

EEOC And Hospital Settle Flu Vaccine Religious Accommodation Lawsuit

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Six hospital employees who refused influenza vaccines will be offered re-employment and will receive payments totaling \$300,000 to resolve the U.S. Equal Employment Opportunity Commission's (EEOC) religious accommodation lawsuit against their former employer. The EEOC and Saint Vincent Health Center in Pennsylvania entered into a [consent decree](#), filed Dec. 23, that includes the hospital's agreement to terms requiring careful consideration of requests for accommodations based on sincerely held religious beliefs, practices and observances with respect to mandatory influenza vaccination programs.

As part of entering into the consent decree, the hospital made no admission of liability. The hospital has agreed that it will "not require proof that an employee's or applicant's religious objection to an influenza vaccine be an official tenet or endorsed teaching of any particular religion or denomination, nor shall Saint Vincent conclude that a religious belief, practice or observance is not sincerely held simply because it deems the religious belief, practice, or observance unreasonable, inaccurate, unfounded, illogical, or inconsistent in Saint Vincent's view." However, the "undue hardship" analysis will continue to apply to the hospital's individualized analysis of religious exemption requests.

While the hospital may make a good faith, reasonable request for a clergy statement to support an employee's request for a religious exemption from a mandatory influenza vaccine, the hospital has agreed that it will not refuse a request for a religious exemption because an employee has not provided a clergy statement. The consent decree states that the hospital "will adhere to Title VII's definition of 'religion' which does not require ratification of a belief by members of the clergy or other persons and protects beliefs, practices, and observances that are idiosyncratic." If the hospital grants an employee's religious exemption from a flu shot, the hospital may require on-the-job precautions and educational requirements designed to reduce the transmission of the flu to hospital patients, provided such steps comply with reasonable accommodation requirements.

The lawsuit, filed in September 2016, alleged that Saint Vincent violated Title VII of the Civil Rights Act by failing to provide reasonable accommodations for religion and by discharging employees after they refused an influenza vaccination as a condition of their continued employment. For further background on the case, see our [earlier report here](#).

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