Engage PEO Client Alert

Supreme Court Halts OSHA Federal Vaccine Mandate

What's New: The Supreme Court blocked enforcement of the vaccine mandate for employers with 100 or more employees, which was issued as an Emergency Temporary Standard (ETS) by the Occupational Health and Safety Administration (OSHA.) The Supreme Court also said the mandate likely will not survive challenges on the merits of the issue. In a separate ruling, the Supreme Court allowed a vaccine mandate to stay in place for medical facilities that accept Medicare and Medicaid.

Why It Matters: The federal government vaccine, testing and masking mandate is no longer in effect for employers with 100 or more employees to implement COVID-19 vaccinations or testing. The ETS will now return to the lower courts where legality of the standard itself will be determined. However, based upon the Supreme Court opinion, the lower courts are likely to find the OSHA ETS invalid.

What Employers Should Do Now

At this point, there is no federal regulatory requirement for employers to implement a vaccine mandate or vaccine, testing and mask policy. Employers are still obligated under the OSHA general duty clause to protect the safety and health of their employees. Employers should still follow state and local laws and take precautions to ensure their employees are protected from COVID by following the CDC guidelines that have remained in place.

If you have questions or concerns about this, please reach out to your Human Resources Consultant or Account Manager at Engage PEO.