

Brittany Barrientos Discusses Supreme Court's OSHA Ruling in *The Business Journals* Article

In the News

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In an article published on January 14, Stinson Partner [Brittany Barrientos](#) discussed the Supreme Court's Order staying the Occupational Health and Safety Administration's (OHSA) mandate-or-testing rule for large employers.

In a 6-3 decision, the Court ruled that OHSA's emergency standard was an overreach of OSHA's emergency authority. The decision clarifies a situation entangled in legal twists, turns, and uncertainty about the administrative and financial burden businesses would incur. Conversely, the decision puts employers on the spot concerning vaccine mandates and implementing them moving forward.

Barrientos, and others, believe the Court's decision will see OHSA shift its focus on holding workplaces accountable for protecting workers under its existing authorities, including the General Duty Clause. Barrientos also made note of OHSA's hundreds of citations issued during the pandemic.

"OSHA has COVID-19 guidance in place, which includes face coverings, policies to prohibit workers from coming to work while sick, and understanding employees' vaccination status to make decisions to protect the workforce," Barrientos said. "All of this is especially important during the Omicron-variant surge. OSHA can't enforce guidance per se, but it will utilize its General Duty Clause authority and issue generalized citations."

In addition to assisting clients with environmental, health and safety regulatory requirements, Barrientos serves on the Stinson Covid-19 Task Force. The COVID-19 Task Force continues to evaluate and monitor litigation filed nationwide about changing regulations and what this means for employers.

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