

Pfizer Final Approval Boosts Employer Vaccine Mandates for Workers

Jessica Summers published an article titled "Pfizer Final Approval Boosts Employer Vaccine Mandates for Workers" on Bloomberg Law on September 14, 2021.

Since the Food and Drug Administration issued final approval of the Pfizer-BioNTech coronavirus vaccine for individuals age 16 and older in late August, many employers are still uncertain on whether or not they should mandate the vaccine for their employees. In Jessica's Bloomberg Law article, she examines what the FDA final approval of the Pfizer Covid-19 vaccine means for employer mandates. From a strictly legal point of view, there is really nothing that employers can do now that they couldn't lawfully do before FDA approval. But, she says, it cleared the way for employers to more smoothly and easily implement employee vaccination requirements.

"Before the Pfizer approval, each of the Covid-19 vaccines was being administered under the FDA's emergency use authorization (EUA) status. From the outset, this raised questions about whether employers could legally require employees to receive a vaccine that had only been approved for emergency use.

At the end of May, the Equal Employment Opportunity Commission updated its Covid-19 related guidance to make it clear that, subject to reasonable accommodation obligations, employers could require employees who would be "physically entering the workplace" to receive one of the EUA Covid-19 vaccines without running afoul of the Americans with Disabilities Act or any of the other federal equal employment laws.

Then, in early July, the Department of Justice also weighed in to opine that the Food, Drug and Cosmetic Act (which vests the FDA with its authority) does not restrict employers from mandating Covid vaccines that only have EUA status. The same conclusion was reached by a federal district court in Texas in a case challenging a local hospital's vaccine mandate."

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To view the full article, visit the Bloomberg Law website: "Pfizer Final Approval Boosts Employer Vaccine Mandates for Workers" by Jessica Summers.