

New Illinois Law Clarifies that the Illinois Health Care Right of Conscience Act Does Not Apply to Employers' COVID-19 Mitigation Efforts

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Prior to the COVID-19 pandemic, most employers had never heard of the Illinois Healthcare Right of Conscience Act (the Act), let alone debated its applicability to their employees. However, as COVID-19 has changed the landscape of employment law, language in the Act was being utilized by employees to oppose enforcement of COVID-19 mitigation measures in the workplace. These employees claim that the Act prohibits Illinois employers from forcing employees with conscience-based objections to comply with COVID-19 related policies and procedures. According to various Illinois legislators, the Act was intended to protect health care providers and other individuals from being forced to participate in health care services contrary to their conscience, not as a defense against workplace COVID-19 mitigation efforts. With little guidance from the Illinois legislatures or the courts on this issue, Illinois employers were left to worry that they may be held liable under the Act for enforcing any COVID-19 related policies.

On November 8, 2021, Governor Pritzker signed **Public Act 102-0667** into law which amends the Act to clarify that it is not a violation of the Act for employers to adopt measures to mitigate the spread of COVID-19 in their workplaces or to enforce such measures. The amendment to the Act will take effect on June 1, 2022. Thus, employees can still claim protection under the Act until the middle of next year.

Practice Areas

Private and Public Sector
Employment Litigation

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Please do not hesitate to contact your servicing Laner Muchin attorney if you have any questions on the amendment or the applicability of the Act to your COVID-19 related policies or procedures.