

'No Recourse' for Employees Who Lost Jobs Because of Vaccine Mandates, Lawyer Says

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Bracewell's **Bob Nichols** discussed with *HRD* what's next in light of the Supreme Court blocking President Joe Biden's vaccine mandate for private employers.

"Employees who previously lost their jobs or were denied jobs because of mandates that employers decided to impose generally have no recourse," Nichols told *HRD*. "The OSHA-required testing was not going to go into effect until Feb. 9, so it didn't impact anyone. All that really went into effect of substance was this week unvaccinated employees were supposed to be wearing masks."

Regardless of the Supreme Court decision, private employers of any size have the right to require employees to be fully vaccinated, while allowing medical and religious exemptions. Meanwhile, Nichols stressed that there will still be underlying litigation over the federal mandate, but that based on the ruling, opponents of the mandate are expected to prevail in litigation.

"Employers still need to be concerned about COVID-19," Nichols said. "They need to adopt appropriate measures to protect their workers and those who enter their businesses. They should still be concerned about infected employees isolating, exposed employees quarantining and doing all the good and safe things that responsible employers should."

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