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What the EEOC's Most Recent Advice on Accommodating Religion and COVID-19 Vaccinations Means in Healthcare

Healthcare organizations continue to struggle with the implementation of mandatory COVID-19 vaccinations to protect the safety of their workforce and patients. The process of addressing requested religious exemptions and accommodations has been challenging, particularly in view of the number of requests that submit wording from various websites on the Internet. All employers, particularly healthcare providers, were hoping that the guidance issued on March 1, 2022, by the Equal Employment Opportunity Commission (EEOC) on responding to such accommodation requests would help make the review process easier. Unfortunately, the guidance did not significantly change the legal analysis or requirements for when employees or job applicants can request an exemption from or accommodation to an employer's COVID-19 vaccination requirement if it conflicts with their sincerely held religious beliefs, practices or observances. *See* the Day Pitney Alert for further analysis and recommendations.

The EEOC guidance reinforces that employers, including healthcare organizations, need to have a clear process for their employees and job applicants to request religious exemptions and accommodations, along with a process for the employer's evaluation of each individual request. Especially because no "magic words" are required to request a religious accommodation, employers should be sure not to overlook such requests or reject a request merely because the wording of the request has been copied from a website. The EEOC's recognition of the potential overlap of political and religious beliefs should remind employers to address accommodation requests with an open mind. However, for employers such as healthcare organizations, there may be circumstances where the exemption or accommodation cannot be granted based on the safety of co-workers or patients or it creates an undue burden on the organization.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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