

Reminder: Mandatory Vaccination Policies Are Subject to Religious Accommodation Requirements

With the increasing severity flu season, many employers are considering implementing mandatory vaccination policies in order to protect their workforce from illness. While that appears to be a logical way to combat this increasing problem, employers need to remember that under Title VII and state anti-discrimination laws, they are required to accommodate workers' religious objections to receiving a flu vaccination.

In fact, these mandatory vaccination policies have been the subject of many EEOC charges – all of which follow a similar fact pattern:

A company has a requirement that all employees receive an annual flu shot. One employee (or a group of employees) object to this requirement and refuse to comply based on a religious belief. Instead the employees request an accommodation, like being allowed to wear a protective medical mask at work during flu season, and the company refuses to grant the accommodation. The employee files a religious discrimination claim against the company.

In these cases, the EEOC has typically found that employers are required to accommodate the employees sincerely held religious beliefs unless it can show making such accommodations will cause it to suffer an undue hardship. In other words, employers cannot force an employee to get an annual flu shot if the employee has a religious objection to vaccinations.