency.

Every company needs a vision for what the future of work will look like for their workforce and to be prepared to address all the questions and nuances that will arise regardless of the decision made. With many planning to bring employees back to the office in the coming months, one of the leading themes shaping the “future of work” discussion is how corporations should approach the highly charged, multi-faceted topic of vaccination policies. Leadership teams and boards must deliberate and decide on whether to mandate that returning employees must be vaccinated. It may seem late in the game to have these discussions. It isn’t.

So far, there have been a range of implementation practices across the U.S.—including mandates. Some examples include:

- Houston Methodist Hospital is mandating that all employees be vaccinated by June 7, viewing the Covid vaccine as an extension of the already annually mandated flu vaccine.
- California’s UC and Cal State higher education systems as well as Yale, Princeton and Columbia plan to require



Covid vaccinations this fall.

- Some cruise lines such as Celebrity, Disney, Norwegian and Royal Caribbean are mandating staff vaccinations and requiring passengers show proof of vaccination before boarding.

TRICKY CHOICES, BIG IMPLICATIONS

From a legal standpoint, Fenwick & West LLP recently shared a presentation titled “Top Covid-19 Vaccination Questions for Employers” that addresses some of the most pressing concerns for employers (and employees). Some key highlights and take-aways include:

- Yes, employers can mandate the Covid vaccine for employees.
- Exceptions include a disability/serious health concern or a religious belief.
- Employers can require proof of vaccination; a vaccine card or doctor’s note is a good record.
- Vaccination records should be maintained as a confidential medical record and kept separate from an employee’s personnel file.

Companies should carefully think through any potential legal ramifications associated with vaccine policies and consider bringing in an outside law firm to weigh in on their specific policy decisions.

Boards are an integral component in helping companies define the new normal work ecosystem. Board members need to be well prepared to drive and support management’s vision to align business strategy with the evolving workforce strategy.

It is important to think through the potential negative culture implications if a vaccine is mandated without the right tone. It is important to review cases on an individual basis and be prepared to discuss reasonable accommodations for specific cases.

An employee survey to gauge employee sentiment surrounding returning to the office with/without vaccinated colleagues is a good starting place to encourage dialogue around the topic.

Another approach to consider in lieu of a mandate is offering incentives and rewards to employees who choose to vaccinate, including a financial incentive (e.g. Cigna is offering every employee \$200 to get vaccinated) as well as offering paid time off for vaccination appointments and time after to recover from possible reactions.

Whatever decision management arrives at needs to be articulated in a way that motivates and inspires the workforce to get “on board” with the future vision and strategy of the enterprise. The leadership team needs to be prepared to offer educational materials to employees on how the chosen plan best serves and supports each employee’s well-being as well as the health of the enterprise. **CBM**



Betsy Atkins, founder of Baja Corp. and author of Be Board Ready, currently serves on the boards of Volvo and Wynn Resorts and is chairman of Google Cloud Advisory Board.