

Vegan Can Pursue Religious Discrimination Claim, Federal Court Rules

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Is vegan-ism a moral and ethical belief such that it should be considered a religious belief under Title VII of the Civil Rights Act of 1964? The U.S. District Court for the Southern District of Ohio has ruled that it should, at least in the early stages of a lawsuit.

Background

Sakile Chenzira worked as a Customer Service Representative for a hospital. The Hospital required its employees to be vaccinated against seasonal influenza. Chenzira refused to be vaccinated because she is a vegan, a person who does not ingest any animal or animal by-products, and the vaccine is cultured using chicken eggs. The Hospital terminated her employment because she refused to be vaccinated; before 2010, the Hospital accommodated her request to forego the vaccine.

Chenzira subsequently sued the Hospital for religious discrimination under Title VII of the Civil Rights Act of 1964, contending that her discharge violated her religious and philosophical convictions because she is a vegan. The Hospital asked the trial court to dismiss the lawsuit pursuant to Federal Rule of Civil Procedure 12(b)(6), arguing that vegan-ism is a dietary preference, not a religious belief.

Applicable Law

A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) requires the Court to determine whether a cognizable claim has been pled in the complaint. To be considered a religious belief or practice for purposes of Title VII, the employee must assert that she holds “a moral and ethical belief which is sincerely held with the strength of traditional religious views.” *U.S. v. Seeger*, 380 U.S. 163 (1965). Regulations issued by the U.S. Equal Employment Opportunity Commission state “whether or not a practice or belief is religious is not an issue ... religious practices ... include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of religious views.” 29 C.F.R. § 1605.1.

Religious Discrimination Claim

The Hospital argued that Chenzira’s religious discrimination claim failed because veganism was not a religion, but rather is no more than a dietary preference or social philosophy. The Court rejected the Hospital’s argument and found that, for purposes of a motion to dismiss, it was “plausible” that Chenzira “could subscribe to veganism with a sincerity equating that of traditional religious views.” Accordingly, the Court denied the Hospital’s motion to dismiss the complaint.

The Court did provide the Hospital with a discovery roadmap, noting the types of evidence necessary for the Hospital to justify its termination decision. Such evidence may include the type and extent to which Chenzira had patient contact, the safety of the Hospital’s patients, and the risk her refusal to be vaccinated could pose.

* * *

This case reminds employers not to reject an employee’s request for a religious accommodation simply because the employee is not a member of a traditional, organized religion; the definition of what constitutes a religion under Title VII is broad. That being said, social, political or economic philosophies, as well as mere personal preferences, are not “religious” beliefs protected by Title VII. Employers should consider consulting with experienced counsel before denying an employee’s request for religious accommodation.

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