

US Health Administration Suspends Business Requirement to Record Injuries From COVID Vaccines

Liberty Counsel reported last week on the U.S. Occupational Safety and Health Administration (OSHA)'s guidance that employers may face liability if the employer requires employees to receive COVID shots and thereafter suffer adverse reactions or death. Over the weekend, OSHA suspended the requirement for employers to report injuries related to work respecting COVID shots. This suspension of law by OSHA does not change the fact that employers may be held liable under workers compensation laws or under civil personal injury laws.

Until last weekend, the guidance from OSHA stated that employers could be held liable if they mandate employees to take COVID-19 injections as a condition of employment and then they experience adverse reactions. Under a "Frequently Asked Questions" section of OSHA's website, it stated, "If you require your employees to be vaccinated as a condition of employment (i.e., for work-related reasons), then any adverse reaction to the COVID-19 vaccine is work-related. The adverse reaction is recordable if it is a new case under 29 CFR 1904.6 and meets one or more of the general recording criteria in 29 CFR 1904.7."

No doubt receiving pressure from the Biden administration, OSHA suspended the enforcement requirement to record adverse injuries or death from COVID shots until May 2022 in order to push the COVID shots. This politically motivated change by OSHA is unprecedented.

Now the OSHA webpage states: "DOL and OSHA, as well as other

federal agencies, are working diligently to encourage COVID-19 vaccinations. OSHA does not wish to have any appearance of discouraging workers from receiving COVID-19 vaccination, and also does not wish to disincentivize employers' vaccination efforts. As a result, OSHA will not enforce 29 CFR 1904's recording requirements to require any employers to record worker side effects from COVID-19 vaccination through May 2022. We will reevaluate the agency's position at that time to determine the best course of action moving forward."

Despite OSHA's suspension of recording adverse injuries related to COVID shots to avoid liability, employers should not require employees to receive any COVID shot. If employers require, coerce or provide incentives to receive COVID shots, employers may be legally liable for adverse injuries and deaths. The suspension of the OSHA recording requirement does not affect other legal remedies outside of OSHA.

None of the COVID shots are approved or licensed by the FDA. They come under the emergency use authorization, which means they cannot be forced or required.

On March 27, 2020, the Health and Human Services (HHS) Secretary declared that circumstances exist justifying the authorization of emergency use (EUA) of drugs and biological products for COVID-19. That means people must be told the risks and benefits, and they have the right to decline a medication that is not fully licensed. The same section of the Federal Food, Drug and Cosmetic Act that authorizes the FDA to grant EUA also requires the secretary of Health and Human Services to "ensure that individuals to whom the product is administered are informed ... of the option to accept or refuse administration of the product."

In addition to this federal law, the FDA includes the Nuremberg Code and the Helsinki Declaration on its website, emphasizing the fact that people cannot be forced to take experimental drugs without their full consent. Learn more at

Liberty Counsel founder and chairman Mat Staver said, "Employers that require employees to take a COVID shot may be held liable for adverse injuries and death. The fact that OSHA will not enforce recording requirements does not alter the legal liability of employers who require, coerce or incentivize employees to take COVID shots. OSHA's suspension of the recording requirement so as not to discourage experimental COVID shots reveals that the Biden administration could care less about the collateral damage being caused by the COVID shots. The people can see this biased agenda. They are not stupid." {eo}

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