

Ohio Court Allows Employee to Pursue Religious Discrimination Claim Based on Veganism

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Veganism = religion? Well, it's certainly akin to a religious belief, holds a federal district court in Ohio.

In *Chenzira v. Cincinnati Children's Hospital Medical Center* (S.D. Ohio, December 27, 2012), the employer moved to dismiss the employee's religious bias claim on the grounds that veganism does not qualify for religious protection under the law. The employee, a Customer Service Representative with the hospital for over a decade, refused to get a flu shot and was subsequently terminated. She then filed suit alleging religious discrimination in violation of Title VII of the Civil Rights Act of 1964, religious discrimination under the Ohio Revised Code, and tortious wrongful discharge in violation of public policy.

The U.S. District Court for the Southern District of Ohio disagreed with the employer and refused to dismiss the case. Though the employer argued that veganism is more of a dietary preference or a social philosophy, the Court found that the employee's belief was a moral and ethical belief which is sincerely held with the strength of traditional religious views. The Court concluded that in the context of a motion to dismiss, it could not deem the claim to be invalid. Rather, the facts as pled were sufficient to demonstrate a plausible claim.

This case demonstrates the widespread nature of religious accommodations, which may (at least according to this court) expand to issues of flu shots and veganism.

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