

Apostolic Pentecostal Nurse to Receive \$75K in Settlement for Religious Bias ‘Scrub Skirt’ Dispute

A Tennessee-based health care provider will pay \$75,000 to settle a religious discrimination lawsuit involving an Apostolic Pentecostal nurse who wanted to wear a “scrub skirt” to work. The U.S. Equal Employment Opportunity Commission said the company denied the nurse’s right to religious accommodation.

Wellpath LLC hired Christian nurse Malinda Babineaux in 2019 to provide health services at Central Texas Correctional Facility in San Antonio. After accepting the Texas job offer, Babineaux informed the company’s human resources team that her religious beliefs required her to wear a scrub skirt, rather than traditional scrub pants, to work in accordance with modesty codes. The company declined to accommodate her request and rescinded her job offer. According to the lawsuit, Babineaux had previously worn scrub skirts in other nursing positions.

Scrub skirts, while rarely seen in American hospitals, are preferred by some religious women, typically for modesty reasons. In a 2010 post on the nursing forum website , a woman introduced herself as “a Pentecostal woman, who wears skirts instead of pants for religious reasons,” and asked, “Is it okay for me to wear scrub skirts in a clinical setting?”

In another thread on the same website, another poster criticized scrubs skirts, saying that they “limit your range of motion when providing patient care” and that “nurses have not routinely worn skirts since they’ve earned some respect as

a profession.”

Last month, a future medical student who is Muslim asked other Reddit users whether it was common to see scrub skirts, saying, “dressing modestly is important to me and don’t want to give it up when there are skirt scrubs available.” Another user replied, “I’ve seen orthodox Jewish nurses wearing them, nobody bats an eye.”

The EEOC filed a lawsuit in September 2020 on behalf of Babineaux, citing a violation of Title VII of the 1964 Civil Rights Act, which prohibits religious discrimination. The settlement requires Wellpath LLC to provide the nurse with \$75,000 for back pay and compensatory damages. Wellpath also agreed to inform employees of their rights and to provide anti-discrimination training that includes matters related to religious dress and grooming.

“Under federal law, when a workplace rule conflicts with an employee’s sincerely held religious practice, an employer must attempt to find a workable solution,” said Philip Moss, trial attorney for the EEOC’s San Antonio field office, in a press release. “This settlement should underscore the importance of employers taking affirmative steps to comply with their obligations under anti-discrimination laws.” {eo}

© 2022 Religion News Service. All rights reserved.

Follow breaking news like this on our new platform, CHARISMA PLUS.