

Client Alert Applies To: Self-Funded, Fully-Funded, Large Group, and Small Group

November 1, 2021

EEOC Updates Guidance Regarding Religious Objections to Vaccine Mandates

On October 25, 2021, the US Equal Employment Opportunity Commission (EEOC) updated its [COVID-19 guidance](#)¹ and addressed a number of questions regarding religious accommodations and vaccine mandates. (See Sections K and L.) Such guidance is helpful as COVID-19 vaccination mandates are becoming more common. The EEOC's expanded guidance provides helpful information for employers considering vaccine-related religious accommodation requests.

The EEOC enforces Title VII of the Civil Rights Act of 1964 ("Title VII"), which prohibits employment discrimination based on religion. Under Title VII, applicants and employees may request religious accommodation from employer policies or requirements that conflict with their sincerely held religious beliefs or practices. An employer must consider a religiously based reasonable accommodation request but can deny the request where an accommodation would cause an undue hardship on the employer's operations.

The EEOC's new guidance addresses important key questions regarding Title VII's religious accommodation requirements, including:

- How an employee or applicant should request a religious accommodation;
- What process the employer should follow in considering a religious accommodation request under Title VII;
- When the employer may request additional documentation in connection with a religious accommodation request;
- What constitutes an "undue hardship" that would allow an employer to reject an employee's request for religious accommodation; and
- Whether an employer must grant all employees a religious accommodation from a COVID-19 vaccination requirement if it grants some employees a religious accommodation.

Employers with or considering vaccine mandates should review this expanded guidance as it provides helpful detail regarding the evaluation of religiously based accommodation requests.

¹ <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

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