

Supreme Court Halts OSHA Emergency Rule That Covered 80 Million Workers

Today, January 13th, the U.S. Supreme Court in a 6-3 ruling, rejected an Occupational Safety and Health Administration ("OSHA") rule that would have required approximately eighty (80) million workers to either get vaccinated or take weekly COVID-19 tests. In an unsigned opinion, the majority reasoned that while OSHA is empowered to set "workplace safety standards," it may not enact "broad public health measures." According to the Court, COVID-19 is a risk that occurs in many workplaces, it is not an occupational hazard in most. The Court noted that OSHA could regulate COVID-19 in those jobs where it poses a "special danger" because of the particular features of an employee's job or workplace. However, without Congressional authorization, it cannot enact general public health measures. The dissent reasoned that the Emergency Standard was lawful because COVID-19 poses a "grave danger" to millions of employees and the Standard is "necessary" to address that danger. Moreover, OSHA has long regulated workplace hazards that also exist outside the workplace. At the end of the day, the dissent thought that the protection of American workers should be in the hands of an agency with expertise in workplace safety and health, rather than a court, which lacks any such knowledge.

The Court allowed a separate rule to take effect requiring shots for workers in nursing homes, hospitals and other facilities that receive Medicare and Medicaid payments from the federal government.

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