On June 12, 2021, a federal judge sitting in the Southern District of Texas held that Houston Methodist Hospital could require its employees to receive the COVID-19 vaccine, dismissing the lawsuit brought by 117 plaintiffs who protested the requirement. See Bridges v. Houston Methodist Hospital, No. 4:21-cv-01774 (S.D. Tex. June 12, 2021). This opinion marks the first federal ruling on the topic of vaccine mandates, serving as an early indication of how courts may respond to the legal considerations involved in employers’ attempts to have their employees return safely to the office amidst the COVID-19 pandemic.

The plaintiffs alleged wrongful termination and violations of public policy, arguing that the hospital was treating them as “human guinea pigs” by requiring them to get vaccinated against COVID-19. They likened this requirement to the Nazis’ treatment of and medical experimentation on concentration camp victims during the Holocaust by claiming the hospital’s policy violated the Nuremberg Code of 1947, which enumerates the standards for ethical medicine practices after the Nazis’ human experiments. The judge swiftly refused to credit this assertion, calling the plaintiffs’ attempt to parallel their treatment to that of Holocaust victims...
“reprehensible.” Finding that the plaintiffs had no plausible claim for wrongful termination or violations of public policy, the judge dismissed the case with prejudice.

Prior to this ruling, the Equal Employment Opportunity Commission had provided guidance explaining that employers could require their employees to be vaccinated, so long as the employers provided reasonable accommodations for those employees with disabilities or sincerely-held religious beliefs who could not receive the vaccine.

Following the Methodist opinion, federal courts will likely continue to weigh in on this issue. Employers should be mindful, however, of state laws as several state legislatures are seeking to pass legislation that would make it unlawful to discriminate against an employee based on their vaccination status. For example, in May 2021, Montana passed a law making vaccination status a protected class. While the legislatures and courts continue to define the limits on employers’ COVID-19-related requirements, employers should consult counsel when navigating this new and evolving area of law.

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