

Dear Boss,

First, I request a religious exemption. "Each of the manufactures of the Covid vaccines currently available developed and confirmed their vaccines using fetal cell lines, which originated from aborted fetuses. (<https://lozierinstitute.org/an-ethics-assessment-of-covid-19-vaccine-programs/>) For example, each of the currently available Covid vaccines confirmed their vaccine by protein testing using the abortion-derived cell line HEK-293. (<https://lozierinstitute.org/an-ethics-assessment-of-covid-19-vaccine-programs/>) Partaking in a vaccine made from aborted fetuses makes me complicit in an action that offends my religious faith. As such, I cannot, in good conscience and in accord with my religious faith, take any such Covid vaccine at this time. In addition, any coerced medical treatment goes against my religious faith and the right of conscience to control one's own medical treatment, free of coercion or force. Please provide a reasonable accommodation to my belief, as I wish to continue to be a good employee, helpful to the team.

Equally, compelling any employee to take any current Covid-19 vaccine violates federal and state law, and subjects the employer to substantial liability risk, including liability for any injury the employee may suffer from the vaccine. Many employers have reconsidered issuing such a mandate after more fruitful review with legal counsel, insurance providers, and public opinion advisors of the desires of employees and the consuming public. Even the Kaiser Foundation warned of the legal risk in this respect. (<https://www.kff.org/coronavirus-covid-19/issue-brief/key-questions-about-covid-19-vaccine-mandates/>)

Three key concerns: first, informed consent is the guiding light of all medicine, in accord with the Nuremberg Code of 1947; second, the Americans with Disabilities Act proscribes, punishes and penalizes employers who invasively inquire into their employees' medical status and then treat those employees differently based on their perceived medical status, as the many AIDS related cases of decades ago fully attest; and third, international law, Constitutional law, specific statutes and the common law of torts all forbid conditioning access to employment, education or public accommodations upon coerced, invasive medical examinations and treatment, unless the employer can fully provide objective, scientifically validated evidence of the threat from the employee and how no practicable alternative could possibly suffice to mitigate such supposed public health threat and still perform the necessary essentials of employment. As one federal court just recently held, the availability of reasonable accommodations like accounting for prior infection, antibody testing, temperature checks, remote work, other forms of testing, and the like suffice to meet any institution's needs in lieu of masks, public shaming, and forced injections of foreign substances into the body that the FDA admits we do not know the long -term effects of.

For instance, the symptomatic can be self-isolated. Hence, requiring vaccinations only addresses one risk: dangerous or deadly transmission, by the asymptomatic or pre-symptomatic employee, in the employment setting. Yet even government official Mr. Fauci admits, as scientific studies affirm, asymptomatic transmission is exceedingly and "very rare." Indeed, initial data suggests the vaccinated are just as, or even much more, likely to transmit the virus as the asymptomatic or pre-symptomatic. Hence, the vaccine solves nothing. This evidentiary limitation on any employer's decision making, aside from the legal and insurance risks of forcing vaccinations as a term of employment without any accommodation or even exception for the previously infected

(and thus better protected), is the reason most employers wisely refuse to mandate the vaccine. This doesn't even address the arbitrary self-limitation of the pool of talent for the employer: why reduce your own talent pool, when many who refuse invasive inquiries or risky treatment may be amongst your most effective, efficient and profitable employees?

This right to refuse forced injections, such as the Covid-19 vaccine, implements the internationally agreed legal requirement of Informed Consent established in the Nuremberg Code of 1947. (<http://www.cirp.org/library/ethics/nuremberg/>). As the Nuremberg Code established, every person must "be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision" for any medical experimental drug, as the Covid-19 vaccine currently is.

Second, demanding employees divulge their personal medical information invades their protected right to privacy, and discriminates against them based on their perceived medical status, in contravention of the Americans with Disabilities Act. (42 USC §12112(a).) Indeed, the ADA prohibits employers from invasive inquiries about their medical status, and that includes questions about diseases and treatments for those diseases, such as vaccines. As the EEOC makes clear, an employer can only ask medical information if the employer can prove the medical information is both job-related and necessary for the business. (<https://www.eeoc.gov/laws/guidance/questions-and-answers-enforcement-guidance-disability-related-inquiries-and-medical>). An employer that treats an individual employee differently based on that employer's belief the employee's medical condition impairs the employee is discriminating against that employee based on perceived medical status disability, in contravention of the ADA. The employer must have proof that the employer cannot keep the employee, even with reasonable accommodations, before any adverse action can be taken against the employee. If the employer asserts the employee's medical status (such as being unvaccinated against a particular disease) precludes employment, then the employer must prove that the employee poses a "safety hazard" that cannot be reduced with a reasonable accommodation. The employer must prove, with objective, scientifically validated evidence, that the employee poses a materially enhanced risk of serious harm that no reasonable accommodation could mitigate. This requires the employee's medical status cause a substantial risk of serious harm, a risk that cannot be reduced by any another means. This is a high, and difficult burden, for employers to meet. Just look at the all prior cases concerning HIV and AIDS, when employers discriminated against employees based on their perceived dangerousness, and ended up paying millions in legal fees, damages and fines.

Third, conditioning continued employment upon participating in a medical experiment and demanding disclosure of private, personal medical information, may also create employer liability under other federal and state laws, including HIPAA, FMLA, and applicable state tort law principles, including torts prohibiting and proscribing invasions of privacy and battery. Indeed, any employer mandating a vaccine is liable to their employee for any adverse event suffered by that employee. The CDC records reports of the adverse events already reported to date concerning the current Covid-19 vaccine. (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/vaers.html>)

Finally, forced vaccines constitute a form of battery, and the Supreme Court long made clear "no right is more sacred than the right of every individual to the control of their own person, free from all restraint or interference of others."

<https://www.law.cornell.edu/supremecourt/text/141/250>

With Regards,

Employee of the Year,
Thomas Paine