

CVS, Disney among outfits beefing up vaccine mandates

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FULL TEXT

A growing number of companies were moving to impose vaccine requirements as the Food and Drug Administration issued full approval of the Pfizer-BioNTech coronavirus vaccine, eliminating one of the central remaining arguments used by the vaccine-hesitant.

CVS Health, Deloitte and Walt Disney Co. said they would add or expand vaccine requirements for workers - while in a sign of increasing vaccine requirements at sporting events, Louisiana State University said Tuesday that it will require all spectators at Tiger Stadium over the age of 12 to provide proof of vaccination or a recent negative test. In taking the new measures, some companies cited the spread of the delta variant as well as the FDA approval, saying it would put more workers at ease with requiring the vaccine.

"We took this step because of the spread of the delta variant and the dramatic rise in cases among the unvaccinated," Michael DeAngelis, a CVS Health spokesman, said in an email. "However, the FDA approval underscores the vaccine's safety and effectiveness, and we are pleased that it may help reassure any employees who have been hesitant to get vaccinated."

CVS Health, which owns a chain of nearly 10,000 retail pharmacies, as well as the health insurer Aetna and pharmacy benefits manager CVS Caremark, said it will require nurses, care managers and all corporate staff to be fully vaccinated by Oct. 31, and all pharmacists working in its retail stores to be vaccinated by Nov. 30.

Deloitte told staff Tuesday it would require employees to be vaccinated by Oct. 11 to access its U.S. facilities, a date it noted in a statement was "seven weeks after full FDA approval of a major vaccine."

And Walt Disney Co. will require employees who are members of its largest union at Walt Disney World in Florida to be fully vaccinated by Oct. 22, under a deal reached Monday with a union coalition.

Disney's move came several weeks after it announced a vaccine mandate for all salaried and nonunion hourly employees in the United States.

Eric Clinton, president of Unite Here Local 362, which represents unionized workers at Walt Disney World in Florida, said the union had been negotiating for four weeks. He noted that a majority of the union's members are already vaccinated, but that "any FDA approval is helpful. Our organization has made no bones about it - we are pro vaccine." (Disney said it had also reached a deal with the Actors' Equity Association Monday and is continuing discussions with other unions.)

Oil and gas company Chevron said in an emailed statement Monday that it is requiring expatriate employees, workers traveling abroad, Gulf of Mexico offshore workers and some onshore support personnel to be vaccinated. The company said its decision predates the FDA approval.

As the delta variant surged, scuttling workplace reopening plans, a number of employers had already begun to impose vaccine mandates - even before the FDA decision about full approval of the Pfizer vaccine. Google and Facebook announced mandates for certain employees in late July, and meat processor Tyson Foods and United Airlines did so in early August.

Those moves accelerated over the summer as the federal government announced that workers would have to get a coronavirus vaccine or comply with regular testing, mandatory masking and other restrictions.

In remarks made Monday at the White House, President Biden urged companies to increase vaccine requirements.

"If you're a business leader, a nonprofit leader, a state or local leader who has been waiting for full FDA approval to require vaccinations, I call on you now to do that - require it. Do what I did last month and require your employees to get vaccinated or face strict requirements," Biden said.

Lawyers and human resources experts who work with businesses said they anticipate that more companies will add mandates in the coming weeks.

"With the full FDA approval, and the president's comments, that will prompt companies to move those discussions forward," said Wade Symons, a partner with Mercer. He said he spoke with a client who decided to go "all the way" on a mandate rather than just incentivize workers to get their shots.

"We may not hear today or tomorrow, but within the next couple of weeks," he said. "These are big weighty decisions that employers need to make, and they've been proceeding carefully."

Full approval may make employers who were considering mandates more comfortable.

"Legally, an employer was allowed to mandate a vaccine even when it was only authorized under the emergency use authorization," said Sharon Perley Masling, a partner at Morgan Lewis and former senior counsel to a commissioner at the Equal Employment Opportunity Commission.

But she said: "I think there were some employers who were more hesitant to require employees to vaccinate themselves with a vaccine that had not received full approval. . . . I think this will put those employers at ease."

Others agreed that more companies will follow suit. "I think it is going to have a meaningful impact," said Brett Coburn, a labor and employment lawyer with Alston & Bird in Atlanta.

"Some employers may decide [to mandate] for the first time; others may speed it up," Coburn said.

Employers that still choose not to mandate the vaccine may be doing so out of concern about replacing workers at a time when many industries are scrambling to find staff.

"Which part of your workforce are you going to frustrate: Those who don't want to get vaccinated or those who want everyone to get vaccinated?" said Brian Kropp, vice president of research at Gartner.

While he expects vaccine mandates to increase, he predicted that most companies still won't enact them:

Employers are evaluating which groups are harder to replace, or more likely to leave, and responding to those workers when thinking through the "calculus" of mandates.

Mandates for hourly workers can be particularly challenging because they often involve large workforces with high turnover rates.

"If they haven't been vaccinated you have to wait six weeks, and that just doesn't work when the average tenure is six months" in some industries, he said. "Given how competitive the labor market is, companies don't want to put any more constraints on themselves when they want to hire."

The United Food and Commercial Workers union, which represents 1.3 million essential workers in the grocery, retail, pharmacies and meatpacking industries, said Monday that it welcomed the FDA's move as "a key step to addressing vaccine hesitancy and boosting vaccination efforts." The union had previously expressed concern about a vaccine mandate at Tyson before full approval.

Some employers said they were not yet changing their policy following the full FDA approval.

Delta Air Lines said in an emailed statement that it will continue to encourage employees to get vaccinated and that its overall workforce vaccination rate is 75 percent. (It is requiring new hires in the United States to be vaccinated.)

American Airlines said it will continue to encourage and incentivize vaccinations.

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