

# Nearly 200 Minnesota health workers sue over vaccine mandate

The lawsuit was filed late Monday, Sept. 27, in U.S. District Court against federal health officials and about 20 Minnesota health care providers that operate hospitals and clinics throughout the state. It contends that the lack of alternatives to vaccination infringes on the rights of those employees, who range from doctors and nurses to respiratory therapists and technicians.

Written By: Brian Bakst / MPR News | 3:38 pm, Sep. 28, 2021



The lawsuit was filed late Monday, Sept. 27, in U.S. District Court against federal health officials and about 20 Minnesota health care providers that operate hospitals and clinics throughout the state. It contends that the lack of alternatives to vaccination infringes on the rights of those employees, who range from doctors and nurses to respiratory therapists and technicians.

"You're talking about people who held the hand of people dying of COVID," said Minneapolis attorney Greg Erickson, who filed the case. "These folks risked their lives to help these patients and now they're being terminated because their religious beliefs won't allow them to take the vaccine? It's really sad."

The defendants were served with court papers on Tuesday morning, Sept. 28. The Minnesota Hospital Association, a trade group that includes many of the defendants, issued a measured statement in response.

“While it is not possible for us to speak to litigation on federal action that does not yet exist, Minnesota’s hospitals and health systems have been working for many months to encourage Minnesotans to get vaccinated as the best path out of the COVID-19 pandemic,” the association’s statement said. “We have been working on all fronts to ensure people understand that vaccines are safe and effective in preventing serious illness, hospitalizations and death from COVID-19, and we have been strongly encouraging all staff members to receive a COVID-19 vaccine. ”

The case is one of several lawsuits filed over vaccine mandates across the country against government entities, employers or both. The filing seeks a quick hearing on a temporary injunction to bar any terminations or steps to put unvaccinated health workers on unpaid leave while the case plays out.

Judges in state and federal courts elsewhere have split on how much latitude employees are entitled to around vaccination.

In 1905, the U.S. Supreme Court ruled that the government

could enact vaccine requirements to protect public health. That precedent has been cited by defendants in similar lawsuits filed in recent months.

The approximately 190 plaintiffs in the Minnesota case are all listed under pseudonyms out of what they say is fear of employer retaliation or public harassment.

“Instead of being hailed as heroes now, they are chastised and ridiculed as ‘antivaxxers’ or worse,” the lawsuit reads.

Earlier this month, President Joe Biden announced the mandate that will require all workers in most health settings to be vaccinated, although most of the estimated 17 million covered by the directive have been. The rule will become effective once the Centers for Medicare and Medicaid Services issues final language, which is expected to occur by the middle of October.

Some hospitals and clinics have separate requirements, which have already taken effect.

In their filing, several health workers are listed as having had COVID-19 already, which they say offer them natural immunity. Others say they aren’t comfortable taking the available vaccines or have a religious objection.

They argue they should be allowed to instead take regular COVID-19 tests instead or be transferred into roles that

don't put them in contact with patients or coworkers.