

EEOC Continues Fight Against Mandatory Flu Vaccinations For Healthcare Workers

September 29, 2016 | [EEOC, Labor And Employment](#)

Just as another flu season is upon us, the U.S. Equal Employment Opportunity Commission (EEOC) is ramping up its battle against mandatory healthcare workers influenza vaccination programs by filing at least its third lawsuit this year on the subject of accommodations for individuals who profess religious objections to being vaccinated.

In [EEOC v. St. Vincent Health Center](#), the EEOC is alleging that a Pennsylvania healthcare organization failed to accommodate the religious beliefs of six healthcare workers who sought exemptions from mandatory flu shots and that the healthcare organization terminated their employment based on religion in violation of Title VII. The EEOC alleges that all six employees submitted requests for exemption from the vaccination during the 2013-2014 flu season and that all of their requests were denied, despite the employees' representations that their objections were based on sincerely held beliefs.

According to the complaint, two of the employees expressed beliefs based on their Russian Orthodox faith that prevented immunization. The others are identified in the complaint as an Independent Fundamental Baptist, a follower of Christian Mysticism, a Methodist, and a non-denominational Christian with no church affiliation. Their employment was terminated in January 2014, according to the complaint. In addition to the allegations that St. Vincent Health Center failed to accommodate the employees' religious beliefs when it denied their exemption requests, the EEOC also alleges that the workers were treated less favorably than similarly situated employees who were granted exemptions from flu shots based on medical contraindications. Given the fact-specific nature of religious accommodation requests, it remains to be seen how this particular case will play out. But a federal district court judge in Pennsylvania issued a ruling in August that rejected a religious discrimination claim by an individual who contended that after he refused a flu vaccination, he was unlawfully terminated in violation of Title VII as well as in violation of public policy. T

he court in that case, [Fallon v. Mercy Catholic Medical Center](#), granted the hospital's motion to dismiss the complaint for failure to state a claim. In a detailed opinion that applied a Third Circuit Court of Appeals precedent for analysis of religious discrimination claims, the court determined that the employee's ethical and moral objections to the mandatory influenza vaccination – as stated in a 22-page essay to his employer – were secular and not religious in nature. For details of the EEOC's additional lawsuits involving alleged religious discrimination involving influenza vaccine requirements, you can read our prior coverage of lawsuits against a [hospital in Massachusetts](#) and a [hospital in North Carolina](#).

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