

Can US Workers Be Dismissed for Refusing to Be Vaxxed?

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According to Law Professor Dorit Reiss:

“Requiring a vaccine is a health and safety work rule, and employers can” fire noncompliant staff.

Attorney David Betras explained that “workplace vaccination requirements aren’t new, and they passed constitutional muster long ago,” adding:

“State and federal courts have repeatedly ruled providers can compel workers to be immunized against the flu and numerous other diseases.”

Not easily gotten exceptions exist under Title VII of the 1964 Civil Rights Act for religious reasons.

Individuals whose health would be adversely impacted from vaxxing can be exempted under provisions of the Americans with Disabilities Act.

At the same time, workers seeking exemption bear the burden of proof not easily gotten at times.

If denied by an employer and sue, it’ll be costly with no assurance of prevailing.

Chances for advancement on the job will be adversely impacted if prevail.

If fired for refusal to be vaxxed, it’ll become a permanent part of your employment history.

Dismissed workers for this reason may also be ineligible for unemployment insurance benefits.

Attorneys J. Andrew Salemme and Kenneth Scholtz agree with above assessment, adding the following from the US Equal Employment Opportunity Commission (EEOC), as follows:

During a “pandemic,” employers may legally require workers “to adopt infection-control practices.”

They may include “regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal.”

Employees may be required “to wear personal protective equipment during a pandemic.”

“An employee may be entitled to an exemption from a mandatory vaccination requirement based on an ADA disability that prevents him from taking the influenza (or other) vaccine.”

“(U)nder Title VII of the Civil Rights Act of 1964, once an employer receives notice that an employee’s sincerely held religious belief, practice, or observance, prevents him (or her) from taking the influenza (or other) vaccine, the employer must provide a reasonable accommodation unless it would pose an undue hardship as defined by Title VII (‘more than de minimis cost’ to the operation of the employer’s business, which is a lower standard than under the ADA).”

“Generally, ADA-covered employers should consider simply encouraging employees to (be vaxxed) rather than requiring...it.”

According to the Constitution Center, legal debate over vaxxing existed since the early 20th century.

Except for federal legislation like the above, it’s an issue for individual states and local communities to set standards.

In *Jacobson v. Massachusetts* (1905), the Supreme Court upheld state authority to mandate vaxxing.

Justice John Marshall Harlan ruled said that personal liberties might be suspended in cases of the “common good” of the community.

At the same time, the Court recognized the importance of exemptions for issues relating to health.

In *Zucht v. King* (1922), the High Court ruled that admittance to school classrooms could be denied for refusal to be vaxxed, adding:

Such denial would not violate the 14th Amendment’s Equal Protection Clause.

In *Prince v. Massachusetts* (1944), the Supreme Court held that states may require vaxxing regardless of objections for religious reasons, stating:

“(T)he right to practice religion freely does not include liberty to expose the community or the child to communicable disease(s) or the latter to ill health or death.”

While the Court authorized individual states to require vaxxing, it hasn’t mandated the practice nationwide.

Unaddressed by the High Court is the issue of potential widespread harm to health and well-being by vaxxing — notably by hazardous experimental, fast-tracked, DNA altering covid vaccines.

At a time when these heavily promoted vaccines are being rolled out for mass-vaxxing

nationwide, the issue of potential widespread harm should be taken up by the high court.

According to GazetteXtra, Rock Haven skilled nursing facility in Rock County, Wisconsin requires staff to be vaxxed for covid or be laid off.

Rock County administrator Josh Smith said a number of the facility's staff were dismissed for refusal to be vaxxed with Moderna's (high-risk) covid vaccine — known to be potentially hazardous to health he left unmentioned.

According to a Rock county employment ordinance:

"The appointing (county) authority may lay off an employee when an employee can no longer perform the essential functions of the job."

Smith's memo said dismissed nursing facility staff "will not be allowed to return to work until they have completed the COVID-19 vaccine series."

According to an anonymous Rock Haven staff member, facility employees accepted layoffs as a price for declining to risk potential harm from vaxxing, adding:

A total of 27 facility employees sent letters to the county's Health Services Committee that explained their concerns about wanting to protect their health by refusing to be vaxxed.

"There have been individuals who have had pretty severe reactions. We have had multiple worker's comp claims needing to be filed because of them having to go out because of what has happened after the vaccine," the anonymous employee explained.

For his part, Smith dismissively and inaccurately claimed that reported adverse events from vaxxing by Moderna's vaccine doesn't mean it's "unsafe."

Moderna and Pfizer covid vaccines are unapproved by the FDA.

Their use is permitted under emergency conditions that don't exist.

Whether that argument and refusal to be vaxxed for self-protection can hold up in state or federal courts have yet to be tested.

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