

# Benefits Insights

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## Easing Employee Stress Surrounding Benefits During Uncertain Times

Employers are responsible for educating their employees about the health coverage options they offer. Now, amid massive uncertainty caused by events such as the COVID-19 pandemic, the upcoming presidential election and the impending court case over the constitutionality of the Affordable Care Act (ACA), employees may be more stressed than ever about the status of their employee benefits. That's why it's so critical to provide transparent and effective communication to employees about their benefits.

### Talking to Employees About Stressful Current Events

Employees may be experiencing stress due to the uncertainty caused by the pandemic, the election and the status of the ACA. While you may not have all the answers, you can explain what's going on and, if possible, how your organization is or will be responding. Consider the following talking points.

#### *The COVID-19 Pandemic*

By now, employees are likely familiar with how your organization is responding to the pandemic. Heading into the enrollment season, be sure to highlight any new benefits you're adding to help support employees during these times, and provide clear communication about any changes you may be making to your plans. Continue to communicate your organization's commitment to protecting employees' health and safety, including notifying them of any crucial return-to-work plans.

#### *The 2020 Presidential Election*

As with past elections, health care is a top issue that incumbent [President Donald Trump](#) and [Democratic presidential nominee Joe Biden](#) are campaigning on for the upcoming 2020 election. While both are stating that they

want to lower health care costs, each of their respective platforms could mean changes for Americans. As with any election, how and if these promises would be achieved once one of the candidates is in office remains to be seen.

As such, it's important for you to learn more about where each candidate stands, so you can better understand and prepare for how this election could impact the employee benefits industry and your business. You can also encourage concerned employees to learn about each candidate's platform so they feel informed about the situation. Reassure them that any changes to employee benefits resulting from the election will be communicated as they arise.

#### *ACA Litigation*

In late August 2020, the Supreme Court announced that it would hear arguments challenging the constitutionality of the ACA starting on Nov. 10, 2020. This will be the third time the Supreme Court has reviewed the ACA's constitutionality. In 2012, the Supreme Court upheld the ACA on the basis that the individual mandate is a valid tax. In 2015, the Supreme Court upheld the constitutionality of the ACA's health insurance Exchange subsidies.

On Sept. 18, 2020, U.S. Supreme Court Justice Ruth Bader Ginsburg passed away at the age of 87. If a new Supreme Court Justice is confirmed before the election, it could greatly impact the outcome of the upcoming litigation. It is widely expected that President Donald Trump's nominee will have a more conservative viewpoint and would be more likely to



invalidate the ACA. In contrast, a Supreme Court Justice nominated by Democratic Party candidate Joe Biden would be more likely to uphold the ACA. Until a nominee is ultimately confirmed, the practical impact of this decision remains to be seen. As a result, employers may want to closely monitor developments related to the Supreme Court nomination.

In addition, it's important to note and communicate to employees that a verdict on the upcoming November case is not expected to come this year, but rather during the spring of 2021. You can also explain to employees that, while this legal challenge is pending, all existing ACA provisions will continue to be applicable and enforced. This challenge does not impact Exchange enrollment, the ACA's employer shared responsibility (pay or play) penalties and related reporting requirements, or any other applicable ACA requirement.

### Best Practices for Communication

In uncertain times such as these, employees are looking for guidance wherever they can find it. You can help calm some of their fears by taking the following actions:

- Acknowledge fears and concerns, but also reassure employees of their value to the company and the company's desire to keep them healthy, safe and supported.
- Be open with employees about management decisions and ask for suggestions to rectify problems.
- Provide as much information as possible about the pandemic, the election and the ACA litigation. Be sure to also provide information about how each of these may affect employees' benefits, if applicable.
- Highlight voluntary employee benefits that employees might not know about to help relieve financial stress or preserve their mental well-being.
- Communicate the future of the business with employees often—in meetings, on the company intranet site, in newsletters and in blogs.

Most importantly, be empathetic in your communication, as each employee's situation may be different.

### For More Information

In these uncertain times, it's imperative that you clearly communicate your business's plans as frequently as circumstances allow. It's not possible for you to control the pandemic, the election, the ACA court case or any other events that may have an effect on employee benefits. However, through effective communication, it is possible for you to ease the stress your employees are experiencing.

For additional employee communications or resources regarding employee benefits, contact Insure NW today.