

Acclaimed Criminal Attorney, Joseph Tully, Examines Mandatory COVID Vaccines by Employers

LOS ANGELES, CA, UNITED STATES, August 11, 2021 /EINPresswire.com/ -- The rapidly spreading Delta variant is forcing employers to rethink their strategies for handling the pandemic. Policies they should reconsider include encouraging or requiring employees to be vaccinated, whether to hold off on having remote workers return to company facilities, rules for social distancing and wearing masks at job sites, ventilation, testing, travel restrictions, communicating exposures, and support for mental health care.



Joseph Tully

Acclaimed Criminal Attorney, [Joseph Tully](#), gives some insight into the legality of this trend. "Ironically, right now, a federal worker is less likely to face mandatory vaccination than their private counterpart," states Tully. "This is because the 14th Amendment Due Process clause applies to the federal government as an employer but not to a private business. Meanwhile, the US Supreme Court has already ruled in 1905 that states can have mandatory vaccination in *Jacobson v Massachusetts*. However, when it comes to private employers, most employees are "at-will" employees, meaning that employers can fire them "at-will," as long as it's not an unlawful reason, such as race or sex discrimination. Thus, under at-will employment, an employer can fire an employee for refusal to take a vaccine unless the employee can successfully argue that they cannot take a vaccine due to a disability, protected physical characteristic, or religious or political belief."

The spread of the highly contagious Delta variant of Covid-19 is causing infections and hospitalizations to rise again in the United States, even in communities with high vaccination rates. Hopes that the pandemic would soon fade away have been dimmed by the spread of the variant, which appears to evade at least some of the immunity conferred by past infection or vaccination.

Tully continues, "We are in unprecedented times, the agenda of mandatory vaccination will inevitably lead to vaccine passports, a lock-down society, and a 'trickle-in' economy. No matter what your stance is on Covid-19 and variants, it is an unquestionable fact that our Constitution was designed to protect against government tyranny led by a despot, not a medical tyranny imposed by unelected and unchecked public health officials."

with low global vaccination rates, there are likely to be new variants that could be even more threatening. Consequently, we can expect sporadic cases and periodic outbreaks of Covid-19 in the months and years ahead. The good news is that as the virus has evolved, employers have honed their strategies to keep infections in check. By continuing to be creative, flexible, and adaptive in their approaches, they can contain the threat now and handle other outbreaks as they arise.

"Checks and balances were installed in our government under the auspices that, because power corrupts, we constantly need to check our rulers. However, now, the argument is that public health officials aren't subject to the same scrutiny that elected officials are. This is a vulnerability that our Constitution is not set up to handle," states Tully.

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