

A photograph of the U.S. Capitol dome, showing its iconic architecture with columns and an American flag flying in front.

HOW TO

File a Federal Conscience Complaint

By filing a complaint, you can become a vital part of the movement to protect conscience rights for medical professionals.

Medical professionals gladly serve all people, but may have a conscientious objection to performing a particular procedure. It's simple: as a medical professional you should not be forced to choose between your faith and your profession.

Federal law protects your right to practice medicine in accordance with your religious beliefs. Unfortunately, the Biden administration has demonstrated hostility towards enforcing those federal conscience statutes, which has discouraged many medical professionals from filing complaints of conscience violations. However, it is still important to document your conscience complaint in the public record. These complaints can affect federal policy and congressional lawmaking by demonstrating the necessity of stronger conscience protections.

If you believe your conscience rights have been violated, you should file a complaint with two federal government agencies: the Department of Health and Human Services, Office for Civil Rights (HHS OCR) and the Equal Employment Opportunity Commission (EEOC).

HHS OCR Complaints

Health care conscience protections:

Federal law prohibits discrimination by state and local governments and private entities against medical professionals and students who decline to perform, accommodate, assist, or train in abortion, sterilization (which may include "gender transition" treatments), or assisted suicide procedures. Additionally, health care entities and plans cannot be required to perform, pay for, or refer for abortions; and individual persons have a right to decline to assist in certain HHS-funded programs if doing so would be contrary to their religious beliefs or moral convictions.

Courts have held that the only way to get relief from violations under the federal conscience statutes is to file a complaint with HHS OCR.

How to file an HHS complaint:

You can file complaints online with HHS at:

<https://www.hhs.gov/conscience/complaints/index.html>

What you need to know:

- The deadline to file a complaint is 180 days from the last discriminatory event.
- You do not need a lawyer to file a complaint.
- Complaints may lead to an investigation of the complaint, a violation finding, and remedial action against violators.

EEOC Complaints

Religious nondiscrimination and accommodation in employment:

Title VII of the Civil Rights Act of 1964 prohibits religious discrimination in employment—including in hiring, firing, promotions, training, wages, terms, conditions, benefits, and privileges—for employers with 15 or more employees. Title VII also prohibits harassment based on religion, including as a result of an anti-religious hostile work environment. For the purposes of Title VII, “religion” is defined broadly as beliefs, observances, and practices.

Employers are required to “reasonably accommodate” an employee’s religious beliefs, observances, and practices, unless an accommodation would create an “undue hardship on the conduct of the employer’s business.”

The need for accommodations can arise when an employee has a religious objection to a workplace policy or job duty. For example, facilitating, assisting, participating, or providing certain services or procedures such as: abortions, contraception, sterilization, "gender transition" surgeries and services, assisted suicide, etc. An employee may also need an accommodation for religious clothing and grooming, Sabbath observance, prayer breaks, and exemption from having to promote or celebrate values contrary to the employee’s faith.

Employees are protected from retaliation by their employer for requesting a religious accommodation, complaining about religious discrimination, or filing a charge of discrimination with the EEOC.

How to file an EEOC complaint:

You can file your EEOC complaint (called a charge of discrimination) online at:

<https://publicportal.eeoc.gov/portal/>

What you need to know:

- Private and state employees have 180 days from the last discriminatory event to file a charge of discrimination with the EEOC.
- Federal government employees have 45 days to contact their agency EEO office.
- You can learn more about how to file your charge of discrimination at:
<https://www.eeoc.gov/filing-charge-discrimination>