

GOVERNMENT

US Supreme Court rules against employer vaccine mandates

January 13, 2022



The Supreme Court has sided with trade associations about vaccine mandates. Image credit: U.S. Supreme Court

By LUXURY DAILY NEWS SERVICE

The National Retail Federation is praising the U.S. Supreme Court's ruling on an employer vaccine mandate supported by the Biden administration.

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On Jan. 13, the Supreme Court ruled 6-3 to block the Emergency Temporary Standard (ETS) from the Occupational Safety and Health Administration (OSHA) requiring employers with 100 or more employees implement and enforce a mandatory COVID-19 vaccination or weekly testing policy. The NRF had joined more than 25 other trade associations earlier this week to present oral arguments before the court on the legality of the mandate.

"While NRF has maintained a strong and consistent position related to the importance of vaccines in helping to overcome this pandemic, the Supreme Court's decision to stay OSHA's onerous and unprecedented ETS is a significant victory for employers," the NRF said in a statement.

"As NRF and other plaintiffs articulated in our briefs before the court, OSHA clearly exceeded its authority promulgating its original mandate under emergency powers without giving stakeholders the benefit of a rulemaking process."

Vaccine controversy

In September 2021, President Joe Biden instructed OSHA to issue the employer vaccine mandate through an executive order.

Under the emergency order, employers needed to provide proof of employee vaccination status by Dec. 6 and begin testing unvaccinated workers by Jan. 4 ([see story](#)).

The NRF had appealed to the White House to extend these deadlines, with initial turnaround times of 30 and 60 days, to 90 days and 120 days, respectively. The group has also questioned the timing of the ETS ([see story](#)).



Businesses with more than 100 employees would have been impacted by the vaccine mandate. Image credit: U.S. Center for Disease Control

In November, the NRF joined multiple trade organizations in a lawsuit against the federal government's requirement. Several businesses and states also filed lawsuits against the vaccination mandate ([see story](#)).

Ultimately, the Supreme Court's conservative justices agreed that OSHA's requirements were too burdensome and overstepped federal authority. The mandate would have applied to nearly every luxury company doing business in the U.S.

"Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given that agency the power to regulate public health more broadly," the court wrote in an unsigned opinion. "Requiring the vaccination of 84 million Americans, selected simply because they work for employers with more than 100 employees, certainly falls in the latter category."

In a separate 5-4 ruling, the Supreme Court allowed a vaccine mandate for employees at healthcare facilities that receive federal funding through Medicare and Medicaid.

It is unclear how the federal government will respond following the ruling, especially as COVID-19 cases climb to new heights as the highly infectious Omicron variant continues to circulate ([see story](#)).

"NRF urges the Biden Administration to discard this unlawful mandate and instead work with employers, employees and public health experts on practical ways to increase vaccination rates and mitigate the spread of the virus in 2022," the trade organization said.

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