

Equality and Human Rights Commission
Call for Evidence Report

Religion or belief in the workplace and service delivery

Findings from a call for evidence

Martin Mitchell and Kelsey Beninger,
with Alice Donald and Erica Howard

NatCen Social Research



**Equality and
Human Rights**
Commission

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For further information about the Commission's work on religion or belief, please contact:

Post: David Perfect
Research Team
Equality and Human Rights Commission
Arndale House
The Arndale Centre
Manchester M4 3AQ

Email: david.perfect@equalityhumanrights.com

Website: www.equalityhumanrights.com

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Contents

Acknowledgements	6
Glossary	7
Executive summary	8
Introduction and methodology	8
Key findings	8
General issues	9
Specific issues	10
Views on the effectiveness of current legislation	15
1 Introduction	17
1.1 Background	17
1.2 Study aims	21
1.3 Methodology	21
1.4 Reading this report	25
1.5 A note about the language in the report	26
2 Employees	27
2.1 Number and profile of employees	27
2.2 Types of issues among employees	31
2.3 No or few issues	35
2.4 Perceived discrimination	35
2.5 Perceived harassment	41
2.6 Alienation at ceremonies and events	45
2.7 Reasons for no response	46
2.8 Views on the effectiveness of the law	48
2.9 Accessing advice on religion or belief issues	48
2.10 Summary of employees	50
3 Employers	51
3.1 Number and profile of employers	51
3.2 Types of issues among employers	53
3.3 No or few negative issues	53
3.4 Perceived religion and belief discrimination against Christians	56

3.5	Tensions about religious observances and practices	64
3.6	Perceived discrimination and intolerance in the workplace by people with a religious belief	68
3.7	Views on current equality and human rights legislation	70
3.8	Accessing advice on religion or belief issues	70
3.9	Summary of employers	71
4	Service users	73
4.1	Number and profile of service users	73
4.2	Types of issues among service users	75
4.3	Education	78
4.4	Health	82
4.5	Social services and social care	86
4.6	Leisure	87
4.7	Shops and restaurants	87
4.8	Police and criminal justice	89
4.9	Housing	89
4.10	Transport	90
4.11	Other services	90
4.12	Views on the effectiveness of the law	91
4.13	Accessing advice on religion or belief issues	92
4.14	Summary of service users	93
5	Service providers	95
5.1	Number and profile of service providers	95
5.2	Types of issues among service providers	96
5.3	No issues relating to religion or belief	98
5.4	Expression of religious views, or harassment?	99
5.5	Religious and non-religious views in information and support	103
5.6	Freedom of conscience and discrimination	105
5.7	Religion or belief and public funding of services	109
5.8	Education	111
5.9	Health	113
5.10	Social care/social services	117
5.11	Experience of religion and belief discrimination in other services	119
5.12	Views on current equality and human rights legislation	121
5.13	Accessing advice on religion or belief issues	121
5.14	Summary of service providers	122

6	Organisations	124
6.1	Number and profile of organisations	124
6.2	Types of issues among organisations	125
6.3	Views on the effectiveness of the law	126
6.4	Summary of organisations	135
7	Legal and advice sector	137
7.1	Profile of legal and advice sector participants	137
7.2	Perceived priorities	138
7.3	Freedom of expression of religious views or freedom of conscience	140
7.4	Exemptions for religious organisations	144
7.5	A hostile and unwelcoming environment	145
7.6	Religious dress, symbols and observances	146
7.7	Perceptions of effectiveness of the legislation	148
7.8	Perception of employers' responses to the legislation	148
7.9	Perception of service providers' responses to the legislation	149
7.10	Effective aspects of equality and human rights legislation	150
7.11	Less effective aspects of the legislation	151
7.12	Suggested improvements	154
7.13	Summary of legal and advice	156
	References	159
Appendix A	Definitions of prohibited forms of conduct under the Equality Act	160
Appendix B	Key case law examples	163
Appendix C	Call for evidence questions	170
Appendix D	Participating organisations	194
Appendix E	Employees tables	195
Appendix F	Employers tables	201
Appendix G	Service users tables	205
Appendix H	Service providers tables	211
Appendix I	Organisations tables	215
Appendix J	Legal and advice tables	217

Tables

Table 1.1	Profile of achieved sample	25
Table 2.1	Which of the following best describes the sector that you work in?	28
Table 2.2	Which of the following best describes the number of employees in the workplace?	29
Table 2.3	What is your religion or belief?	30
Table 2.4	Which of the following best describes your denomination?	31
Table 2.5	Summary of issues and suggestions to resolve them among employees	32
Table 2.6	Sources of advice where employees looked for help and support	49
Table 3.1	Which of the following best describes the sector you work in?	52
Table 3.2	How many people does your organisation employ?	52
Table 3.3	Do you know where to go to for advice on religion or belief issues related to employment?	70
Table 4.1	Which of the following best describes the services provided by the organisation?	74
Table 4.2	What is your religion or belief?	75
Table 4.3	Summary of issues described by service users	76
Table 4.4	Sources of advice used by service users	92
Table 5.1	Which of the following best describes the type of service you or your organisation provide?	96
Table 5.2	Overarching themes among service providers: issues and solutions	97
Table 5.3	Ways suggested to achieve more equitable access to funding opportunities for faith-based organisations	110
Table 5.4	Sources of advice used by service providers	122
Table 6.1	What sector is your organisation in?	124
Table 6.2	Which issues is your organisation particularly interested in or concerned about?	126
Table 7.1	In what role are you taking part in this call for evidence?	138
Table 7.2	Please indicate the issues on which you have provided advice, representation or assistance to individuals, employers or service providers since 2010 where religion or belief was relevant	140

Table 7.3	Reported positive responses to equality and human rights legislation among service providers.	149
Table 7.4	Suggested improvements to equality and human rights legislation	155
Table A1	Participating organisations	194

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Glossary

Acas	Advisory, Conciliation and Arbitration Service
BACP	British Association of Counselling and Psychotherapy
BPAS	British Pregnancy Advisory Service
EA	Equality Act 2010
E&D	Equality and Diversity
EASS	Equality Advisory and Support Service
EAT	Employment Appeal Tribunal
ECtHR	European Court of Human Rights
ECU	Equality Challenge Unit
EHRC	Equality and Human Rights Commission
ENEI	Employers Network for Equality and Inclusion
ET	Employment Tribunal
HRA	Human Rights Act 1998
GEO	Government Equalities Office
LGB	Lesbian, gay and bisexual
LGBT	Lesbian, gay, bisexual and transgender
NatCen	NatCen Social Research (National Centre for Social Research)
OR	Occupational Requirement
PCP	Provision, criterion or practice
PCS	Public and Commercial Services Union
PSHE	Personal, Social and Health Education
PSED	Public Sector Equality Duty
SMEs	Small and medium-sized Enterprises
TUC	Trades Union Congress
UK	United Kingdom of Great Britain and Northern Ireland
VCS	Voluntary and Community Sector

Executive summary

Introduction and methodology

In August 2014, the Equality and Human Rights Commission (EHRC) launched a call for evidence on religion or belief in the workplace and service delivery. The aim was to explore the direct and personal experiences of employees and service users concerning religion or belief, as well as the views of employers, service providers, relevant organisations and the legal and advice sectors. The call for evidence, which was conducted by NatCen Social Research (NatCen) on behalf of the EHRC, continued until October 2014 and covered England, Scotland and Wales.

In total **2,483 individuals or organisations** took part. This consisted of 1,636 employees, 67 employers, 468 service users, 108 service providers, 181 organisations and 23 representatives from the legal or advice sectors. The call for evidence was a qualitative, not quantitative, exercise and while it sought to gather as wide a range of experiences and views as possible, it is not possible to say how prevalent these are in the wider population.

Key findings

- The call for evidence gathered a wide range of both positive and negative experiences of religion or belief in the workplace and service delivery by employees, employers, service users and service providers.
- Positive experiences included respondents describing workplaces with an inclusive environment in which employees and employers were able to discuss openly the impact of religion or belief on employees or customers. Some respondents of different religions also reported they were easily able to take time off to celebrate religious holidays.
- Some employees or service users stated that they had experienced no or few negative issues in their workplace or in receiving a service which they attributed

to the view of employers or service providers that religion or belief was a private matter and should not be discussed in the workplace or the service.

- Some employees and students stated that they had encountered hostile and unwelcoming environments in relation to the holding, or not holding, of a religion or belief. The issues raised concerned the recruitment process, working conditions, including the wearing of religious clothing or symbols, promotion and progression, and time off work for religious holidays and holy days. Some reported that particular beliefs were mocked or dismissed in the workplace or classroom, or criticised as unwelcome 'preaching' or proselytising, or the expression of hurtful or derogatory remarks aimed at particular groups.
- Employees and employers reported that requests relating to religion or belief issues were not always fairly dealt with in the workplace and some called for better guidance on how to achieve this.
- Many participants were concerned about the right balance between the freedom to express religious views and the right of others to be free from discrimination or harassment. Specific issues raised included conscientious objection in relation to marriage of same sex couples and how to protect employees from harassment and discrimination by staff, customers or service users with a religion. There was a marked divergence of opinion about when it was desirable and appropriate to discuss religious beliefs with service users during the delivery of a service.
- A group of service providers with a religious ethos expressed concerns about reductions in funding opportunities from the public and private sectors.
- Some participants viewed the current equality and human rights legal framework relating to religion or belief favourably, arguing that it provided a single robust framework to deal with discrimination and equality. Others were broadly favourable, but felt a pluralistic approach had not yet gone far enough. A third group viewed the law negatively, with some Christian employers, service users and providers considering that Christianity had lost status as a result of the legal framework.

General issues

Uneven understanding of religion or belief issues

Employees and service users described a range of positive and negative experiences relating to their religion or belief in the workplace and in service delivery

and the responses of their employers and service providers to religion or belief issues. There were:

- **Uneven responses from employers and service providers.** Responses were divided into proactive and inclusive practices, practices and views based on misunderstandings about religion or belief issues, and resistance to an acknowledgement that such issues had a place in public life.
- **Different reasons for the view that there were no or few religion or belief issues in the workplace or service delivery.** Some employees or service users stated that they had experienced no or few negative issues in their workplace or service because an inclusive environment had been created. For example, they felt that different religious views and other beliefs were treated with mutual respect in the workplace or service. Other employees or service users argued that there were no issues because religion or belief was treated as a 'private' matter and not discussed publicly. The adoption of this position sometimes followed disagreements among employees that had arisen when religion or belief had been discussed.
- Clear divisions between participants who said they did and did not know where to look for advice on religion or belief issues.

Specific issues

Hostile and unwelcoming work and studying environments

Employees and students said they had encountered hostile and unwelcoming environments in relation to holding, or not holding, a religion or belief. Specific issues highlighted were:

- **Perceived discrimination.** Some employees felt discriminated against in relation to recruitment processes, work conditions, promotion and progression, and time off work for religious holidays and holy days. Participants from the legal and advice sector referred to employees wanting to take time off for work for religious holidays and also to the wearing of religious dress and religious symbols.
- **Perceived harassment of employees and students.** This was linked to dismissive attitudes towards, and the mocking of, particular religions and beliefs, unwelcome 'preaching' or proselytising, and the expression of views that were hurtful or derogatory towards other faiths and/or towards lesbian, gay, bisexual and transgender (LGBT) people. Pupils with and without religious beliefs also described being mocked and ridiculed by teachers because of their beliefs.

- **Fear of repercussions.** Some employees felt unable to challenge the discrimination or harassment they felt they had experienced, or their sense of alienation because they feared repercussions; experienced pressures from managers not to complain; and/or lacked confidence that the situation would change.

Inclusive and fair work conditions

Employers, service providers and organisations argued that religion or belief issues in the workplace should be dealt with in fair and inclusive ways to avoid generating problems among employees without a religion or belief. The matters raised included:

- **Increased resentment.** Non-religious staff were resentful when they believed that religious colleagues received more favourable treatment in relation to time off and time away from work and/or where religious colleagues used spaces (e.g. meeting rooms) that were not meant solely for religious purposes.
- **Reduced productivity and health and hygiene concerns.** Employers and managers were concerned in some cases that some religious observance led to reduced productivity and health and hygiene concerns (e.g. employees fainting when fasting, or infection control issues arising from the desire to wear headscarves in surgical theatres).
- **Difficulties in discussing problems.** Some employers and managers felt that it was difficult to discuss religious beliefs and observances with some staff in a reasonable way without them making a complaint.

Employers, employees and service providers emphasised the need for a better understanding of when, and in what ways, requests relating to an individual's religion or belief should be accepted. They also wanted better signposting to information, or new information on, when a request had to be considered, and how to provide a proportionate response to such requests.

Expression of religious views or discrimination

There was a great deal of concern across the different stakeholder groups about how to strike the right balance between the expression of religious views and the right for other employees to be free from discrimination or harassment. Some religious participants took the freedom to express religious views to be an absolute right even though this is not the case under the European Convention on Human Rights. Three main issues arose:

- **Conscientious objection in relation to marriage of same sex couples.** Some Christian legal commentators, and some Christian employees and service providers, expressed the view that requiring employees to be directly involved in marriage of same sex couples was against their 'religious conscience'. Some legal participants asked whether it was necessary to look again at a concept of 'sufficient accommodation' of religious beliefs in employment, although concern was expressed about what message this sent out in relation to equality for LGB employees and service users.
- **Protection of employees from harassment and discrimination by staff, customers or service users with a religion.** Some employers wanted to know how they should deal with such harassment, unwelcome proselytising and discrimination against their staff and by one employee towards another. This was especially the case when discriminatory views were expressed about women and LGBT staff.
- **Conflicting aspects of equality legislation on religion or belief and sexual orientation.** Representatives from some organisations said that the failure to address which rights prevailed when different protected characteristics were affected had led to a perception of a hierarchy of rights (especially sexual orientation being seen to 'trump' religion or belief).

Balance of the rights of service providers and users

Service providers and users discussed the extent to which it was desirable and appropriate to discuss religious beliefs and views during the provision of a service to the public. A particular concern was whether the religion or belief of the provider or the service user was the most important. Some service providers wanted to tell their users about their beliefs, while others were more concerned that services should be tailored to the religious, spiritual or wellbeing needs of the user. In health and social care environments, some respondents were concerned about practitioners outlining their own beliefs to vulnerable patients and clients. In addition, one organisation reported that staff and service users were harassed by groups with a religious ethos outside clinics offering pregnancy advice and abortion services.

Fair and appropriate access to services

Some service users and service providers suggested that there needed to be fairer provision of services between religious and non-religious groups. Across a range of sectors, there were reports of perceived unequal, unfair and inappropriate access to information, services, activities and facilities:

- **Education.** A number of service users described school admission policies that were perceived as being advantageous to people with a particular religious belief; referred to unbalanced religious or non-religious curricula in teaching; and suggested that Christian students were advantaged relative to other students holding other religious beliefs in the timing of holidays. Among service providers, there were also participants who perceived teaching to be one-sided or said that teaching materials had been censored in order to avoid causing offence to particular groups.
- **Health services.** A number of service users discussed health service admissions and patient appointment reminder procedures which excluded or disadvantaged some groups; less favourable or inappropriate access to health services; poor staff attitudes towards religious and/or LGB patients; and forms of dress, such as the hijab, that some considered inappropriate for certain contexts.
- **Social care and social services.** Some service users considered that social workers were unfairly judging potential adopters of children because of their religious beliefs. Others felt that there was a limited availability of care homes which were not run with a religious ethos.
- **Leisure services.** Among Christian participants, some service users felt excluded from sports events on Sundays, while others were critical of libraries for not stocking particular Christian publications.
- **Shops and restaurants.** Some service users argued that food and drink products (e.g. halal, vegan and kosher foods or alcohol) were inadequately labelled in shops and restaurants. Restricted opening hours for religious reasons were also criticised.
- **Police and criminal justice.** Some service users complained that the police dealt with noise caused by religious festivals more leniently than other noise complaints. Some non-religious participants argued that they felt they received worse treatment in court because they refused to swear Christian oaths.
- **Housing.** A few participants reported that tenancies were refused to non-religious people. Others said that signing legal documents under oath was inappropriate for non-religious people.
- **Transport.** Among service users it was mentioned that pupils had been denied access to school buses because of their religious denomination; conversely, others reported that Christians had preferential treatment in town centre parking on Sundays.

- **Other services.** Participants in the call for evidence also mentioned the exclusion of LGB people from religious communion; the assumption by default that funerals should be religious; and that the media is either too religious or too secular.

How far service users and providers experienced a sense of unfairness or discrimination was also affected by the extent to which:

- Service users, clients or customers could **go elsewhere** if they experienced unfair treatment or discrimination.
- Providers who experienced discrimination had **other potential customers**.
- Religious and other beliefs were **expressed in positive and respectful, or negative and forceful**, ways to others.

Funding for organisations with a religious ethos

A group of service providers with a religious ethos were concerned that their ability to contribute to society was being undermined by a reduction in public and private charitable funding in voluntary and community settings. Some believed they had been excluded from funding opportunities because they were faith-based organisations or because the contracting organisation assumed that they could not serve the whole community in an inclusive way. Suggestions to address this included:

- Promoting better awareness of the social good that religious organisations achieve.
- Discussing with local authorities how best to support religion or belief needs in the local community.
- Building relationships of trust with funders.
- Emphasising the outcomes achieved through past provision.

More generally, service providers called for improved guidance on procurement and contracting processes.

Views on the effectiveness of current legislation

Differing views on a pluralistic approach to religion and belief

Views about current equality and human rights legislation tended to differ depending on whether participants felt that protection of a wider, more 'plural' range of religions and beliefs – including having no religion or belief – was a positive or negative development. Some Christian respondents and those from other religions or who held non-religious beliefs tended to see protection of a wide range of religions and beliefs as a positive development. By contrast, some evangelical Christians felt that Christian beliefs had lost their place in society and that this made it more difficult for them to express these beliefs in the workplace and in service delivery. Different factors were highlighted depending on how a plural approach was viewed:

- **Wholly positive development.** Current equality and human rights legislation was seen by a range of participants as creating greater recognition of the diversity of religions and beliefs in society in order to achieve greater equality between them. The legislation also offered protection for the first time to people without religious beliefs.
- **Partly positive development.** This opinion was broadly similar to the 'wholly positive view', but its adherents argued that the pluralistic approach had not gone far enough (for example, non-religious categories and beliefs were not covered when information was being collected, and other religious and non-religious contributions were ignored in remembrance ceremonies). Another view held by participants from minority religions was that the overall legal framework was good but that there was continuing perceived discrimination and unfair treatment in a number of situations.
- **Loss of status.** This view was particularly expressed by a group of Christian employers, service users and providers who formed one of three groups:
 - The first group felt that there was **less respect for religious beliefs** and/or for Christianity and that the legislation had had the unanticipated consequence of making it more difficult to express their views in positive ways. Some participants had set up single or multi-faith groups in their workplaces to try to counter this perceived trend.
 - The second felt that they or their employees **should be able conscientiously to object to specific aspects of equality legislation**, such as marriage of same sex couples, the discussion of other religions and sex education in schools.

- The third **wanted to be able to discriminate** on the basis of their religion in employment (for example, when recruiting new staff) and when providing goods, services and facilities.

Other views of effectiveness

One view was that the current legal framework was **effective** because it provided a single robust framework for dealing with discrimination and inequality. Another view was that the regulation and implementation of the framework were **less effective**, either because the EHRC lacked sufficient enforcement powers, or because of the introduction of Employment Tribunal fees and reductions in Legal Aid. The ability of companies to dissolve and re-open under a new name to avoid paying damages for discrimination was also mentioned.

One suggestion to improve the effectiveness of the current situation was better signposting to, and navigation of, practical guidance, including the compilation of checklists of factors that employers or service providers should take into consideration. Greater clarity on how to make complaints, especially in relation to the provision of goods, services and facilities, was also required.

1 | Introduction

The Equality and Human Rights Commission (EHRC) works to eliminate discrimination, promote equality of opportunity, and promote human rights. The Commission launched a call for evidence on religion or belief in the workplace and service delivery to explore how well a range of stakeholders thought current legislation designed to protect the rights of people with and without a religion or belief was working. The stakeholders included employees, employers, service users, service providers, organisations representing people with or without religious beliefs and people working in the advice or legal sectors. The study forms part of the EHRC's three year programme of work to implement **Shared understandings: a new EHRC strategy to strengthen understanding of religion or belief in public life**, which was published in October 2013.¹

1.1 Background

The legislation

The **Human Rights Act 1998** incorporates Article 9 of the European Convention on Human Rights into UK law. This means that the right of individuals to hold religious or other beliefs, including having no religion or non-religious beliefs, and to practise them publicly or privately, alone or with other people, can be invoked in the domestic courts. Article 9 (1) states that:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

¹ Available at: <http://www.equalityhumanrights.com/about-us/about-commission/our-vision-and-mission/our-business-plan/religion-belief-equality/shared-understandings-new-ehrc-strategy-strengthen-understanding-religion-or-belief-public-life>

This right to hold or adhere to a religion or belief is unqualified. However, the right to manifest or express a religion or belief is not an unlimited one and is qualified by Article 9 (2), which says:

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedom of others.

Because of the Human Rights Act, all public authorities in the UK and other organisations carrying out public functions must comply with Article 9 of the Convention.

The **Equality Act 2010** (the Equality Act) states it is unlawful for someone to discriminate against another because of religion or belief, including because of a lack of religion or belief:

- in any aspect of employment
- when providing goods, facilities and services
- when providing education²
- in using or disposing of premises
- when exercising public functions, or
- in the treatment by an association of its members and guests.

The Act harmonised, strengthened and in some cases extended protection against discrimination in comparison with previous anti-discrimination legislation and regulations related to religion or belief (e.g. the Employment Equality (Religion or Belief) Regulations 2003).

In relation to the **definition of religion or belief**, 'religion' means any religion; 'belief' means any religious or philosophical belief; a reference to religion includes a reference to a lack of religion, and; a reference to belief includes a reference to a lack of belief. This means that religion has been interpreted widely to include less established religions as well as the major world religions such as Christianity, Judaism, Islam, Hinduism, etc. A reference to a lack of religion or belief means that people such as Atheists and non-religious people are also protected by the law, including from discrimination or harassment by people who may hold particular

² There are exceptions to this, e.g. for organisations with a religious ethos or relating to schools with a religious character.

religious views or beliefs. The concept of belief has also been interpreted relatively widely to include beliefs such as humanism, pacifism, vegetarianism and the belief in man-made climate change. It does not, however, include support for a particular political party (Sandberg, 2014).

The Equality Act covers direct discrimination, including discrimination by association and perception (namely treatment of a person because of their association with a protected characteristic, or, where they are perceived to have a particular protected characteristic where this is not the case), indirect discrimination, harassment and victimisation.³ Explanation of these different terms can be found in Appendix A. The Act also makes it unlawful for a person (a 'service provider') concerned with the provision of a service to the public or a section of the public (for payment or not) from discriminating against a person requiring the service by not providing them with the service.

The Equality Act provisions on religion or belief should be read in the light of Article 9 of the European Convention on Human Rights. As described above, Article 9(2) qualifies a person's right to manifest or express their religion or belief, and this is relevant to whether it is discriminatory under the Equality Act to place limits on manifestation of religion or belief.⁴

Evidence of discrimination and unfair treatment on grounds of religion or belief

The number of Employment Tribunal cases on religion or belief remains relatively low (584 new claims of discrimination were accepted by tribunals in Britain in 2013-14). However, the Human Rights Act and the Equality Act have been tested in relation to a number of high profile legal cases in recent years. These relate to such issues as:

- **Dress codes in the workplace** (e.g. *Eweida v British Airways*; *Chaplin v Royal Devon and Exeter NHS Foundation Trust*).
- **The provision of goods or services** (e.g. *Ladele v London Borough of Islington*; *McFarlane v Relate Avon Ltd*; *Hall and Preddy v Bull and Bull*).
- **Time off work for religion or belief reasons** (e.g. *Mba v London Borough of Merton*).
- **Expression of religious views** (e.g. *Smith v Trafford Housing Trust*).

³ Harassment related to religion or belief or sexual orientation is not unlawful in service delivery, public functions and education.

⁴ See Code of Practice on Employment, para 2.53.

Four of these cases - Eweida, Chaplin, Ladele and McFarlane - progressed all the way to the European Court of Human Rights (ECtHR) in Strasbourg (*Eweida et al v the UK, 2013*). In the judgment, the ECtHR, while finding against Chaplin, Ladele and McFarlane (i.e. that they had not been unlawfully discriminated against because of religion or belief), stated that employers should give greater consideration to taking seriously requests related to the religion or belief of employees (Eweida won her case).⁵ Further details about these cases and their progression through the courts can be found in Appendix B.

Weller et al (2013) in their book *Religion or belief, discrimination and equality* have charted in detail the extent of discrimination and unfair treatment because of religion or belief, as well as the recent trends, by comparing the findings with an earlier study carried out in 1999-2001. The report based on a large-scale 2011 survey of religion or belief organisations in England and Wales, suggested that at the beginning of the 21st century, 'there has, in general, been a reduction in the reported experience of unfair treatment on the basis of religion or belief'. However, it also showed 'substantial levels of reporting of unfair treatment on the basis of religion or belief in important areas of people's lives'. Moreover, certain religious groups, in particular Muslims, Pagans and New Religious Movement organisations, reported higher levels of unfair treatment than others, while 'many people who identify with a religion are only very generally aware of their new legal rights.'

It, however, remains the case that while we have some knowledge of the issues involved in reported tribunal cases (e.g. the wearing of religious symbols, or time off work for religion or belief reasons) we do not know whether these represent the range of different types of religion or belief discrimination and claims of unfair treatment. The introduction of fees in Employment Tribunal cases in July 2013 has reduced the number of claims that are made (including on grounds of religion or belief) thereby making it less likely that in future tribunal cases will capture new trends of discrimination.⁶

⁵ See the EHRC guidance on these judgments at: <http://www.equalityhumanrights.com/your-rights/equal-rights/religion-and-belief>

⁶ In April-June 2014, 79 individual claims on grounds of religion or belief discrimination were accepted by the Employment Tribunals, compared with 220 in the same period in 2013, a 64 per cent reduction.

See <http://www.newstatesman.com/staggers/2014/09/new-fees-cause-70-cent-drop-employment-tribunal-cases>; <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2014>

There is even less evidence about the type of requests that do not ultimately result in discrimination claims being lodged. There is a lack of knowledge about whether employers and service providers tend to accept or reject requests and how employees and customers respond if their request is turned down. We also do not know the wider impact on others if a particular request related to the practice of a religion or belief is granted to a particular employee or group of employees.

There is also a lack of knowledge about the extent to which employees or service users consider that they have experienced unfair treatment because of religion or belief, but do not make a request for their beliefs to be accommodated, perhaps because they lack awareness that they are able to do so, or consider that there would be no value in doing so. This call for evidence was carried out in order to try to shed light on these issues.

1.2 Study aims

The aim of the study was to gather qualitative evidence on the experiences since January 2010 of people with and without religious or other beliefs in the workplace and service delivery and to explore the views of a range of individuals and organisations on how well the current legislation is working. In particular the objectives were to capture:

- The direct and personal experiences of individual employees and service users and how those experiences had been dealt with by employers and service providers.
- The views of employers and service providers in order to understand how they dealt with any requests from employees, job applicants and service users related to the practice of their religion or belief.
- The views of legal and advice organisations, and other organisations such as religious organisations, to provide a rich, multi-dimensional perspective on how religion or belief is experienced in the workplace, service delivery and society more widely.

1.3 Methodology

As a call for evidence, the study did not aim to measure the extent of perceived religious discrimination and unfair treatment because of religion or belief. Instead it

used a qualitative approach that sought to map the fullest possible range of experiences and views relevant to the aims of the call for evidence. A purposive approach to sampling was used in which individuals, groups and organisations were invited to take part in order to ensure the widest possible range of views and experiences was gathered.

Recruitment

The 'call' ran from **14 August to 31 October 2014 and used a purposive and snowball approach to recruitment**. Individuals from England, Scotland and Wales, with an experience related to their own religion or belief, or that of others, in the workplace or the provision of services were invited to take part. NatCen and the EHRC established a comprehensive list of organisations and individuals who might be able to assist us in publicising the call. These included organisations representing people with or without a religion or belief; organisations representing employers (including small and medium sized employers – SMEs); organisations representing service providers; organisations in the equality, advice and legal sectors; and trade unions.

We used email, press releases and media coverage (national and specialist press and radio), social media (e.g. blogs and twitter), and telephone and face-to-face meetings to encourage participants to take part. The EHRC and NatCen also asked external contacts to use similar methods to encourage their members, networks and supporters to do likewise. Some national organisations issued their own statements encouraging participation. We also used a snowballing approach, which meant that, wherever possible, we asked participants to let other people who might be interested in taking part know about the call for evidence.

Participants could choose the capacity in which they wanted to take part and whether they wanted to participate in more than one of the six possible categories: employee, employer, service user, service provider, organisation, and legal and advice service. The six categories were not of course mutually exclusive. Thus some individuals could equally validly have responded either as an employee or as an employer and some organisations could have responded instead as a legal and advice services provider. In a few cases, responses in one category have been reallocated to another category where it was clear that their responses came from a different perspective from the one they had chosen and related to issues being discussed within a different capacity.

To ensure a range and diversity of views, we monitored the characteristics of participants, including their religion or belief, their denomination (for Christians only),

sexual orientation, country and sector on a weekly basis. We included a question about Christian denomination because Christians were expected to comprise the largest group of respondents by religion and it was thought that the issues raised by Christians of different denominations might vary.

Additional, more targeted recruitment was undertaken where gaps in the sample were identified as a result of this weekly monitoring. We also monitored for standard responses from particular groups or perspectives. During recruitment we emphasised that the qualitative nature of the sample meant that large numbers of similar responses did not lend greater weight to them. This message appeared to have been understood as there was only one instance of standardised responses. Where we received large numbers of similar responses, we used further targeted recruitment to ensure that alternative views, perspectives and experiences were also included.

Data collection

We used the online survey tool IBM Data Collection to collect participant characteristics and responses to a number of qualitative questions. Where participants might have found it difficult to take part, provision was made for them to submit equivalent length responses by printing off the questions and emailing or posting their submissions. We also offered the option of participants giving their responses by telephone to a researcher who would type them into the online data collection tool, although no one took up this option.

Given the different focus of each category, the number of questions and the content included in each submission type varied. The questions and the focus of each capacity type were discussed and agreed with the EHRC. Generally, the different areas of discussion across the capacity types included examples of discrimination, what was done, what happened as a result, what could have been done differently, whether the law is working, and whether it needs to be changed. Participants could choose to respond anonymously or to have their responses attributed to them. Organisations are named in case illustrations and quotations where consent was given.

The questions used to gather information in relation to each group of participants are shown in Appendix C.

Analysis

Qualitative written submissions received online, by email and by post were analysed thematically. Since the call for evidence used a purposive and snowball sample, the views captured in this report were not randomly sampled and cannot

be generalised to the wider population; nor can statistical significance be attributed to the numbers provided in this report. Statistical information gathered and represented was for sample monitoring purposes only and the information should be interpreted in this light.

Sample

2,483 individuals or organisations took part in the call for evidence, representing a range of religion and belief views, ethnicities, sectors and industries, and perspectives. Table 1.1 summarises our achieved sample for participants that submitted **full** responses online in relation to the specific questions that were asked. Further information about participants who submitted accepted responses⁷ by email or on paper are given in each chapter. Full details about the profile of each capacity group are included at the beginning of each chapter. Further information about the breakdown of each sample group is included in the appendices relevant to each chapter (see Appendices E to J).

⁷ Some responses received by email or on paper were not included in the statistical tables where they were very long (in some cases up to 20 pages) and/ or did not directly address the aims of the call for evidence. A few responses which were received after 31 October were included, but are also not reflected in the statistical data on the sample. Every effort was made to include relevant responses where possible.

Table 1.1 Profile of achieved sample

	Count
Employees	1,636
Employers	67
Service users	468
Service providers	108
Legal and advice	23
Organisations	181
Total	2,483
Base: Capacity in which participants took part	

1.4 Reading this report

The report is organised in relation to the capacities in which participants took part and the issues raised by each group. The views of employees and employers are discussed in Chapters 2 and 3. Those of service users and service providers are examined in Chapters 4 and 5. Chapter 6 considers the views of organisations (both those with a religion or belief and those without) on the key issues. Chapter 7 explores the views of participants working in the legal and advice sectors.

Given that this was designed from the outset as a qualitative and not a quantitative study, we have tried to capture the fullest range of experiences and views that it was possible to achieve. However, the sample was not randomly selected and claims cannot be made about the statistical representativeness of the views to a wider population. Statistical tables included are for sample monitoring only and should not be taken to describe the prevalence of views. Most information about the achieved sample is referred to in the relevant appendices.

All calls for evidence are also subject to the willingness, commitment and capacity of different individuals and organisations to participate themselves (and encourage others to do so). This was particularly relevant for this study with regard to religion or belief organisations. For example, some Christian denominations and some secular and humanist organisations are more centralised and structured than other religion or belief groups and this was reflected in the number of responses received from different groups. Nonetheless, our aim was to represent the range of different views received within the call. Thus where we received a greater number of responses

related to particular views, we did not necessarily give those views greater attention. We have represented the views of participants as authentically as possible, even where they describe activity which may be unlawful under current equality and human rights law.

Most participants chose to take part anonymously unless otherwise stated. Quotations and case examples are labelled according to the sample information that is most relevant to each case, while still protecting confidentiality and anonymity. A list of individuals or organisations willing to be named in the report is given in Appendix D.

1.5 A note about the language in the report

Some of the findings in this report record respondents' perceptions of experiencing discrimination or harassment related to their religion or belief. There is no intention to suggest that all these experiences would fulfil the technical definitions of discrimination or harassment under the Equality Act - although many would no doubt do so.

2 | Employees

This chapter looks at issues from the call for evidence from the perspective of employees. First, we describe the profile of the participating respondents, such as the sectors they worked in, the size of their organisations and their self-identified religion or belief. Next, we summarise the four main issues reported by employees before providing a detailed account of these types of issues. Where sufficient detail has been provided by participants, we draw out their suggestions for possible ways of addressing the issues described. After that, we explore the reasons why employees responded in different ways to the issues they experienced. We then present the views of employees about the effectiveness of the law at protecting those with or without a religion or belief. Lastly, we discuss the sources of advice on religion or belief in the workplace that employees accessed in relation to the issues they presented.

It should be emphasised that the information provided is from the perspective of the employees concerned only. The call for evidence methodology did not permit us to explore the perspective of their employers about the issues described.

2.1 Number and profile of employees

1,636 employees participated in the call for evidence, representing the single largest group of participants in this study. Employees were drawn from a wide range of sectors. Over half of all employees (881) were employed in public administration and education, with transport and communications (143) and banking and finance (97) providing the next largest groups amongst those currently employed. Table 2.1 below provides more detail about the sectors in which employees were based.

Table 2.1 Which of the following best describes the sector that you work in?

	Count
Agriculture, forestry and fishing	9
Energy and water	23
Manufacturing	35
Construction	31
Distribution, hotels and restaurants	19
Transport and communications	143
Banking and finance	97
Public administration and education	881
Arts, entertainment and other services	89
Medicine and health	44
Social care and services	53
Military, crime and justice	76
Retail and sales	39
Other (e.g. retired, unemployed, research and policy, N/A)	97
Total	1,636
Base: Participants in employee capacity	

We received contributions from a good range of participants in terms of the size of employer for which participants worked, including employees who worked in organisations and businesses with fewer than ten staff through to workplaces of more than 250 employees (see Table 2.2 below).

Table 2.2 Which of the following best describes the number of employees in the workplace?

	Count
Fewer than 10	110
10-49	316
50-149	223
150-249	85
250+	822
Don't know	54
Prefer not to say	26
Total	1,636
Base: Participants in employee capacity	

Responses came from employees based in England, Scotland, Wales, Northern Ireland and internationally from the Netherlands, Germany and New Zealand. Although the scope of this study was focused on Great Britain, we did not rule other contributions out completely provided they gave information that would be relevant in the British context.

Most employees stated their religion or belief (only 20 out of 1,636 preferred not to do so). They did so by selecting one religion or belief from a list of the numerically largest groups (as measured in the 2011 Census of England and Wales); it was also possible to write in an alternative religion or belief. Table 2.3 below outlines the types of religions or beliefs that employees held.

As shown in Table 2.3, Christians comprised the highest number of respondents (1,030). This was followed by Atheists (188). There were also more than 40 responses from four other groups: Agnostics, Humanists, Muslims, and those who described themselves as of no religion or belief or non-religious. Despite extensive efforts to promote the call for evidence amongst Buddhist, Hindu and Sikh organisations and individuals, relatively few employee responses were received from these three religions. The high number of Christian and Atheist responses, in particular, is reflected in the sometimes polarised nature of the issues raised.

As noted, Christians were also asked to state their denomination and again most did so. As Table 2.4 shows, while we received most responses from employees who described themselves as Church of England or Anglican (256), there were also a high number of responses from employees who were from Independent churches

(134), Pentecostals (128), Baptists (109), Roman Catholics (106) and 'New' churches or denominations (58). Other information about the profile of the employee sample can be found in Appendix E.

Table 2.3 What is your religion or belief?

	Count
Agnostic	42
Atheist	188
Bahá'í	23
Buddhist	14
Christian	1,030
Hindu	16
Humanist	47
Jain	1
Jewish	37
Mixed Religion	8
Muslim	58
No religion or belief/ non-religious	64
Pagan	15
Rastafarian	1
Sikh	21
Spiritual	12
Spiritualist	5
Wicca	11
Other	23
Prefer not to say	20
Total	1,636
Base: Participants in employee capacity	

Table 2.4 Which of the following best describes your denomination?

	Count
Church of England/ Anglican	256
Roman Catholic/ Catholic	106
Presbyterian/ Church of Scotland	53
Church in Wales	7
Methodist	30
Baptist	109
Pentecostal	128
Orthodox	4
Independent churches	134
'New' churches or denominations	58
United Reformed Church	6
Other	120
Prefer not to say	19
Total	1,030
Base: Participants in employee capacity	

2.2 Types of issues among employees

The responses of employees about their perceived discrimination, unfair treatment and other issues could be grouped into five main categories. These were:

- **No or few issues.**
- **Perceived discrimination** - this included during recruitment, in work conditions and in relation to promotion.
- **Perceived harassment** - this covered both perceived harassment of staff, who did not hold religious beliefs by staff with a religion, and of staff with a religion or belief by Christian colleagues.
- **Alienation at ceremonies and events** - this covered faith-based events and company events in religious venues.
- **Reasons for no response to discrimination that was experienced.**

Table 2.5 below shows a summary of issues by category. It also shows the suggestions that employees outlined to address the issues that were raised. The issues and suggestions are discussed further in the sections that follow.

Table 2.5 Summary of issues and suggestions to resolve them among employees

Experience	Type of issues	Suggested solutions by employees
No or few issues	<ul style="list-style-type: none"> • Religion seen as a private matter • Diverse/accepting workplaces • Ignored the issue e.g. 'laughed it off' 	<ul style="list-style-type: none"> • Employees and management engage in open dialogue around various religions • Employees and management challenge religious stereotypes through multi-faith employee groups and events • Management acknowledges receipt of employee concerns
Perceived discrimination	<ul style="list-style-type: none"> • Recruitment e.g. job offer retracted after religious holidays discussed; faith-based schools restrict applicants to those with a Christian ethos; manager recruits staff from his church; no categories for Humanist, Pagan, Roman Catholic or Agnostic on equality monitoring forms • Work conditions e.g. Catholic school wanted an unmarried pregnant humanist teacher to wear a fake wedding ring; Christian staff refused to work with gay colleague • Overlooked for promotion e.g. Muslim employees perceived they were 	<ul style="list-style-type: none"> • Management to review and implement more inclusive company practices/ procedures/ events • Management to make religious ethos and expectations of workplace explicit • Management to improve grievances/ complaints processes e.g. to take complaints more seriously, and make the process for addressing issues easier • Employees to raise issues through workplace procedures, including speaking with HR and senior colleagues • Apply flexible working practices across workforce in equal and fair ways • Management to consider capacity and staffing needs more

	<p>overlooked compared to non-Muslim colleagues; Buddhists thought they were viewed as unassertive and not promoted</p> <ul style="list-style-type: none"> • Time off for religious holidays and opting out of working holy days e.g. difficulty for Muslim, Jewish and Pagan participants taking time off; resentment from Atheist staff that staff members with a particular religion or belief get time off • Overuse of shared facilities by religious staff e.g. Christian and Muslim staff sometimes viewed as having 'take(n) over' multi-faith rooms • Managing work for non-religious staff when staff pray or take time off e.g. Hindu colleague of respondent left to pray mid-shift and deadline missed as a result • Other issues e.g.; health and safety issues about staff fainting from fasting during Ramadan 	<p>effectively</p> <ul style="list-style-type: none"> • Apply a maximum room booking rule for each group • The EHRC and Government to monitor religion or belief in the workplace to ensure law not abused
<p>Perceived harassment</p>	<ul style="list-style-type: none"> • Dismissive attitudes and mocking of religion or belief • Unwelcome preaching e.g. staff criticised for not having a religion; senior staff proselytising junior staff; dismissive attitudes to staff of a different religion 	<ul style="list-style-type: none"> • Employees and management to support better understanding of different religions, of those with no religion and of all protected characteristics to remove ignorance and educate on respectful interactions • The EHRC and Government to signpost advice and support

	<ul style="list-style-type: none"> • Perception that Christians get away with ‘intolerant’ views in the workplace e.g. homophobic and misogynist harassment by Christian colleagues; anti-Semitic comments; Muslim ridiculed for fasting 	<p>services related to religion or belief more effectively</p> <ul style="list-style-type: none"> • Employees to raise the grievances that have hurt or upset them with the persons causing the offence in order to educate them, point out the offence and to challenge their views
<p>Alienation at ceremonies and events</p>	<ul style="list-style-type: none"> • Alienation of staff without religion, and those of faiths other than Christianity • Meetings start with prayer in secular workplaces • Non-religious army personnel required to attend Christian remembrance services • Atheist professors concerned that university graduation ceremonies had religious elements • Workplace events held in churches alienated non-religious staff and those with other religions 	<ul style="list-style-type: none"> • Management to review and implement more inclusive company practices/ procedures/ events • Employees decline to take part in religious activities or events hosted in religious venues
<p>Reasons for not responding to experience of discrimination</p>	<ul style="list-style-type: none"> • Fear of repercussions (e.g. negative impact on career prospects, impact on reputation, fear of embarrassment or ostracism, intimidation by senior staff) • Lack of confidence to challenge the issue due to fear of making the situation worse or because no previous action was taken • Pressures not to make complaints 	<ul style="list-style-type: none"> • Improve the religion or belief inclusivity of the workplace • Improve awareness of equality and human rights legislation among employees and employers

- Lack of knowledge about the law.

2.3 No or few issues

A recurring view among some employees was that there were no or few negative issues related to religion or belief in their workplaces. This was reported across different sectors and sizes of employer. The reasons for this varied. They included that religion was seen as a **private matter** or because some workplaces had created a **diverse and accepting environment** for staff. While issues were sometimes described as being ignored, **'laughed off'**, or to be **'kept at home'**, this did not necessarily translate into there being no issues as it is possible that this approach suppressed open dialogue and acceptance of religion or belief.

However, there were experiences of positive work environments where employers were described as being supportive of different religion or belief needs. A Jewish employee explained, 'I feel comfortable in my place of work. I am supported when I need it' (Jewish, Public Sector, 150-249 employees). Workplaces that utilised staff diversity and staff multi-faith groups to discuss religion or belief and promote awareness of it in the workplace were often organisations where employees said that they had no issues. Additionally, employees who said that their employers readily acknowledged receipt of their complaints and addressed reported concerns felt that there were no or few issues related to religion or belief in their workplace.

2.4 Perceived discrimination

Legally, direct discrimination because of religion or belief occurs when someone is treated less favourably than another person because of their religion or belief or lack of religion or belief. Indirect discrimination occurs when a condition, rule, policy or practice applies to everyone but disadvantages people who share a protected characteristic, and this cannot be justified as a proportionate means of achieving a legitimate aim. In contrast, direct discrimination because of religion or belief cannot be justified.

Perceived discrimination among employees who participated in the call for evidence included experiences relating to:

- **The recruitment process.**

- **Work conditions**, including:
 - workplace procedures at odds with a religion or belief;
 - securing time off for religious festivals and holy days;
 - managing deadlines and workload problems related to an employee taking time off to observe a religion or belief;
 - overuse of shared facilities by staff who held a particular religion or belief;
- **Promotion and progression.**

Examples of these different types of perceived discrimination were expressed by employees from a range of religions or beliefs and those of no religion or belief. While some employees described their experiences as direct or indirect discrimination, insufficient contextual detail means it is unclear whether the issue raised would have met the legal threshold for either form of discrimination. As a result, we discuss perceived discrimination as one category. Where examples are clearly indirect or direct discrimination we note this.

Recruitment

Four issues emerged in the area of recruitment:

- **Applicants felt job opportunities were restricted because they did not share the same religion or religious beliefs as their employers** - for example, a Muslim employee felt discriminated against when time slots for job interviews were only held during Eid and on Fridays when prayers would occur and there was no option to reschedule. A Christian employee also described having a job offer retracted when the subject of time off for religious holidays was discussed. Non-Christian employees thought their access to jobs in faith-based organisations and schools was restricted where a requirement to share the religious ethos of the organisation was emphasised during recruitment. An Atheist employee applying for a marketing role in a Christian charity decided not to pursue the employment once she had learnt that she was required to sign a commitment to abide by the Christian values of the organisation. She felt that this requirement was unfair and that it should be unlawful under current equality legislation.
- **Employers and managers were seen to be recruiting only people who shared their religious views** - for example, a manager recruited new staff from his church. This was felt to discriminate against other potential applicants and also resulted in existing staff who did not share his religion feeling isolated in the workplace.

- **Applicants felt they were asked to choose between religious dress (manifestations) and a job** – for instance, an employee practising Vaishnavism said:

I was applying for a job at one hotel in London and it was suggested to cut my shikha (which is a special haircut according to our religion) if I want to get a job. When I said that this was a religious thing - the person who interviewed me said 'is that so important to you' meaning - choose religion or job.

— Vaishnavism, Private Sector, fewer than 10 employees

- **Failure to recognise a person's belief in categories available on application forms** - a particular issue amongst Humanist, Pagan, Roman Catholic and Agnostic employees was the lack of appropriate categories for their religion or belief on application forms. In addition there were also concerns about categories for marital or relationship status, which were regarded as linked to hostile views about civil partnership, cohabitation outside marriage and marriage of same sex couples. For example, a non-denominational Christian was concerned that there was no option on a Church of England application to declare his relationship other than as a heterosexual marriage.

Work conditions

Workplace procedures at odds with employee religion or belief

Perceived discrimination in relation to workplace procedures was reported by both religious and non-religious employees. There were instances where employees were asked to comply with conditions of employment in line with views that they did not hold themselves. For instance, a person working in a health care setting said that he had been given a practical guide to religion and belief in the workplace that said that, 'It is vital that the personal religious beliefs of health care or other staff do not impact on the care given to patients' (Health Service Manager, Public Sector, 10-49 employees). He felt it was impossible to abide by its requirements because his Christianity was essential to the way he practised his work.

A recurring theme amongst Christian employees in particular was the pressure they perceived to keep their religious views hidden at work. What they regarded as the inability to express their religion, for example through religious symbols, was seen by them to be indirect discrimination since some employees felt staff of no religion, or of other religious beliefs, were allowed to wear non-religious forms of jewellery and symbols. As one Catholic participant put it:

The wearing or 'showing of' crucifix, rosary or any other Catholic jewellery was forbidden, yet nose rings, tongue piercings and tattoos were ok.

— Catholic, Public Sector, more than 250 employees

Some Church of England/ Anglican employees also described wanting to 'educate' staff about alternative views to evolution; that same sex couples were having and adopting children that they assumed colleagues were unaware of and would go against their views; and about the number and nature of legal abortions with which they disagreed. They argued that they faced pressure from management to accept the established organisational values of what they viewed as more 'politically correct' and 'neutral' views.

By contrast, non-religious participants also said that they experienced unfair treatment and discrimination in their work conditions. A pregnant Humanist teacher working in a Catholic school recounted that:

As an unmarried woman, I was told I was not allowed to talk to the children about my 'condition', and that I would struggle to gain a promotion in any local school. I was also advised to wear a pretend wedding ring. I didn't do this. I applied for other jobs and now work in a non-faith school.

— Humanist, Public Sector, 50-149 employees

Lesbian, gay and bisexual staff also said that evangelical Christians had refused to work with them. An example was an incident witnessed by another member of staff where she said that she:

Intervened in an 'altercation' when a religious member of staff was getting aggressive because her colleague did not agree with her religious belief and was told to back off because I was going to burn in hell because of my sexual orientation, which was not 'biblical'.

— Anonymous Individual, Legal and Advice capacity

Securing time off for religious festivals and holy days

Many employees did not experience any problems in securing time off to attend religious festivals or for opting out of working on holy days, such as Sundays to attend Mass. A Jewish employee, for example, said:

I regularly take days off work for Jewish holidays. This is always accepted without question or comment. I am happy to take these days as annual leave, as I believe it would be impractical to allow all employees to take off all religious holidays outside annual leave.

— Jewish, Public Sector, more than 250 employees

Where securing time off had not been an issue, this was because:

- The employees concerned provided sufficient and formal notice outlining the reasons for taking time off;
- Their employers said that they had sufficient resources to cover those days and sufficient time to get cover in place.

While some employees were content with this approach, others expressed their frustration at having less annual leave compared to their Christian colleagues, as a result of having to use annual leave for religious holidays while being required to take Christian holidays, such as Christmas, off as well. A Kemetiic employee explained the impact of using annual leave for religious holidays on her entitlement to time off. She said that her boss did the best he could to be accommodating, but the business was short staffed:

All my days of worship have to come out of my 28 days holiday per year or should I say 20 days because of bank holidays and Xmas which I don't celebrate.

— Kemetiic, Public Sector, fewer than 10 employees

There was also perceived discrimination amongst Muslim, Jewish and Pagan respondents who said that their requests for time off for religious holidays had not been accepted by their employers. This situation could sometimes be made more difficult when there were followers of the same religion in the workplace who were not observant to the same degree and did not ask for the same days off. For example, an Orthodox Jewish participant explained his need to take time off from work before Sabbaths and festivals, but felt he had been prevented from doing so because another Jewish colleague had not asked for the same:

This was exacerbated when another Jewish colleague, who did not share my level of religious commitment, did not ask for such a dispensation. The comment 'Well X doesn't want to leave early, so why do you?' was very challenging, especially in my early days at work, as a very junior staff member.

— Orthodox Jew, Public sector, 150-249 employees

The fact that employers often had difficulties in treating all employees fairly in relation to time off for religious holidays (see section 3.2) was also reflected in the views of employees. Both Atheist and non-religious employees expressed resentment towards religious colleagues for taking time off. This was because they viewed their managers as 'giving in' to requests without considering equitable time off for those who did not hold religious views.

Managing deadlines and workloads

The perception of more favourable treatment also extended to the management of work and deadlines when staff holding religious beliefs took breaks to pray. This view was particularly held amongst staff who did not have a religion or belief and Atheists who felt disproportionately affected by the religious observances of their colleagues. For example, an Atheist employee said that he was blamed for a missed deadline when his Hindu colleague left to pray mid-shift and this had resulted in less staff capacity to finish the work. Managing workloads fairly was of particular concern when Muslim staff were fasting during Ramadan because they were perceived to be less productive and efficient, resulting in more work for other staff.

Overuse of shared facilities by religious groups

Some employees said that multi-faith rooms were being co-opted by Christian or Muslim staff without allowing employees of other faiths to use the room. A similar concern was expressed that, where there were no prayer or faith rooms, meeting rooms were being used for religious purposes when they were needed for more pressing business needs. Non-religious staff and staff of other religions felt that their work was being compromised since they did not have access to the resources they needed.

Progression and promotion

Muslim, Jewish, Humanist and Atheist employees felt that their Christian colleagues progressed more readily in their places of work when management was predominantly made up of Christian staff. Muslim employees, in particular, felt that

they were overlooked for promotion in favour of non-Muslim colleagues, although they did not give specific examples of where this had happened. In another example, an employee who did not wish to share their religion described an experience of direct discrimination:

My employer, [organisation name omitted], a firm of accountants informed me, after I had been working for several months, that I would not get promotion to Partner unless I attended office prayers and practised as an evangelical Christian.

— Prefer not to say, Private Sector, 10-49 employees

There was also one example where a Christian member of staff felt that Atheist colleagues enjoyed faster promotion than Christians. More generally, employees who did not share the religion or belief of senior management in their workplace believed that they were overlooked for promotion compared to colleagues who did share their religion or belief.

2.5 Perceived harassment

Sometimes an individual's freedom to speak about their religion or belief in the workplace is perceived as harassment by other people. Harassment is defined by the Equality Act as unwanted conduct related to a protected characteristic, including religion or belief that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.⁸ Three issues emerged among employees related to perceived harassment:

- Dismissive attitudes and mocking of a person's religion or beliefs.
- Unwelcome preaching/ proselytising.
- The perception that Christians 'get away with' expressing 'intolerant' views, towards people of other religions and beliefs and towards LGB colleagues.

⁸ <http://www.acas.org.uk/religionorbelief>

Dismissive attitudes and mocking of a person's religion or beliefs

Employees across different religions and beliefs described experiences of their beliefs being mocked and ridiculed in ways that sometimes led to feelings of harassment. This behaviour took various forms, from verbal abuse and dismissive attitudes, through to overt exclusion from projects and meetings, or a sustained pattern of harassment.

Such mockery was especially strongly experienced by people with religious beliefs outside of the major world religions. Pagan and Wiccan employees particularly felt that a lack of religious literacy and awareness of their beliefs led to their religion being ridiculed in the workplace. For example, a Pagan said: 'I have been laughed at and asked if I ride a broomstick or tell fortunes' (Pagan, Public Sector, more than 250 employees). Pagan staff also described being mocked for their belief with some colleagues calling them 'witches' and 'Satanists'. Vegans also felt that they were mocked or not taken seriously. A Vegan employee explained:

I'm derided for being 'fussy' and either teased about my beliefs or have been faced with outright sarcasm/ rudeness. Despite working for an animal welfare charity, vegetarians/ vegans are openly laughed at and used as the topic for public put-downs.

—Vegan, Charity Sector, more than 250 employees

Christian employees from a range of denominations also described experiences of being ridiculed as a result of their religious views. Phrases they found offensive were expressed (e.g. 'people who believe in an old man with a beard' or being 'happy clappy'). It was stated that these comments were made persistently and that the staff who made them received less reprimand than those who made similar comments about Muslim employees.

Some Christian employees felt that stereotypes about Christians were unfairly applied to them. An employee described being accused of being homophobic simply for admitting to being a Christian. Other Christian employees talked openly about their views on sexuality and marriages of same sex couples and as a result faced criticism from colleagues of other religions or beliefs, or of no religion or belief. A Presbyterian nurse involved in family planning suggested discussing abstinence with teenage clients as one of the many approaches to preventing sexually transmitted diseases and reported being treated with disdain and ostracised by colleagues (Presbyterian, Public Sector, more than 250 employees).

‘Preaching’ or ‘proselytising’ seen as unwelcome by other employees

Employees from other religions and with no religion felt that some Christian colleagues engaged in forceful preaching and proselytising while at work. An employee without a religion or belief stated that:

A new employee started preaching the Bible to me and to join his movement. He said I'd be better for believing In Christ.

— No religion, Financial Sector, 10-49 employees

There were examples of this behaviour amongst staff of the same level of seniority and from senior staff towards junior staff. Atheists and Humanists in particular described ‘relentless and unwelcomed preaching’ and criticism for not having a belief. An Atheist described the way in which his manager went to great lengths to proselytise the employee in the workplace once learning the employee was not religious:

After I said I was an Atheist he wouldn't let me leave for more than half an hour as he tried to make me believe what he did. He even started making up some story about seeing a wheelchair user regain the use of his leg, but when I said that can happen sometimes without the need of divine intervention, he changed the story to say the man had no legs and he witnessed them grow back. It threw me how desperate he was to try to make me believe in the supernatural, like my lack of belief was a threat to him somehow.

— Atheist, Private Sector, unspecified number of employees

Perception that Christians ‘get away with’ expressing hostile or prejudiced views

A similar yet distinct issue was that Christians were seen to ‘get away with’ expressing intolerant views and behaviours. It was argued that comments by Christians were directed towards LGB employees, Jewish people, Muslims, Atheists and towards non-Christians in general. Examples were:

- A **gay Atheist** who was told by a Christian colleague that he was a bad father for his ‘choices’.
- Christian employees who were heard to make **anti-Semitic comments** towards Jewish colleagues.
- **Muslim staff** ridiculed for following Ramadan, and one Muslim member of staff who was referred to as a terrorist by a group of Christian colleagues.

- A Christian trainer who commented during a training day that he was 'more moral' than non-Christians.

An important feature of these comments was that participants felt that religious beliefs were used as an excuse for what they regarded as intolerant behaviour. As one gay Atheist employee explained:

I have also felt that others have hidden behind their religion to make homophobic comments about me, as well as misogynistic comments about women in the workplace.

— No religion, Public Administration, 10-49 employees

Towards lesbian, gay, bisexual and transgender employees

Not all LGBT employees experienced the expression of hostile views by Christian colleagues. However, some LGBT employees reported this as a particular concern. A member of an LGBT network in Wales, who preferred not to share her religion, explained the pressure she faced by management to allow the hostile views of a Christian colleague to go unquestioned because of the negative effect it might have on the LGBT network

Another member of staff phoned me, said she was a Christian, and actually started yelling at me 'Don't you know if you're a man or a woman!', 'You're gonna burn in h*ll!', etc. My Manager put immense pressure on me not to do a formal complaint; said she was just expressing herself, it would hurt the network, etc. The woman went on to verbally abuse other LGBT staff, and was not dealt with.

— Prefer not to say, Public Sector, more than 250 employees

Employees with or without a religion or belief who identified as lesbian, gay and bisexual also described experiencing overtly dismissive attitudes from religious colleagues. An agnostic man explained:

My line manager and I are both gay and were discussing an area of work we lead with the senior lawyer. Either I or my line manager would ask him a question and he would direct his answer to the other employee in the room. It was very rude and demoralising. I think he did this because we are both gay/lesbian and he is religious.

— Agnostic, Public Sector, 150-249 employees

Another respondent stated:

In my current workplace, a number of colleagues have made it clear that they are practising Christians. One of these has been a very supportive person to work with. However, others have not been very nice to me because they have found out that I am gay. This is not discrimination, but more things they can get away with, such as being a bit dismissive of you where you have no heterosexual comparator to use as evidence of discrimination.

— Gay Male, Agnostic, Private Sector, 250 or more staff

Two ways forward were suggested by LGBT Christians. The first, made by a person who described himself as gender queer suggested emphasising ‘more liberal’ religious views, which he thought were rarely heard over conservative ones. Another was to join organisations supportive of LGBT Christian rights at work. For example, one gay Anglican said he had joined the trade union *Unite*’s faith workers section as a way of obtaining support appropriate to him.

2.6 Alienation at ceremonies and events

Some respondents reported feeling alienated at workplace ceremonies or events that were faith-based or held in places of worship. One respondent reported discomfort at meetings in a non-religious workplace beginning with prayer. An Atheist academic was concerned that university graduation ceremonies had religious elements and were held in a religious venue. Some non-Christian army personnel felt that Christian remembrance services, which all were required to attend, were alienating for personnel with other religions or beliefs and those with no religion or belief.

Employees in other sectors were concerned with workplace events being hosted in religious venues, such as churches. For example, an Atheist employee described:

Conferences and meetings held in Christian facilities with Christian iconography because these are 'free'. On one occasion the Christian Centre had large displays throughout the building of anti-Islamic hate literature. Our organisation gives a donation to the Christian denomination in exchange for the use of their facilities...The Christian denomination then uses some of the money to campaign against the work I do (e.g. sex education in schools, anti-homophobia work, etc.).

— Atheist, Public Sector, more than 250 employees

However, not all non-religious staff raised such concerns.

2.7 Reasons for no response

Employees gave four main reasons for not trying to address the perceived discrimination, harassment or feelings of alienation they experienced. These were:

Fear of repercussions

Some feared repercussions for raising the issue, including:

- **Jeopardising their job or career prospects** - 'I don't feel there is any point, as this could make the working environment difficult' (Muslim, Public Sector, 50-149 employees); 'As a young probationer I was frightened and scared about career prospects and getting a bad reference' (No religion, Public Sector, more than 250 employees.)
- **Reputational consequences** - the descriptions included that employees feared appearing prejudiced, confrontational or too passionate.
- **Embarrassment and ostracism** - some were concerned about losing face and experiencing social isolation in the workplace.
- **Intimidation by senior staff** - junior employees chose not to respond to unwelcome preaching because they were intimidated by management and expected the latter to side with the person causing the offence.

Lack of confidence

Some employees lacked the confidence to raise the issue because:

- **Raising the issue would make them seem more unusual or alone** - for example, a Jain participant faced what he perceived as harassment from a

Christian colleague who appeared ignorant of his beliefs. He felt that raising the issue would create more confusion about his religion and make him stand out more. Other participants felt that only they were upset by the issue since other people of the same religion or belief did not seem concerned.

- **Previous action did not result in improvements to the situation** – ‘At times you get tired repeating the same issues therefore remain quiet for an easier life’ (Muslim, Public Sector, 50-149 employees); ‘I’ve given up asking for vegan options as it seems unlikely that hospital management have any intention of listening!’ (Spiritualist, Public Sector, unspecified number of employees).

Pressure from others not to respond

Some employees experienced pressure from others not to respond:

The operational manager's pressure to not put in a formal complaint was constant; along with the threat that it would hurt the LGBT network.

— Prefer not to say, gender queer, Public Sector, more than 250 employees

Lack of legal knowledge

Some employees also lacked legal knowledge and awareness of the complaints procedure. They said that they were uncertain of the meaning of the law. Some employees from organisations described breakdowns in the complaints processes in their workplace:

The organisation I worked with should have investigated my two grievances properly and adhered to their own Equality and Diversity policies.

— Spiritual, Charity Sector, 10-49 employees

It was unclear from the description provided why this happened.

While participants perceived there to be a lack of care in addressing the issue, a breakdown in complaints procedures may be due to lack of capacity to review and process the complaint. One Muslim said, ‘Accountability structures [need] to be made clearer’ (Muslim, Public Sector, 10-49 employees).

2.8 Views on the effectiveness of the law

We asked participating employees about their views on the effectiveness of the law to protect people generally, those with a religion or belief specifically, and other people whose rights might be affected by religion or belief issues. The responses to these questions are described below and shown in Appendix E. Caution should be taken in interpreting the accompanying numbers as the call for evidence is not representative of the wider population. These numbers are given as a guide only.

Overall Christian employees who participated in the survey wanted more protection for all employees, whether those employees had a religion or belief or not. Over half of all participating employees felt the law should provide more protection for all people (887 out of 1,636 responses). Christians, and also Muslim employees, were the groups more likely to express the view that the law should provide more protection to people with a religion or belief. Almost half (781) of all participants expressed this. A third of employees (560) felt that the law should provide more protection to other people whose rights might be affected. Unsurprisingly based on the emerging themes discussed above, this was the predominant view of Atheists and Humanists.

2.9 Accessing advice on religion or belief issues

The call for evidence also asked employees whether they knew where to go for advice on religion or belief issues related to their workplace. Almost half (726 out of 1,636) did not know where to go for advice. Of the employees who said they knew where to seek advice, 541 told us where they would look for it. Table 2.6 summarises where employees looked for advice.

Table 2.6 Sources of advice where employees looked for help and support

Type of advice source	Examples of advice source
Workplace and professional advice sector	<ul style="list-style-type: none"> • Senior or specialised staff e.g. human resources, line manager, service chaplains, equality and diversity representative • Colleagues or peers • Sector associations e.g. National Council of Voluntary Organisations, Royal College of Nursing • Unions e.g. Unite, TUC, UNISON, PCS
Equality organisations and advice sector	<ul style="list-style-type: none"> • Equality organisations and their websites e.g. Equality and Human Rights Commission, Equality Challenge Unit, Equality Advisory and Support Service, Employers Network for Equality & Inclusion • Employment and legal advice services and their websites e.g. Citizens Advice, Acas, solicitors, Christian Legal Centre • Local government and their websites e.g. Members of Parliament, the police, local authorities
Religion or belief sector	<ul style="list-style-type: none"> • Religion or belief organisations and their websites e.g. National Secular Society, Pagan Federation, Ministers Association, Board of Deputies of British Jews, Association of Islamic Charitable Projects, Christian Concern • Religious contacts e.g. Diocese, vicar, rabbi, military padre • Campaign groups e.g. Clergy consultation support group, Vegan rights campaign group • Bible

2.10 Summary of employees

Four key themes emerged:

1. **No or few issues:** Some participants said that they experienced no or few issues in their workplace. In some cases this was because employers had created inclusive work environments which were supportive of religion or belief.
2. **Perceived discrimination:** Where participants felt discriminated against, this related to recruitment processes, work conditions, promotion and progression, time off for religious holidays and holy days, overuse of shared facilities by religious groups and increased work pressures on non-religious staff when religious staff were off work or away from work.
3. **Perceived harassment:** Perceived harassment included dismissive attitudes towards, and mocking of, particular religions or beliefs, unwelcome 'preaching' or 'proselytising', and the expression of religious views towards other faiths and towards LGBT people that some participants regarded as 'intolerant'.
4. **Alienation at ceremonies and events:** Non-religious and non-Christian employees felt alienated by religious ceremonies and events held in religious venues.

Some employees **failed to challenge treatment that they thought was discrimination or harassment**. This was because of fears of repercussions, a lack of confidence, pressure from managers not to make complaints, and a lack of legal knowledge.

Views about the effectiveness of equality and human rights law were influenced by religion or belief:

- Christians and Muslims expressed the strongest views that people with religion or beliefs should receive more protection.
- Atheists and Humanists felt most strongly that there should be more protection for other people whose rights may be affected by religion or belief.

Lack of awareness of accessing advice on religion or belief in the workplace

- Almost half of participating employees did not know where to look for advice on religion or belief in the workplace. Those that did know where to look for advice used workplace, professional, equality and advice and religion or belief sources.

3 | Employers

This chapter looks at issues in the call for evidence from the perspective of employers and senior managers in organisations and businesses. We first outline the profile of employers who submitted evidence and then look at the type of issues they raised. Towards the end of the chapter, we look at the views of employers who took part in the call for evidence on current equality and human rights legislation. We also examine where employers and managers looked for help and advice.

3.1 Number and profile of employers

67 employers took part in the call for evidence; of these, 14 were employers or managers where their organisation practised, advanced or taught and religion and belief and 53 were not. Table 3.1 below shows that a range of employers and managers took part in the call, although the biggest groups were from the public administration (i.e. local authorities), education and health sector. 'Other' types of businesses that took part included video production, property investment, legal firms, natural resources management, charities and the self-employed.

Table 3.1 Which of the following best describes the sector you work in?

	Count
Agriculture, forestry and fishing	1
Manufacturing	5
Construction	3
Distribution, hotels and restaurants	2
Transport and communications	3
Banking and finance	3
Public administration, education and health	24
Arts, entertainment and other services	1
Other	25
Total	67
Base: Participants in employer capacity	

Table 3.2 below shows that the call for evidence was able to capture employers and managers working in smaller businesses as well as organisations with larger numbers of employees.

The call also captured a wide range of public, private and voluntary sector employers, as well as owners and managers of businesses and smaller numbers of managers in human resources or equality and diversity roles. Employers and managers took part from England, Scotland and Wales and from organisations working across the UK. Further details about the profile of the employers who took part can be found in Appendix F.

Table 3.2 How many people does your organisation employ?

	Count
Fewer than 10	15
10-49	19
50-149	8
150-249	5
250+	19
Don't know	1
Total	67
Base: Participants in employer capacity	

3.2 Types of issues among employers

The types of issues discussed by employers and managers could broadly be categorised in four ways:

- **No or few negative issues** - employers and managers who thought that religion and belief discrimination and unfair treatment were not problems in the workplace.
- **Perceived unfair treatment and discrimination against Christians** - Christian employers and managers who felt that there was increasing unfair treatment and discrimination against them and their Christian employees.
- **Tensions and resentment linked to perceptions of special treatment** - employers who believed that employees with religious beliefs were receiving special treatment, or were perceived to be receiving more favourable treatment from their managers, and that this was creating tensions and resentment.
- **Perceived discrimination by people holding religious beliefs against others in the workplace** - employers and managers who felt that the main issues relating to religion and belief in the workplace were to do with discrimination against employees by people holding religious beliefs and how to deal with this.

3.3 No or few negative issues

There were two main reasons why some employers and managers thought that religion and belief was **not** a problem in the workplace. The first was that religion or belief was seen as a **private matter** and discussion of the issues in the workplace was therefore discouraged. The second was that employers had created a culture of respect and there was clear guidance on how to deal with issues of perceived unfair treatment or discrimination.

Religion or belief as a private matter

Some employers regarded employees' private lives and views as their own and said they would not ask about them unless it was necessary to do so. In some cases, this meant that employees were not encouraged to speak about religion or belief in the workplace at all. For one manager this meant that **silence** on religion or belief was the norm in his workplace:

In my organisation silence is the norm from all sides – that is fine and no one loses out any more than anyone else... It has become almost forbidden to comment on beliefs and their impact on others.

— Natural Resources Manager, Public Sector, more than 250 employees

By not **explicitly** discussing religion or belief, some employers/ managers felt this allowed employees to 'be themselves' as individuals. If overt discrimination arose it could then be dealt with as a normal part of management and discipline. This view tended to be held in smaller businesses where it was thought that discrimination could be dealt with at a more personal or informal level:

I am a Christian and everyone in the business knows and respects this... We aren't 'PC' but if anyone steps out of line they would know about it... Freedom of thought, etc. is strictly encouraged... Being small and free of nonsense diversity statements we do not have problems. Avoid regulation, allow people to be themselves.

— Manager in Banking and Finance, Private Sector, 10-49 employees

This approach may work where people are happy to treat their religion as a relatively private matter and/ or where staff are prepared to treat each other's religions and beliefs with fully mutual respect. Respondents also provided evidence that this was not always the case, which is discussed below.

Environment of respect for others' religion or belief

A different set of reasons why religion or belief was not seen to be an issue in the workplace was because employers had:

- **Created a culture of respect for the views and beliefs of others.**
- **Clear guidance on how to deal with instances of perceived unfair treatment or discrimination as they arose.**

One Director of a small communications company described the way in which this worked in his business and the actions he took to reinforce this approach:

I am a Baha'i and Director of a communication company based in London... With regards to our employees, we expressly require as a company policy and employment policy, that they treat all their colleagues/ clients with respect and attitude of service. We have adopted posters and one line proverbs which enforce equality, courtesy and service.

— Director of Communications Company, Private Sector, 10-49 employees

More formal guidance tended to be developed in larger public sector organisations such as local authorities. For example, a Human Resources Manager working in a local authority described clear policies designed to allow Muslim employees to observe Ramadan:

A member of staff observes Ramadan and the Council makes plans and allowances for this in advance. The changes the Council normally puts into place are as follows: (1) Adjustment to normal working patterns – allowing a later start and later finish; (2) No external visits or inspections; (3) Change of duty officer rotas to allocate visits to other staff and reallocating administrative duties to the member of staff observing Ramadan; (4) within the team, people are more thoughtful about eating and drinking and discussing food in the office.

— HR Manager in a Council, Public Sector, 150-249 employees

Consequently, there were two very different approaches by employers to religion or belief in the workplace. Views described in Chapter 2 suggest that the first approach may be problematic because some employees were left feeling unable to express their religion or belief at work. In relation to the second approach, some employers felt there was a need to ensure that more formal policies intended to respect the religious beliefs of some staff did not serve to alienate staff without a religion or belief. Nonetheless, it was clear that some employers were striving to create workplaces inclusive of different religions and beliefs and that in such workplaces the religion or belief of employees was not considered a problem.

3.4 Perceived religion and belief discrimination against Christians

Most experiences submitted by employers about unfair treatment, including perceived discrimination or harassment came from Christians. Areas where such issues were discussed were:

- **The desire to advertise openly for Christian staff** – some employers with a Christian ethos thought they should be able to openly advertise for staff who are Christians, or who would support a Christian ethos, in circumstances that would be wider than equality law currently allowed through **occupational requirements**.
- **Expression of religious views in the workplace** – more evangelical employers and managers felt unable to speak about their religion or tell people about their faith in the workplace without fear of complaint.
- **The application and management of freedom of conscience** - some employers and managers felt unable to adhere to their religious conscience in the management of staff and carrying out their work.
- **Other staff not taking Christian views and beliefs seriously** – a few managers felt that their religious views and complaints, particularly about blasphemous language among their staff, were not taken seriously by their employer and by equality and diversity staff;
- **Christianity losing its place in society and in the workplace** – some Christian employers and managers compared their rights to the perceived greater rights of other religions, other groups (such as LGB people) and what they described as a secular ‘lobby’.
- **Building religion and belief networks within organisations** - some employers and managers wished to encourage respect for people with religious beliefs, although principally for Christian beliefs.

Desire to openly advertise for Christian staff

For some job roles, it is possible to use the concept of an **occupational requirement** (OR) to advertise for staff who hold a particular religion or belief, which is especially the case for jobs within religious organisations. Employment Tribunals have, however, tended to define these roles in very specific terms such as in relation to leadership roles within a church (e.g. a priest) and not in relation to broader roles such as charity workers, counsellors or teachers. Issues raised about wishing to be able openly to advertise for Christian staff without limits therefore demonstrated a

lack of information about current law or a wish to see a change in the law permitting this in more circumstances. Two views emerged:

Employers who thought ORs were too restricted

A recurring theme amongst some Christian private, public and voluntary/ charity sector employers was that the current law was overly restrictive. A strongly expressed view was that it was ‘absurd’ that businesses and organisations could not advertise for staff who would fit with their Christian organisational ethos. As one faith-based employer put it:

[There are] challenges of employing the right people where a faith aspect is required for the role... Where a faith element is required we should be allowed to recruit appropriately.

— Manager, Faith-based Service Provider, 50-149 employees

The fact that employers had not been able to recruit in this way had led to tensions between staff who did, and did not, share the religious organisational ethos. This led subsequently to complaints to management and disputes among staff. An example occurred in a small Christian family run business:

We are a family run business employing Christian and non-Christian staff... We have experienced, from a non-Christian manager, opposition to a staff member giving another staff member a Bible... [This] made us think about what we could/ couldn't allow to happen and began to feel like we should be cautious, shut down. As a small company we cannot afford to waste time or money on having to defend our faith.

— Owner, Family-run Business Administration Company, Private Sector, 10-49 employees

Some employers said that they felt forced to try to side step anti-discrimination legislation by asking proxy questions at interviews (e.g. by asking about a candidates ‘philosophies of life’). They felt this was less risky than employing a non-Christian who might later issue them with a formal complaint about the way they applied their religious beliefs in their workplace. Notably, employers who expressed these views were small, private sector companies in business administration and manufacturing, which suggests that the employer’s preference was to employ Christian staff rather than Christianity being integral to the roles they were likely to advertise. This suggests that some employers may be acting unlawfully by trying only to recruit staff with Christian beliefs where there is not an occupational requirement.

Employers who thought ORs were sufficient in their current form

Not all Christian employers, or employers with a Christian ethos in the delivery of their work, agreed that it made sense to employ only Christians. For example, one Human Resources Manager working in a large Christian Charity providing care services stated:

We have only a few roles that require Christians but ask that all staff can work within our ethos. This is not a problem as our key values of respecting all, working for people to be the best they can and showing true love and care are things all people can accept and work within.

— HR Manager, Christian Charity, Voluntary Sector, more than 250 employees

This suggests that the key issue is not so much whether non-Christians can work in Christian businesses but rather under what circumstances Christians and non-Christians can work together in an environment where they can respect each other's views and beliefs.

Expression of religious views

Current human rights legislation allows people with a particular religion or belief to express themselves freely. However, this is a qualified right which must be balanced against the rights and freedoms of others, for example freedom from discrimination or harassment. There was concern among some employers with a Christian ethos that the current equality legislation meant that they were not able to express their beliefs in the workplace without fear of complaint. In particular, this was discussed in the context of the delivery of care services where Christianity was seen to be integral to the employer's approach:

It does feel however that sometimes structures and legislation are trying to make us sanitised and not to profess our faith... We stand a chance if we are not careful of forcing faith based organisations to water down their effectiveness through fear of not being compliant with equality legislation when it should be possible to be effective and inclusive with a faith based ethos.

— HR Manager, Christian Charity, Voluntary Sector, more than 250 employees

A more concrete example of feeling unable to express Christian faith came from an employer running a care home:

I chose the work I do because I am a Christian. I have had the opportunity of praying with a man who had just died on request of his wife. However in general I am too scared to actively talk about my faith at work in case I get into trouble.

— Employer running a Care Home, Private Sector, 10-49 employees

Such reticence to express one's faith did not apply to all participants and this is discussed further in sections 5.2 and 5.3. An example was a self-employed trader who said that he was happy to discuss his beliefs with his clients and that he generally received a positive response. People in managerial positions who worked with the same colleagues every day, however, were more cautious about expressing their religious views. For instance, a middle manager said that:

Due to changes in legislation, and incidents where Christians [were] being sued or sacked from employment due to their Christian beliefs in recent months I have become extra cautious (even anxious) about what I am and am not allowed to say and to clients (in my case, students) and colleagues.

— Middle Manager, Education, Public Sector, 150-249 employees

This suggests that greater clarity may be needed about when it is and when it is not acceptable to express one's religion or belief in the workplace.

Upholding religious conscience in the workplace

Not being forced to undertake work that goes against a person's religious beliefs and conscience was a significant concern among employees and, as discussed below, amongst service providers. This was also a significant concern from the managerial and employer point of view. Sometimes participants referred to legal cases covered in the media which they believed indicated that employees had been unfairly sacked for refusing to go against their religious conscience (e.g. doctors, nurses, registrars and business proprietors). However, in other cases, participants gave concrete examples from their own experience of managing the issue of religious conscience in the workplace.

The respondents included teachers in middle managerial positions who expressed concerns about being asked by more senior staff, and asking other teaching staff, to go against their religious beliefs when teaching Personal Health and Sex Education (PSHE) lessons in schools (e.g. in discussion of sex outside marriage, contraception and same sex relationships). Another example - echoing the case of Lillian Ladele

(see Appendix B) - was a Chief Executive in a local authority trying to find a solution that would not require registrars to conduct marriages of same sex couples, while still offering such marriages without discrimination and staying within the law. As this respondent put it:

Following a discussion during a team meeting about the forthcoming same sex marriage provision, a small number of Registrars indicated that they had concerns about being involved in same sex marriages. As an employer we wanted to give fair consideration to their requests to opt out of same sex marriages but were also concerned about the legal implications in relation to customers and other employees. The needs of the business were also an important consideration in terms of the practicalities of trying to accommodate such requests.

— Chief Executive Officer, Local Authority, Public Sector, more than 250 employees

These employers and managers felt that it should be possible to find compromises that allowed staff not to have to undertake duties that went against their conscience, for example, by asking other staff to take on certain duties or roles or redeploying staff into other roles within the same organisations. However, some employers felt that the current legal position did not allow sufficient flexibility to find compromises. The same Chief Executive as above said:

Meetings were held with each of the employees in order to better understand their concerns and the types of requests that might be made... We indicated that as a Council we sought to promote a balanced approach to recognising and managing religion or belief issues at work and wished to find reasonable solutions, wherever possible and practical and that we would give serious consideration to any requests. However, having studied the legal position fully and at some length, we came to the conclusion that requests to opt out of same sex marriages could not be accommodated because of the discriminatory effect in providing a public service.

— Chief Officer in Local Authority, Public Sector, more than 250 employees

The Chief Executive above noted that the EHRC's guidance on the Marriage (Same Sex Couples) Act 2013 states that employees can explore the potential options with their employer. However, he thought that the guidance could be improved in terms of expressing what these **options** could be. In particular, whether informal

arrangements are possible between staff in terms of what duties they and their colleagues perform. He felt that the advantage of this was that no one would feel forced to do something against their conscience, but considered that this would currently contravene the law. Another participant stated that he would not expect a non-religious person to be required to undertake religious duties that they did not want to perform, but did not give examples of such situations. These issues are also discussed in section 5.2 from the perspective of service provision and section 7.2 from the point of view of the framework of equality and human rights law.

Not taking Christian views and beliefs seriously

Some Christian business owners and managers felt that their beliefs were not taken seriously and that this even extended to staff in roles designed to promote equality and diversity in workplaces.

General views

At one level there was a broad sense in which Christians felt they were not taken seriously. As an owner of a Christian company put it:

When people find we are a Christian company, they treat us as simple and out of touch. It is always the same - we are not taken seriously.
— Owner of a Property Investment Firm, Private Sector, fewer than 10 employees

Concerns about swearing using blasphemous language

Some Christian managers and employees also described their concerns about language and swearing which they found offensive. A manager working in a public sector transport role, for example, said that he had politely asked colleagues to stop using phrases such as 'Jesus' and 'Jesus Christ' as swear words because he found it offensive. He reported that nothing had happened despite his request. There was a view among a number of participants that the use of such language was not treated seriously enough. It was notable that other non-religious participants in the call felt that religion or belief had no place in the workplace at all and were concerned that religious views of colleagues could be forced upon them. Some non-religious participants said they felt that such language was part of everyday vocabulary and so did not regard it as offensive.

Whether equality and diversity staff treat religion and belief seriously

A few employers and managers expressed the view that equality and diversity staff were more concerned about issues relating to sex, race, disability and sexual orientation, so that blaspheming was not seen as a priority issue. Some respondents proposed that equality and diversity staff attend religion or belief awareness training in the same way as they did for other protected characteristics:

With regard to using Jesus' name as a term of anger and frustration in the work place, I think the equalities and diversities team should go on training to understand faith groups better and they together with managers should have further training in issues of respect and dealing with faith in the work place in exactly the same way as is done for issues around race and sex.

— Manager, Public Sector Transport, more than 250 employees

Christianity losing its place in society and the workplace

A prominent theme underlying all of the issues above was that Christianity had lost its place as the predominant religion in the UK relative to secular views. Whereas in the past some employers and managers thought that Christianity had been evident in workplace cultures, now they thought this was no longer the case. One example given was about the naming of an office party in December:

When I organised a Christmas party a couple of employees objected on the basis that the use of the word Christmas would promote a religious belief. We had to agree upon 'an End of Year Party/Christmas Party according to your beliefs'. I was offended but the boundaries have become unclear.

— Manager in a Law Firm, Private Sector, over 250 employees

Some employers and managers believed that the decline in the influence of Christianity was reflected in workplace situations where they said:

- It did not seem acceptable to criticise other religions in the workplace whereas anyone could criticise Christianity.
- The ability to express Christian views in the workplace was believed to be opposed by employees who were LGB, by followers of other religions such as Islam and Hinduism, and by people who had no religion or were Atheists.
- The 'devotions' of Muslim employees were regarded as more protected under equality legislation than Christian ones.

There was a strong sense for some employers and managers that the pendulum had swung too far in the direction of other religions and non-religious views in the protection afforded to them under equality law relating to employment. As one manager in the health service put it:

I appreciate minority groups may in the past feel that they were dealt with in an intolerant manner. For that I am truly sorry. However, you cannot allow the pendulum to shift so far in the opposite direction so to now limit the employment opportunities for those actively practicing a religion... It seems unfair, if not hypocritical. A balance of mutual respect must be found.

— Middle Manager, Public Health Sector, 150-249 employees

As in the comment above, it was thought by some respondents that overall there needed to be a **better balance of mutual respect** between Christianity and other religions and beliefs.

Building workplace religion and belief networks

A suggestion for trying to address some of the problems raised by Christian participants was to establish **workplace faith networks**. It was hoped that by doing so, other employees would understand Christians better and become better informed about the variety of Christian and other religious beliefs. There was no discussion, however, of how people with and without religious beliefs might achieve a better understanding of each other. An example of a **multi-faith** network approach came from a middle manager working in banking and finance:

Our current situation is growing the faith and belief network. We are creating education material for different festivals and faiths, planning lunch and learn sessions for people [and] managers to learn more. Aligning what we do in the network to our company values. Having a multi faith group does sometimes means there are differences of opinion although we aim to celebrate similarities. The network has also driven the set-up of more faith and reflection rooms in the organisation.

— Middle Manager, Banking and Finance, Private Sector, more than 250 employees

Such networks were regarded as helping staff who held religious views feel less isolated.

3.5 Tensions about religious observances and practices

Another set of issues for employers highlighted what they regarded as tensions arising from the acceptance and inclusion of religious beliefs, practices and ideas in the workplace. These tensions arose among employees with different beliefs or without religious beliefs and between religious ideas and required work practices. Areas that were highlighted were:

- **Special treatment** - the perception that people holding religious beliefs were receiving special treatment in relation to work conditions such as flexible working.
- **Productivity, health and safety and hygiene** - the view that religious observances, particularly those among Muslims, caused problems relating to productivity, health and safety and hygiene.
- **Inability to discuss religious beliefs reasonably** – a fear among some employers and managers of complaints of religious discrimination that prevented discussion of religion in the workplace in a reasonable way.
- **Proportionate acceptance of religious and other beliefs requests in the workplace** – the perceived need for greater clarity among employers about when religious and other beliefs should, and should not be accepted in the workplace to alleviate fear of complaints.

In addition, some employers discussed the ways in which they had tried to deal constructively with these issues. The issues and solutions, where they were proposed, are discussed below.

Perceptions of special treatment

A view emerged among some employers that employees holding religious beliefs had been emboldened by current legislation designed to protect them from unfair treatment and discrimination to the point where they were demanding special treatment. For example, one larger business owner said that:

Faith groups persistently claim they are discriminated against when what they mean is that they would like even more bias in their favour.

— Owner, Distribution, hotels and restaurants, Private Sector, more than 250 employees

Employers said they often had to deal with the view among other staff that staff holding religious beliefs were receiving more favourable treatment in relation to terms and conditions.

An owner of a small private sector professional consultancy said that practical difficulties and a perception of unfairness had arisen among staff without a religion or belief to do with the amount of time that Muslim colleagues were using for prayer and time off for religious festivals. Similar tensions had also arisen when Christian colleagues had taken time out of working hours to attend Bible classes. Although staff were generally tolerant of these arrangements, the owner observed a growing resentment.

Addressing perceptions of unfair or special treatment

These issues discussed above were dealt with in two ways. On the one hand, managers or employers emphasised that flexible working practices in their workplace applied to all staff and not just those who held religious or other beliefs. For example:

I explained that nobody was given preferential treatment, and if they wanted to work flexibly to accommodate other activities such as sports by taking a longer lunch or finishing early I had no problem with this providing there was sufficient cover.

— Middle Manager, Information Technology, Private Sector, more than 250 employees

On the other hand, they emphasised the distinction between reasonable and unreasonable requests in relation to the business aims and that not all requests had to be granted. The same manager as above said:

Religion is an idea and if flexible working permits certain activity, then fair enough! If it does not, managers should have no fear in saying no... I don't think employers understand that they are allowed to say no to unreasonable requests based on religion.

— Middle Manager, Information Technology, Private Sector, more than 250 employees

Knowledge among employees that policies and practices relating to flexible working and time off were being applied inclusively, fairly and without prejudice was therefore important to ensuring that tensions around religious observances did not arise.

Productivity, health and safety and hygiene

Employers and managers emphasised that there was a need for all staff to work to a 'required level'. This was sometimes questioned where religious observances,

practices or ideas were involved. Two main issues were raised in relation to such issues:

- **Religious fasting and productivity** – employers across the private and public sector said they thought that staff who were fasting were ‘less productive’ and ‘more prone to errors’. In one example, an employer said that staff had fainted on shift due to lack of food. In the main employers who spoke about religious fasting said that colleagues were generally accepting of it, but that it could sometimes cause resentment. In cases where fasting had caused resentment, one employer said that talking to individuals respectfully and informally had helped to improve understanding and resolve the issues. The exact nature of how the issue was resolved was unfortunately not specified.
- **Religious observance and infection control** – this issue arose in a health care setting in which a Muslim nursing student said that she was unable to take her head scarf off despite a ‘no outdoor clothing’ policy in surgical theatres. The reason given for the policy was infection control during surgery. The surgeon in charge insisted that the student remove the headscarf in a private area and put on a surgical hat instead. The manager who reported the incident said that the whole situation was extremely embarrassing for him and for the student. The student had ended up in tears.

Inability to discuss religious beliefs reasonably

A lack of knowledge among some employers about when they should and should not accommodate religious beliefs in the workplace led to distrust and hostility towards staff. It also led to a reluctance to talk about religion or belief in the workplace without a human resources or equality and diversity specialist being present for fear of being accused of causing offence. In this context, one smaller employer said that she was relieved that fees had been brought in for cases to be taken to Employment Tribunals because she felt that they prevented unreasonable or malicious claims of unfair treatment and discrimination based on religion or belief. As she put it: ‘They have gone too far... It is a delight that fees have been introduced for tribunals’ (Owner, Across Sectors, fewer than 10 employees). However, this view was not shared by those offering advice and support to employees who felt that employees who had experienced religion or belief discrimination were sometimes being denied justice because of an inability to pay the fees (see section 7.3).

Other employers felt that any requirements related to religion and belief should be discussed at the point of a job offer so that requirements could be integrated into the work practices at an early stage where possible. These employers felt that where

requests could not be met, this could also be addressed early to avoid complaints at a later stage.

Proportionate inclusion of religious and other beliefs in the workplace

Employers and managers also emphasised the need for further consideration of the extent to which religion or belief could, or could not, be accommodated in their workplace in ways proportional to the running of a service or business. In this respect, they suggested clearer or better signposted guidance on how far employers should go to satisfy requests or demands. A manager in an engineering company discussed a situation where employees had applied religious thinking in circumstances where it clearly was not appropriate:

I worked in the development side of aerospace engineering. My task was to develop control systems of ever higher accuracy and to carry out lab experiments to demonstrate the soundness of the technology. Problems arose because certain members of my team attempted to bless or charm the hardware rather than apply a professional engineering analysis to resolve any difficulties we might be encountering. It led me to discriminate against prospective employees with any deeply held faith because of the clear conflicts with the strictly objective analysis of engineering problems. 'The aircraft did not fall out of the sky because it was God's wish'.

— Middle Manager, Engineering and Development, 10-49 employees

This manager felt that his only option was to discriminate against all people with similar religious beliefs in order to ensure that safety was paramount.

Attempts at being proportionate in meeting the religion or belief needs of staff

By contrast, other employers described circumstances where, despite difficulties of recognising and being inclusive towards all religious beliefs, they had attempted to reach solutions that took account of religious beliefs, even if the outcome was not perfect. In one case, there had been some difficulties in ensuring that all staff were able to maintain contact with different religious communities when relocation of the business was considered. The owner said:

I had difficulty in relocating the company in 2010 because of religious beliefs... Employees were unable to find a business location in the West Midlands that would enable them each to maintain contact with their respective religious communities... We selected our new location based

on minimum average journey times among all staff, assuming all would be unable to move and that all motivations were equally valid.

— Owner, Manufacturing Business, Private Sector, 10-49 employees

Consequently, it seems that in some cases employees and employers need to be made more aware of when employers have to take account of religious belief and when other considerations such as business needs, safety, health, hygiene and care of other staff take precedence over religious or other beliefs at work.

3.6 Perceived discrimination and intolerance in the workplace by people with a religious belief

Employers have a duty to protect their employees from discrimination and harassment at work by others. Employers are liable for the actions of their employees or agents, but not necessarily the actions of customers.⁹ The call for evidence suggests that employers are concerned about how to deal with perceived religious discrimination, harassment and intolerance towards their employees whether this was from service users/ customers or from one employee towards another. Three main issues arose:

- **Perceived discriminatory behaviour towards employees by customers and service users with religious beliefs** – an example was given by the owner of a small transport and communications business. He had recently experienced a case where some Muslim customers had refused to deal with a female member of staff despite her being the only appropriate person to help them. He said he had asked the customers to leave the premises when they started insulting the member of staff and her abilities (Owner, Transport and Communications, Private Sector, fewer than 10 employees). Another example came from the Human Resources Manager of a national sexual health service that also provided abortion services. She felt that it was unfair that staff at the service endured on-going harassment every time they came into or left work, which staff found stressful (HR Manager, Sexual Health Service, Charity/ Voluntary Sector, more than 250 employees).

⁹ The employer may be liable for the actions of customers where the employer has some degree of control over a continuing course of offensive conduct of which they are aware but do not take action to prevent its recurrence.

- **Perceived harassment of LGB staff and women by people holding religious beliefs** – some employers noted that they had seen more harassment by religious staff against lesbian, gay and bisexual staff and/ or women by staff holding religious beliefs than against people with religious beliefs. One example came from the manager of a voluntary sector health charity that rented space in a building owned by a Christian religious organisation. She noted that leaflets with messages against marriage of same sex couples had appeared on the reception desk. She complained that such leaflets were not appropriate in a mixed use building where LGB staff might be present, but said that nothing was done about it. The result was an ‘unpleasant atmosphere’ between the charity workers and the staff running the building (Manager, Health Charity, Voluntary Sector, 10-49 employees).
- **Concern that senior staff with religious views will judge the views and lifestyles of junior colleagues** – a retired senior manager who had worked in banking said that she felt junior staff often feared that senior staff with religious views would judge them more than other managers. This was particularly with regard to behaviour in their private lives. She thought that they also felt that their manager would try to ‘indoctrinate’ them. As she put it, staff were: ‘Worried that private lives conducted on a legal basis could still be judged as wrong’ (Senior Manager, Banking and Finance, more than 250 employees).
- **Feeling unsure how to deal with the expression of religious views that may be discriminatory towards others** – employers who were not sympathetic to the idea of recognising and including religion or belief in the workplace said that religious beliefs were a private matter for adults and religious views could sometimes be ‘irrational’. Others, however, wanted to respect religious beliefs but not those that they felt were intolerant of the views and lifestyles of others. They wanted greater advice from government and those responsible for promoting equality on how to deal with the expression of intolerant views and to support more liberal or accepting religious views. For instance, the manager of a law firm said:

One's natural instincts are to respect religious views and anti-discrimination policies and advice centres on protecting the religious person from prejudice. Advice seems scarce as to how to deal with prejudice which arises from religion ... I feel that those responsible for enforcing equalities legislation need to be more pro-active in supporting more liberal elements in all faith groups in their struggles to make their communities more inclusive and tolerant.

— Manager, Law Firm, Private Sector, 50-149 employees

3.7 Views on current equality and human rights legislation

A consistent pattern among the employers and managers who took part in the call for evidence was that they were most likely to say that the current laws provide enough protection. There was little support for less legal protection for people having a religion or belief or having no religion or belief. The exception to this pattern was that employers working in organisations that practised, advanced or taught a religion or belief tended to say that there should be less protection for people without a religion or belief, or with a different belief, who also enjoy legal protection. However, they were matched by the same number of people who felt there should be more protection for this group.

3.8 Accessing advice on religion or belief issues

More than half (39 out of 67) of employers who took part in the call for evidence agreed with the statement: 'I know where to go to for advice on religion or belief issues related to employment'. A similar number neither agreed nor disagreed with the statement, or disagreed (13 and 12, respectively). See Appendix F for a detailed table summarising responses.

The employers who were aware of sources of advice on religion or belief issues described the sources they would access if needed. This is summarised in Table 3.3 below.

Table 3.3 Do you know where to go to for advice on religion or belief issues related to employment?

Type of advice source	Examples of advice source
Equality and advice sector	<ul style="list-style-type: none"> • Support and advice services e.g. Citizens Advice Bureau • Unions e.g. Public and Commercial Sector Workers Union, NUT, UNISON, ATL, GMB, Unite • Local government e.g. local authority • Equality organisations e.g. Equality and Advisory Support Service, regional equality councils in Wales, Employers Network for Equality &

	<p>Inclusion</p> <ul style="list-style-type: none"> • Workplace services e.g. manager, diversity council/teams, HR, Ombudsman, equality policy • Professional bodies related to the sectors e.g. Royal College of Nursing, Chartered Institute of Personnel and Development, UK Employee Assistance Professionals Association, Clergy Consultation support group for lesbian, gay, bisexual, transgender and intersex clergy
Religion or belief sector	<ul style="list-style-type: none"> • Religion or belief organisations e.g. Christian Concern, Board of Deputies of British Jews, Christian Institute, Pagan Federation • Religious contacts e.g. priest, pastor, rabbi, members of local church
Informal sources	<ul style="list-style-type: none"> • Search engines for details on the law in general, similar cases or general information about religion or belief issues e.g. Google • Family, friends, peers

3.9 Summary of employers

Some employers said that there were no or few negative issues relating to religion or belief in the workplace.

This was either because employers encouraged employees to treat religion as a private matter which should not to be discussed in the workplace; or because they had created an environment of respect for the religion or belief of others.

Christian employers and managers outlined a range of issues related to perceptions and treatment of Christians in the workplace. Some participants:

- Wished to advertise for Christian staff more openly than currently is allowed by occupational requirements.
- Wanted greater freedom to talk about religion and belief in work settings where it influenced their approach to their work.
- Felt uncomfortable or unwilling to ask staff to undertake work activities that they objected to on grounds of freedom of conscience.
- Perceived that Christianity has lost its place in society and the workplace relative to the weight given to other religious and non-religious views.

- Thought that greater respect for Christian concerns could be achieved by building workplace Christian or multi-faith religion and belief networks.

Non-religious employers and managers outlined tensions in the workplace relating to the inclusion of religious observances. The main issues raised were that:

- Staff holding religious beliefs were receiving more favourable treatment than staff without religious beliefs.
- Recognising and facilitating some religious observances in the workplace led to reduced productivity and health and hygiene concerns.
- It was difficult to discuss religious beliefs and observances with some employees in a reasonable way without complaint.
- It was hard to know when a request to accommodate a religious observance was proportionate in business terms.
- Some employers had attempted to ensure, and show, that workplace policies and practices were being applied inclusively, fairly and without prejudice.

Employers were concerned about how to deal with perceived discrimination and intolerance that arose in the workplace. Issues of concern were how to deal with:

- Perceptions of discrimination or harassment of their staff by service users or customers with religious beliefs.
- Perceived harassment by staff holding religious beliefs of LGB staff and women.
- Fears that junior staff were being judged by senior staff on the basis of their religious beliefs and private behaviour.
- The expression of religious views or other beliefs that were regarded by others as 'intolerant'.

On the whole, employers thought that the level of protection relating to religion and belief in the workplace was about right.

Views on whether non-religious people received sufficient protection were divided; those with and without religious beliefs had different views.

4 | Service users

This chapter describes the issues relating to religion or belief discussed by service users. First, we provide details about the number and profile of the wide range of service users who took part. Then we discuss the broad range of issues raised across different types of services. The chapter concludes by looking at service users' views on the effectiveness of the current equality and human rights legislation relating to religion and belief, whether service users know where to look for help and advice, and what sources they use.

4.1 Number and profile of service users

468 service users expressed their views about religion or belief in service delivery. The largest group of respondents experienced an issue in a public sector organisation (316 of 468). The remainder of participants described experiences with private sector, charity and/or voluntary sector organisations, and other types of organisations such as faith-based and private educational institutions. Service users described experiences related to religion or belief in education, financial services, health, social care/ services, housing, leisure, tourism and accommodation, shops and restaurants, police and criminal justice, and in other services such as religious services and transport. The breakdown by type of service is shown in Table 4.1.

The high number of responses in the education sector may have been partly due to Atheist, Humanist and other individuals and groups publicising the call for evidence and highlighting the issue of state-funded schools of a religious character ('faith' schools). This was reflected in the similarity of responses (see section 4.3).

Table 4.1 Which of the following best describes the services provided by the organisation?

	Count
Education	234
Financial services	4
Health	57
Social care/ social services	31
Housing	2
Leisure	13
Tourism and accommodation	6
Shops and restaurants	29
Police and criminal justice	16
Other (e.g. religious services, transport)	76
Total	468
Base: Participants in service user capacity	

Service users from a range of religions or beliefs took part in the call for evidence. The views primarily reflected the perspective of Christians, Atheists and Humanists and the remainder were a mix of other religions. Table 4.2 illustrates the types of religions and beliefs represented in our sample.

Table 4.2 What is your religion or belief?

	Count
Agnostic	15
Atheist	127
Bahá'í	2
Buddhist	3
Christian	193
Hindu	1
Humanist	53
Jain	1
Jewish	10
Mixed Religion	1
Muslim	5
No religion or belief/ non-religious	25
Pagan	3
Sikh	1
Spiritualist	2
Wicca	3
Other	19
Prefer not to say	4
Total	468
Base: Participants in service user capacity	

4.2 Types of issues among service users

In addition to employment, the Equality Act outlaws discrimination in services and associations, schools and higher education, and premises; it customises the definition of discrimination for each of these sectors. For services, the Act states that a person (service provider) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service, for example by not providing the person with the service or by not providing one of the usual quality or on the usual terms.

The Equality Act also allows certain exceptions to the general ban on discrimination, for example, for some of the internal functions of religious institutions (e.g. the admission policies of faith schools). Other legislation allows conscientious objection in medical contexts. This includes the right of doctors to opt out of providing abortions under the Abortion Act 1967. In addition, under General Pharmaceutical Council guidance, pharmacists can opt out of providing emergency hormonal contraception, provided that they refer the women concerned to an alternative appropriate source of supply within the time limits for it to be effective.¹⁰ Below we discuss the types of issues that arose in this context.

There were six general issues discussed amongst service users.¹¹ These issues were evident in some or all of the sectors represented in the submissions, including private, public and charitable organisations. The issues were:

- Experiences of perceived harassment and discrimination,, ridicule, and bullying.
- Access to services appropriate for individuals with a religion or belief or no religion or belief.
- Perception of exclusion from activities and events due to an individual’s religion or belief.
- Refusal of a service on grounds of religious conscience.
- Perception of preferential treatment for religious people.
- A lack of recognition of non-religious beliefs in admissions and data gathering processes.

Table 4.3 Summary of issues described by service users

Type of issue	Examples
Harassment, ridicule, bullying and perceived discrimination	<ul style="list-style-type: none"> • Pupils bullied by other pupils for opting out of religious ceremonies in school • Pupils ridiculed by teachers for questioning religious or secular teaching in the classroom • Christian staff made overtly religious statement to openly non-

¹⁰ See <http://www.pharmacyregulation.org/sites/default/files/Guidance%20on%20the%20provision%20of%20pharmacy%20services%20affected%20by%20religious%20moral%20beliefs%20g.pdf>

¹¹ In this chapter, the term 'service users' is used in a broad sense, for example to include school pupils and housing tenants.

	<p>religious patients in hospital</p> <ul style="list-style-type: none"> • Pressure on patients to engage in Christian services in hospitals • LGB patients treated rudely and ‘frostily’ by doctors
<p>Access to services appropriate for religion or belief or no religion and belief</p>	<ul style="list-style-type: none"> • Religious admission policies in school perceived to discriminate against non-Christian families and pupils • Unbalanced religious or secular influence in course content • Hospitals do not provide adequate religious or non-religious pastoral care or counselling • Catering and dietary requirements disregarded for Jewish people and Vegans • Limited availability of care homes without a religious ethos • Social workers discourage religious language use • Perception of absence of alternative for religious oaths for homeowners • Funerals seen to require a religious service by default
<p>Perception of exclusion from activities and events</p>	<ul style="list-style-type: none"> • Brownies and Scouts still viewed as having a religious message that is seen as alienating to non-Christian young people • Local sport events perceived to be disproportionality hosted on Sundays, excluding Christians from attending • Libraries refused to display notices about local religious events or groups thereby excluding people from events they might be interested in
<p>Refusal of service on grounds of religion or religious conscience</p>	<ul style="list-style-type: none"> • A non-Christian wishing to rent was refused a tenancy in a property run by a religious charity • A Protestant pupil refused funding for transport to school because the service only transports Catholic pupils • Pharmacist refused to sell woman emergency contraception
<p>Perception of preferential treatment for religious people</p>	<ul style="list-style-type: none"> • Perceived advantage for Christian students who benefit from established university breaks falling on Christian holidays, disadvantaging Jewish and other non-Christian faiths • Perceived preferential treatment by police of Muslim and Hindu residents during Eid and Diwali when noise complaints were disregarded • Christians attending Sunday Mass received free parking where the same benefit was not given to non-Christian people visiting

	the city centre
Lack of recognition of non-religious beliefs in admission processes and data gathering	<ul style="list-style-type: none"> • Hospital admissions process presumed all patients have a religion • Hospital admission forms excluded people with non-religious beliefs such as Atheists, Humanists, etc. • Local authority equal opportunity monitoring forms lacked categories for non-religious beliefs

The education and health services sectors dominated the discussion of issues that participants were concerned about in relation to service provision. Other services discussed included social care and social services, leisure services, shops and restaurants, police services, housing, transport and a number of ‘other’ service issues. The section below summarises these issues, provides detail about the types of issue, and outlines the solutions suggested by service users.

4.3 Education

Religious admission policies to schools

Atheists, Humanists, Agnostics, Muslims, Jewish and non-religious people were concerned that the choice of school places for their children was reduced because of faith school admission policies. There was confusion and resentment amongst these participants about why this perceived discrimination was allowed to continue: ‘Employers can’t discriminate according to religion, so why can schools?’ (Agnostic Male, Public Sector, England). There were three types of responses from non-religious parents to the policies:

- **Reluctant acceptance that the policy will not change**, for example, ‘as it is perfectly legal for school admissions to be determined on religious practice there is nothing I could do’ (Atheist, Female, Public Sector, England).
- **Feeling pressured to engage in ‘deceitful’ religious practices to appear as a Christian family** and improve the chances of the participant’s children being admitted to a local faith school. An Atheist parent explained:

We felt compelled to go through the ridiculous charade of joining a local church, attending regular Sunday services, and getting our children baptised for no other reason than to improve our ranking on the selection list for our local Grammar School...We are playing their game.

— Atheist, Male, Public Sector, England

- **Decision to suffer hardship in order for their child to attend a non-denominational school** in a different neighbourhood. The hardships included driving significantly further to a different school without religious admission policies and children attending a school outside of their community and away from their friends.

Unbalanced religious views in course content

A group of Atheist and Humanist parents and parents who held no religion or belief perceived that their children's lesson content was unbalanced or biased towards Christian teachings. The concern was not about their children learning about Christian views, but rather the lack of a balanced approach to also learning about non-religious views. In a more extreme example, a Humanist participant reported that a booklet had been handed out by a teacher in her daughter's class about Creation. He was concerned because the booklet included the sentence that, 'If you don't believe in God, it will lead to your death' (Humanist, Male, Public Sector, Wales).

Similar views about the balance of religious and non-religious curricula were described in Higher Education. One student considered that the curriculum in a music programme at her university was overly religious and did not offer a sufficient range of non-religious choir activities. As part of the programme requirements for a vocalist, a participant without a religion or belief was required to be part of a choir that had tutor-led ensembles. All the choirs available only sang religious songs, prompting the participant to describe the university's way of teaching music as 'shaded by religion' (Humanist, Female, Public Sector, England).

By contrast Christian parents also thought that teaching was unbalanced with too much emphasis on the theory of evolution. In some cases, this extended beyond the view that creationism should be taught alongside evolution to the view that they should both be treated as 'equally valid' (New Churches or Denominations, Female, Public Sector, England). As one Christian from a 'New Church' put it, he did not think his child should be learning about the 'monkey to man theory of the secularists' ('New' Churches or Denominations, Male, Public Sector, England). It should be noted that current Department for Education guidance states that students should receive a broad and balanced education curriculum and that free schools and

academies in England and Wales have been informed that creationism cannot be taught as a scientific theory.¹²

A more balanced form of teaching

Other religious and non-religious parents, however, took the view that there should be a balanced and inclusive approach to teaching and curricula. While they were unhappy with the teaching of non-Christian views, some reflected: 'You have to allow children to experience other faiths in order to be fully aware of their own' (Independent Churches, Female, Public Sector, England). One suggestion for trying to produce a balanced approach was to include 'non-partisan teaching of the fundamentals of all world religions [and the] removal of 'Godly Play'¹³ from all schools' (Atheist, Female, Education, England).

Bullying for opting out of religious ceremonies or teachings

Atheist and Humanist parents described experiences of their children being bullied by other pupils for opting out of religious ceremonies or religious teaching at school. There was also an example of staff bullying pupils as a result of not having a religion or belief:

My son, aged eight, was called over by a Dinner Lady and asked if he believed in God. When he said no she told him he didn't deserve any Xmas presents. I made a written complaint to the Head Teacher, but was told the dinner lady had said her comments were a joke and she was not able to discuss the incident further.

— Humanist, Female, Public Sector, England

Suggestions for tackling this issue in schools ranged from making publicly-funded schools 'religion-free', to training staff to be more aware of issues related to religion or belief, and proposing to keep the discussion of religion within religious education. One suggestion was to tailor the form of teaching according to the views and beliefs of different parents and pupils:

¹² See <http://www.politics.co.uk/news/2014/06/18/secular-triumph-as-government-bans-creationism-from-free-sch>

¹³ According to the *Godly Play* website, it 'is a non-coercive way to encourage children to move into the larger dimensions of belief and faith, through wandering questions and open-ended response time... It is a way of preparing children to join in the worship and life of their congregations as they develop a deeper understanding of stories, symbols and rites': <http://www.godlyplay.org.uk/>

Collective worship sessions which follow a particular faith should be more tightly organised, with alternative moral education sessions available for those not wishing to participate in the dominant faith offering. School assemblies should be reconfigured without the worship/ moral education element, which would take place separately, allowing all children to participate in these sessions.

— Atheist, Female, Education, England)

Pupils ridiculed for expressing a belief in the classroom

Both Christian and non-religious pupils experienced ridicule by their teachers for expressing their beliefs in the classroom. In one case a parent reported that their child came home in tears because he was 'berated by his teacher for expressing his belief that homosexuality is a sin and that marriage was between a man and woman'. The Christian parents spoke with the school about the incident but said they were dismissed, being told that, 'their views were at odds with the school ethos'. In another example:

The teacher replied that people who are 'religious nutters' are those who believe that God created the universe. [My daughter] told him that as a Christian she believes that God created the universe to which the teacher ridiculed her in front of the class.

— Born again Christian, Female, Public Sector, England

A suggestion put forward by a participant to help minimise ridicule related to religion or belief in schools involved supporting greater awareness of other belief systems:

[If] Schools place less emphasis on a single religion and begin education with an understanding that there are many different belief systems, then lack of religion would be less of an issue.

— Humanist, Male, Education, England

A similar type of experience was described in a Higher Education institution where a lecturer was reported to have mocked Christianity in a lecture. A complaint about this behaviour was submitted to the university, but the Lecturer was reported as having disregarded the grievance and victimised the student by making fun of them in a lecture. The student dropped the class (Pentecostal, Female, Public Sector, England).

Christian student advantage in relation to university holidays

Jewish, Muslim, Pagan and Wiccan students felt forced to choose between celebrating their own religious holidays by taking time off classes and falling behind. Alternatively they were not able to celebrate their own religious holidays at all. Those with this view felt Christian students had received more favourable treatment because they did not have to miss their classes in order to recognise their religious holidays (Jewish, Female, Public Sector, Scotland).

4.4 Health

Processes and procedures

Participants highlighted two issues relating to processes and procedures in health services, in particular around patient admissions processes and appointment reminders sent by text. Non-religious, Atheist, Humanist and Agnostic service users in the health sector thought there was a presumption amongst staff making admissions that all patients had a religion or belief. A suggestion for resolving this was to train receptionists and nurses conducting admissions procedures about 'religious sensitivity', and to encourage them to first ask whether a patient has a religion before then inquiring what that religion might be.

Others, however, highlighted that staff were limited in what they could ask by the categories on hospital admission forms, which they felt to be unnecessarily restricted. For example, forms lacked categories for Pagan, Atheist or no religion. Patients also felt forced to say they were religious because the computer systems used to gather the information would not accept options that the non-religious patient felt were equally important (Atheist, Female, Health, England). Suggestions for addressing this issue included introducing standard forms with a greater number of religion or belief categories; updating hospital software to allow new religion or belief fields; and providing an open field in the system to type in a category not captured by the computer system.

Procedures for appointment reminders were also described as being discriminatory to individuals who attended services on Sunday. For example, a Roman Catholic participant was told that he could not opt out of receiving hospital appointment reminder calls on a Sunday 'because they would not allow anyone of any faith to opt out of receiving calls on any given day' (Roman Catholic, Male, Health, England).

Service provision

Four main issues arose in relation to services provision in the health sector. These were access to appropriate pastoral/ emotional support and catering in hospitals, access to emergency contraception and whether or not Bibles should be available in health centres.

Access to appropriate religious and non-religious support in hospitals

Some Humanists, Atheists and other participants who did not hold religious beliefs felt that they were discriminated against in that they did not have access to appropriate counselling support while in hospital. One Atheist described being sent 'Counsellors' who were actually Chaplains. The partner of a Humanist patient also expressed his frustration on his partner's behalf:

She explained she didn't want a priest... and was told that no Humanist Chaplain was available; and therefore no help was available for the non-religious.

— Atheist, Male, Health, England

Similarly, some non-religious patients living with or dying from life-limiting conditions had no or inadequate access to non-religious emotional support in the health services they accessed (Humanist, Female, Health, England).

Some hospital-based Chaplains were concerned that some patients did not receive the pastoral support they needed in hospital (see section 5.2). However some service users reported that some Chaplains approached patients who had explicitly said they did not wish to receive chaplaincy support. One suggestion about how to manage this was that a requirement for support should be assessed as 'part of the registration at the beginning of treatment - patients can ask for this type of attention. If they don't, they don't get it' (Atheist, Male, Health, England).

Contrary to these views, Christian patients described positive experiences of access to appropriate counselling and support from hospitals where Chaplains were available. For example, a Christian service user described the closure and comfort a hospital Chaplain provided to his family when visiting their dying mother (Church of England/Anglican, Male, Charity Sector, England).

Catering and dietary requirements in hospitals

Two types of experiences relating to catering and dietary requirements were described. These included the failure to provide appropriate catering options for Jewish and Vegan patients, and the provision of Halal meat in hospital menus

without people asking for it or patients being notified that they were eating ritually slaughtered meat.

The provision of non-kosher meals to Jewish patients was an issue, despite relatives explicitly telling staff about the patient's dietary requirements. An example was the family of a participant who was left distressed after learning "On (at least) one occasion, she [our mother] was given non-kosher meatballs by the staff because "she didn't refuse them" (Jewish, Male, Health, Scotland).

The lack of a Vegan menu in hospitals left some Vegan patients feeling unnourished and burdensome to hospital staff who had to find alternative meal choices.

Suggestions from participants about how to support more inclusive catering involved offering a wider selection of choices, requiring food inspectors to assess inclusivity of food offers, and updating official catering qualifications, such as NVQs, to include a compulsory module in the syllabus on catering for belief-based diets.

Access to emergency contraception

One participant reported the refusal of a health professional to offer a service on grounds of religious conscience. A pharmacist refused to dispense emergency contraception, which meant that she had to travel much further to get the service she needed, causing her great distress. She looked up whether this was a form of discrimination and found the pharmaceutical professional body supported their pharmacists in acting according to their own beliefs (Atheist, Female, Health, England). It was unclear from the example whether the pharmacist had provided the information about where else she could access the contraception she needed. As noted above, pharmacists are required to do this under guidance prepared by the General Pharmaceutical Council

Availability of Bibles in health centres

There was concern among some Christians that Bibles were no longer available in health centre waiting areas or in some hospitals. A participant was told that she could not borrow a Bible from the Chaplain at the hospital for 'hygiene' reasons (Pentecostal, Female, Health, England).

Staff attitudes, behaviour and dress

Christian, non-religious and LGB patients all raised issues about the attitudes of health service staff with regard to religion or belief issues. Some respondents were

also concerned about the messages that certain forms of religious dress or manifestations conveyed.

Christian participants described experiences where they and their beliefs were mocked. For example, a follower of an Independent Church denomination explained:

I was also gossiped about and even called crazy among the nurses who were bullying after I told a nurse, who pretended to simply want to converse with me, that as part my religion I sometimes fast. It made me feel intimidated, unsafe and persecuted.

— Independent Churches, Male, Health, England

This participant wrote to the hospital manager who responded that the nurses denied this behaviour and nothing was done. Another Christian participant described being mocked by nurses and said that she was, 'laughed at by nurses because I pray when I have injections' (Christian, Female, Health, England).

By comparison, non-religious patients in hospitals stated that they were distressed as a result of staff expressing their Christian values to them. There were examples of Christian hospital staff making overtly religious Christian statements to patients who did not share their views and felt they should not have to 'put up with religious pressure'. Atheists, Humanists and others without religious beliefs felt a sense of pressure to engage in Christian services even though they had made their non-religious views clear. For example, an Atheist woman in Scotland described feeling vulnerable and pressured by an unexpected visit from a hospital priest while recovering from giving birth in the maternity ward. She was explicit about her lack of religious views but the priest proceeded to bless her daughter.

A recurring theme described by some LGB participants was poor treatment due to the religious views held by the attending doctor. A gay participant said that an 'overseas' locum doctor refused to treat him, stating that their religious views stopped them from offering treatment. Another gay participant described being treated 'frostily' at a GP surgery which he felt was due to the religious beliefs of the doctor, whom he believed to be Muslim.

Another view was that overtly religious dress should not be allowed in sensitive roles, such as a public health clinic. An individual went to a clinic for screening for sexually transmitted infections and her attending nurse was wearing a hijab. The Atheist patient found:

...it highly inappropriate to dress in that fashion in a sexual health clinic and I left the clinic without tests. It's the equivalent of having a nun or monk working in a STD or abortion clinic.

— Atheist, Female, Health, England

Her view was based on her perception that the nurse would not deliver treatment in a non-prejudiced way. This participant did not express any suggestions about what could have been done differently.

4.5 Social services and social care

Two main issues emerged in relation to social services and social care. These were:

- **Fair access to social services and adoption for Christians** – participants from evangelical denominations felt that social workers were discouraging clients from using religious terms that the service considered 'non-PC'. In particular, they felt that social workers were 'unjustly judging' potential adopters who held strong religious views, with a few participants reporting they had been turned down as adopters because they said they wanted to incorporate strong Christian views into how they would bring up a child. Another participant said that she knew of a Baptist couple who had been told by a social worker that it would be harder for them to adopt because of their religious views. They understood this to mean that they would receive a higher level of scrutiny for their views. They therefore chose to try to adopt through a charity rather than through a local authority (Baptist, Female, Social Care, England).
- **Limited availability of care homes run without a religious ethos** –there were examples of non-religious participants being unable to find local care for elderly family members that was not run by a religious organisation. A Humanist participant said: 'This affects everyone because there are so many religions and therefore service provision is fractured and therefore mostly inaccessible' (Humanist, Female, Social Care, England).

It was noticeable that neither of these issues was prominent in the evidence submitted by service providers.

4.6 Leisure

A view held by some Christian service users was that leisure services, especially libraries and sports events provided by local authorities, were not as available to them as to other faiths and non-religious people. Participants pointed out that local authorities frequently hosted sports and leisure events on Sundays, which meant they felt disproportionately excluded from the enjoyment because they had to attend Mass. Libraries were viewed by some Christians to be discriminating against them for refusing to purchase religious or 'wholesome' books on the grounds they were not popular enough. Some Christians reported that library archiving services had also refused to archive religious material. Another example described by a Baptist participant was an instance of libraries refusing to display notices about local religious events or groups run by religious groups on their notice boards.

A suggestion by respondents for addressing the issue of the promotion of local events was to allow all advertisements unless they use offensive phrases or imagery. By comparison, service providers working in libraries and other leisure facilities felt they had seen little religious discrimination in their services (see section 5.3). Other issues raised in relation to leisure and tourism were:

- That Brownies and Scouts organisations were still seen by some Atheists and people with no religion or belief as delivering an overly religious message that would exclude their children from attending.
- The removal of Bibles from many hotel rooms was viewed as unfair by some Christians whereas others expressed the view that providing Bibles was 'overstepping the bounds of privacy' for other religions and those with no religion or belief.

4.7 Shops and restaurants

Labelling of food and drinks

A recurring theme was that labelling on food and drinks by some shops and restaurants was not sufficient to enable customers to decide if they fitted with their religious or other beliefs. Concerns were focused around several issues:

- **Labelling of Halal meat** – while knowing that meat is Halal is important for many Muslims, some people of other faiths and beliefs did not want to eat ritually slaughtered meat themselves. They felt that retailers needed to be more

transparent about what type of meat they were selling and some thought that legislation needed to be passed to require the labelling of Halal.

- **Alcohol free products** - the failure of some shops and restaurants to indicate whether an item had alcohol in it or not was an issue for Baha'i and Jewish participants. One participant complained to an online retailer about a grocery delivery including food with alcohol as an ingredient which was different from the online description. The retailer did not respond to the participant's complaint and enquiries by email and phone. The participant thought that staff sensitivity training and better labelling on products would be an appropriate way of addressing this issue. There was, however, evidence of positive experiences, with some shops offering non-alcoholic drink options in their meal deal offers, and others labelling their products as alcohol-free.
- **Labelling Vegan options** - Vegan participants stated that they felt frustrated and insulted with falsely labelled Vegan options, such as a restaurant claiming that its food was Vegan but using a fryer that was contaminated with meat (No Religion, Male, Restaurants, Wales). Another example was where alcohol used in a product did not include details about the refining process and thus the customer could not be certain whether it was a Vegan item or not (Ethical Vegan, Male, Restaurants, England).

Access to goods and services

Three issues were raised from different viewpoints. These were:

- **Remarks from proprietors and shop workers that were seen as offensive** – for example, one Muslim participant said that he was offended when a restaurant owner (who was also a Muslim) felt it was acceptable to share his views while serving him food that thieves should have their hands cut off and apostates should be executed. Other participants also referred to unwelcome religious views being expressed by shop workers.
- **Shop opening hours and appointments** – one participant felt that Sunday closing of shops and transport in the Western Isles on religious grounds was overly restrictive and made tourism less attractive in the area. Another participant complained that his optician's appointment was delayed while a member of staff prayed. A few people from non-Christian faiths also complained that shop opening days and times were too focused around Christian holy days.

4.8 Police and criminal justice

The main issue raised in relation to policing was that some Christians felt that the police gave preferential treatment to Muslim and Hindus during their religious celebrations. Complaints by Christian neighbours about the disturbance of the peace and quiet during Eid and Diwali celebration fireworks were said not to have been addressed by local police. It was reported that letters to local Councillors about the issue also went unacknowledged and concerns shared at local neighbourhood committee meetings were dismissed. One participant who belonged to the Church of England felt that the 'law should be applied evenly without favour or prejudice' (Church of England/Anglican, Male, Police, England). A similar concern about lack of police action was described by an Anglican in relation to a perceived insufficient supervision by police of large events at a nearby mosque.

The only issue raised in relation to the criminal justice system was that non-religious participants felt they received worse treatment by some Magistrates when in court for wanting to affirm and not swear on the Bible, or for refusing to swear on the Bible rather than the equivalent text of another religion. While alternative forms of oath are now available, it appears from some of the responses to the call for evidence that this is not always known.

4.9 Housing

An Atheist perceived a housing charity's tenancy policy as discriminatory after he was denied a tenancy because of his religion or belief. He stated:

The advertisement said that only Christians could apply. When I questioned this I was told that this was because of the terms of the charity's trust deed which required a tenant to be a Christian.

— Atheist, Male, Gay, Housing, England

He felt the policy was not 'legitimate' and that it was a violation of his rights.

The other housing issue raised related to purchasing a new house where a participant was required to sign a legal document under oath. While this was legally required and considered valid by the lawyer overseeing the sale, the participant said that:

... swearing on the Bible means no more to me than swearing on the latest Argos catalogue. This shouldn't be a recognizable action, and an alternative, non-religious form of making an oath should be available.

— Atheist, Male, Legal, England

4.10 Transport

One respondent described difficulties related to school transport to a Catholic faith school in Wales for a child who had Protestant parents. The mother said that her child was refused transport to the nearest faith school because the family were Protestant and because the Local Education Authority was understood only to fund transport for Catholic pupils. While the school was described as trying to overturn this rule, the local authority disregarded the claim of discrimination that the child had to be Catholic to access the service (Protestant, Female, Transport, Wales).

The second issue related to free parking in a town centre on Sunday for church goers. A non-religious participant felt this discriminated against non-Christians because only those attending church benefitted from this 'perk'; all others had to pay for parking on Sunday. While community members had challenged this policy through a petition and statement to the local authority, it had refused to change the policy and the issue remained unresolved.

4.11 Other services

Other issues raised by service users during the call for evidence were:

- **Fair access to worship and religious services** – this was raised in a number of ways by people of different faiths and on grounds of sexual orientation. A Humanist respondent criticised war memorial services for only including Christian and religious commemorations (Humanist, Male, Social Services, England). People within a religion described being denied equal access to worship (e.g. a gay Baptist was told he could not attend his congregation and older Muslim women told younger women that they had priority over the use of a prayer room). Some religious gay participants raised the issue that certain Christian churches did not allow the marriage of same-sex couples.
- **Funeral services** - non-religious participants felt that funeral services were often religious by default. One participant said he was treated as a 'nuisance' by

requesting a ceremony without religious connotations and a tombstone without a cross (No religion, Male, Crematorium, Wales).

- **Views about religion in the media** - some respondents were of the view that television and radio media assumes either a social liberal or secular view; others that the media includes too much religious content. There was a perception of misrepresentation and ridicule by BBC services towards Christian and Jewish viewers. Comedy programmes were also perceived to mock religions. Some secular participants questioned why the BBC's *Thought for the Day* on Radio Four had to have a religious theme.
- Non-religious participants felt alienated by local authority **equal opportunity monitoring and complaints forms** which did not have a category relevant to them. An example was a complaints form that failed to offer a category for people without a religion or belief.

4.12 Views on the effectiveness of the law

We asked service users about their views on the effectiveness of the law in protecting people from unfair treatment due to their holding a religion or belief or not holding a religion or belief. Caution should be taken in interpreting the accompanying numbers as the call for evidence is not representative of the wider population. These numbers are given as a guide only.

More than half of the service users we heard from said the law should provide more protection to all people (272 out of 468). Less likely among service users was the view that the law should provide more protection to people with a religion or a belief (189 out of 468). More than half the service users participating in the call for evidence said they agreed with the statement that the law should provide more protection to other people whose rights may be affected (249 out of 468). This may, in part, be a result of the high number of Atheist, Humanist, Agnostic and no religion or belief service users who took part in the call for evidence (discussed earlier in this chapter).

See Appendix G for tables showing further detail to the number of people expressing these views.

4.13 Accessing advice on religion or belief issues

We asked service users whether they knew where to go for advice on religion or belief issues related to services. 249 of the 468 service users surveyed did not know where to go for advice, and 6 responded they prefer not to say while 107 neither agreed nor disagreed. 106 service users reported they know where to go and provided further information on the sources of advice they used.

Those service users who were aware of sources of advice used formal networks and online sources. Participants did not describe using informal networks (e.g. family and friends) in the same way as employees. Instead, they accessed equality and advice sources of information that seemed relevant to the severity of their issue, then going to different sources as needed when the issue was escalated. For example, Googling the issue, then contacting the EHRC, and then going to a trade union representative, solicitor or MP for more serious or complicated issues. See Table 4.4 below for a summary of the advice types and examples of advice sources.

Table 4.4 Sources of advice used by service users

Type of advice source	Examples of advice sources
Equality and advice	<ul style="list-style-type: none"> • Support and advice services e.g. Citizens Advice Bureau • Unions e.g. Unite, TUC, UNISON, PCS • Local government e.g. local authority • Other e.g. police, MP • Equality organisations e.g. EHRC
Religion or belief	<ul style="list-style-type: none"> • Religion or belief organisations e.g. Christian Concern, Christian Legal Centre, British Humanist Association, National Pagan Federation, National Secular Society • Religious contacts e.g. priest or pastor
Online sources	<ul style="list-style-type: none"> • Social media e.g. Facebook to ask about a concern • Search engines for details on similar cases or general information about religion or belief issues e.g. Google

4.14 Summary of service users

Issues raised by service users fell into six broad categories:

- Perceived harassment or discrimination, ridicule or bullying related to the person's religion and belief or because they had no religion or belief.
- Perceptions of unequal, unfair or inappropriate access to services
- Perceptions of exclusion from activities, events and facilities.
- Perceptions that a particular faith group receives more favourable treatment or greater consideration in their contact with service providers.
- A lack of recognition of people who hold non-religious beliefs in admission processes and other forms of equality data gathering.

Issues were also discussed in relation to specific sectors:

- **Education** – unfair school admission policies; unbalanced religious or non-religious curricula in teaching; bullying of children for opting out of religious assemblies; ridicule by teachers of pupils with religious or non-religious views; perceived advantage of Christian students through the timing of holidays.
- **Health** – exclusive admissions and patient reminder procedures; less favourable or inappropriate access to health services; poor staff attitudes to religious and LGB patients; forms of dress that were perceived by service users as likely to imply being treated in a prejudiced way.
- **Social care/ social services** – perception of unfair or inappropriate access to adoption and fostering; limited availability of care homes not run with a religious ethos.
- **Leisure** – Christians feeling excluded from sports events on Sundays; poor access to library services for some Christian denominations.
- **Shops and restaurants** - labelling of food and drink (e.g. Halal, alcohol, Vegan); factors limiting access to shops (e.g. offensive remarks, restricted opening hours).
- **Police and criminal justice** – perceptions of more or less favourable treatment in relation to policing of noise nuisance and when taking non-Christian or non-religious oaths in Magistrates Courts.
- **Housing** – refusal of tenancies to non-religious people; signing legal documents under religious oaths.
- **Transport** – perceptions of unfair access to school buses by religion; more

favourable access to town centre parking for Christians on Sundays.

- **Other services** – exclusion of LGB people from religious communion; assumption of religious funerals by default; contrary views that the media is too religious or too secular.

Services users tended to think more legal protection should be provided to all people and not just those who practised a religion.

Services users used more commonly used sources of advice, information and support, including social media and online searches. They sought help from legal and religious sources when issues were unresolved and had escalated.

5 | Service providers

This chapter discusses issues from the call for evidence from the perspective of service providers.¹⁴ We first outline the number and profile of service providers that submitted evidence. This is followed by a discussion of the overarching themes and issues arising among service providers and then consideration of how these and other issues are reflected in the types of services where we received the fullest range of responses. It was notable that service provision was one of the areas where views were most highly polarised. However, rather than presenting religious and secular views completely separately, we compare them before providing, where possible, examples of good practice and suggestions from respondents about how the issues might be resolved.

5.1 Number and profile of service providers

108 service providers took part in the call for evidence. These represented a broad range of services, with respondents being drawn in particular from education, health and social care or social services (see Table 5.1).

¹⁴ In this chapter, the term 'service provider' is used in a broad sense, for example to include schools and landlords.

Table 5.1 Which of the following best describes the type of service you or your organisation provide?

	Count
Education	26
Financial services	2
Health	18
Social care/ social services	12
Housing	6
Leisure (libraries, museums, cinemas, sport)	3
Tourism and leisure accommodation	1
Planning (buildings and facilities)	1
Shops, cafes, pubs and restaurants	2
Police and criminal justice	1
Other (e.g. charitable sector providers, churches)	36
Total	108
Base: Participants in service provider capacity	

Private, public and charity/ voluntary sectors were all represented reasonably evenly, as were owners of businesses, senior managers and participants working directly with customers. Smaller organisations with fewer than ten staff or 10-49 staff were more likely to express their views than services employing 150 people or more. Further details about the profile of service providers can be seen in Appendix H.

5.2 Types of issues among service providers

Similar overarching themes emerged across different services. We therefore outline them here first before going on to look at issues that arose in key sectors. The issues and suggested, or emerging, solutions put forward by service providers are shown in Table 5.2 before we consider the issues in more detail.

Table 5.2 Overarching themes among service providers: issues and solutions

Overarching theme	Issues	Suggested or emerging solutions by service providers
Perception that no religion or belief issues had arisen in the service	<ul style="list-style-type: none"> • Possible ignorance about religion or belief issues or their importance under equality legislation • Environments that were inclusive and accepting of different religions and beliefs, including no religion 	<ul style="list-style-type: none"> • Open discussion of religion or belief among providers • Ensuring that processes and practices are inclusive and appropriate to people of a range of religions and beliefs, and for people who do not have a religion or hold religious beliefs. Raising concerns about religious views in a friendly and polite way
Expression of religious views of service providers or harassment of service users	<ul style="list-style-type: none"> • The view that telling people about one’s religion is an essential part of the Christian faith • Equality law seen by some Christians as stifling Christian views that were seen as integral to the way that some providers conducted their work • Imposition of the religious views of the provider on staff and service users in ways that were viewed as upsetting or harassment 	<ul style="list-style-type: none"> • Informal or formal agreements about when and if religion should be discussed with service users • Gauge the religion and belief of service users • Gather information about the religion and belief views of service users • Tailor service provision to the religion and belief needs of the service user or customer
The balance of religious and non-religious views in information and support	<ul style="list-style-type: none"> • Concern that religious views and beliefs are not included alongside non-religious ones in information to service users (e.g. on abortion or the emotional support offered in hospitals) • Concern that there is religious support in hospitals and 	<ul style="list-style-type: none"> • Fuller and better balanced information about different views • Better provision of religious and non-religious services • Making sure users/ customers are aware of a full range of services

	<p>funeral services by default without the offer of non-religious (e.g. Humanist) alternatives</p>	
<p>Freedom of conscience or discrimination related to marriage of same sex couples, sexual orientation and sex outside marriage or discrimination</p>	<ul style="list-style-type: none"> • Some Christians feel compelled against their conscience to accept marriage of same sex couples or civil partnerships, LGB people and sex outside marriage • Narrow definitions of freedom of conscience on these issues versus broader definitions that may constitute discrimination based on sexual orientation 	<ul style="list-style-type: none"> • Being more upfront about being a ‘Christian’ or religious business so that customers have a choice • Reforming the current law to allow some new, narrowly defined forms of conscientious objection • Reinforcing the current legal position to ensure LGB people and same sex couples are not discriminated against
<p>Religion and belief in public and private funding of voluntary and community sector organisations</p>	<ul style="list-style-type: none"> • The failure to recognise the contribution that faith-based organisations make in the delivery of community and social care • Perceptions of an increasing reluctance to fund faith-based voluntary/ community work demonstrated through restrictions on applications for public funding • Private sector restrictions on funding to religious organisations, even when the funding is for broad charitable purposes 	<ul style="list-style-type: none"> • Faith awareness for funders in the public and private sectors • Ensuring adequate public funding to meet legitimate religion or belief needs within a locality • Discussions between faith-based organisations and local authorities to explore and address concerns and build up trust • Focus on the outcomes for service users in the delivery of service not just on the beliefs of providers

5.3 No issues relating to religion or belief

As with employees and employers, one view among service providers was that there were no religion or belief issues in the service or business that the participant provided. This view was found among participants in the education, leisure

(including, libraries, museums, cinemas and sport) and social care sectors. In some cases, this view arose from poor understanding of the implications of the Equality Act (e.g. in the expression by one participant working in the leisure sector that 'Religion isn't an issue'), or the issues simply may not have arisen, or the perception was that it had been dealt with in a positive way (e.g. in religious assemblies at some schools).

Three factors appeared to reduce the likelihood that participants felt that their service treated people unfairly in relation to religion or belief:

- **Open discussion of religion and belief in the service** – the view that people felt able to 'talk to each other' about different religions and beliefs within the service.
- **Acceptance of all religious faiths and views including people who are not religious** – for example: 'Expression of my own personal faith is not an issue since the school embraces those of all faiths and none' (Education Sector, Public Sector).
- **Raising issues of concern about a person expressing religious views in a polite and friendly way** – 'I have had no issues in the work place with regard to the public or my colleagues. Feedback is given by colleague to colleague in a friendly way and I have had no issues in the work place which were not caringly dealt with' (Social Care, Charity/ Voluntary Sector).

5.4 Expression of religious views, or harassment?

Expression or manifestation of religion or belief when providing a service was a highly contested issue among participants in the call for evidence. One view was that people should have the freedom to talk about and demonstrate their religious beliefs and views to service users. An alternative view was that it was inappropriate to express religious beliefs and views in the context of service delivery. This was especially the case where impressionable service users or those in vulnerable circumstances were involved and where religious messages were not welcomed by service users. In these cases the expression of religious views was seen as a form of harassment. Respondents' suggestions of methods to try to address this matter while remaining within the law included:

- Informal working agreements on the issues to which all service providers could subscribe.

- Gauging or finding out the views of service users relating to religion or belief so that services could be tailored to their needs as far as possible.

Expression of religious views

We noted in Chapter 1 that the freedom of expression of religious views under the European Convention on Human Rights is not an unlimited right. Consideration of the rights, freedom, health, public safety and morals of others must also be taken into account. Some Christian participants felt particularly unfairly treated in terms of the freedom to express their religious views in the delivery of services compared to other religions and people with secular or no religious beliefs.

Christians

Christians from more evangelical denominations felt that Christianity was about sharing one's faith with others. They were therefore less willing to compromise with aspects of equality law or policy that they felt prevented them from doing so where others might see their approaches as unwelcome or as harassment. For example, one participant working in education said:

Christianity is by definition a sharing faith - it's part of it - so if Christians [are] also going to be accepted and encouraged under the terms of Equality and Diversity, it's an oxymoron to expect them to be quiet...
Whatever the law, I am not going to compromise my faith in any event.
— Education, Public Sector

Other Christian participants felt that the freedom to express their views had been curtailed by equality legislation or policies, even where they felt their Christianity was integral to the quality and benefits of the service they delivered. As one respondent said:

As a Christian I have in the past been able to use my beliefs as a frame of reference when dealing with issues of un-forgiveness and servant leadership. I am now conscious of making any reference to my beliefs for fear of the reprisals to my business, such as the loss of a contract. I feel the political climate has effectively silenced the powerful difference I have been able to bring in the past.
— Group Facilitator, Public Sector

Similar issues arose for service providers who wanted to show their Christian¹⁵ beliefs through wearing a religious symbol.

Christians compared with other faiths

Service providers holding Christian beliefs also felt that their freedom to express their religious views in service delivery was more curtailed than for people from other religions (e.g. a Christian leader of a toddler group who was told she could not display a poster advertising the group on a local library notice board 'because the group was religious'. She noted there were other posters for a Buddhist Study Centre and Transcendental Meditation). Some Christian commentators therefore felt that the Human Rights Act did not provide them with sufficient 'freedom of religion' in their work and wanted a national Bill of Rights to define religious freedom of speech more clearly.

Harassment

By contrast, others with secular or no religious views thought that any idea of an absolute freedom to express religious views would cross over from expression into what they viewed as harassment.

Distress

At one level actions by others could cause distress. For instance, a Lecturer on a social work course gave an example of student who had been on placement when she was told to dress more decently by a Muslim Social Worker:

It was a hot day and she was wearing a strappy top (nothing inappropriate or revealing just a strappy top). A Muslim Social Worker came up and put a shawl over the student's shoulders whilst telling her to dress more decently because there were men in the office. Student was left feeling deeply embarrassed and offended yet had done nothing wrong.

— Education, Public Sector

Intimidation

¹⁵ Although participants from other (non-Christian) faiths raised the issue of manifestation of religion among service providers in the capacity of organisations representing those faiths (e.g. Jewish and Sikh participants) the issue was not raised by people who took part in a service provider capacity.

At another level, however, such expression could veer towards intimidation. The British Pregnancy Advisory Service,¹⁶ for example, discussed the difficulties their service providers and clients experienced in the face of protests outside clinics offering abortion services:

Over the last three years we have seen a significant increase in anti-abortion activism, with much of that activity now focused on 'protests' outside clinics..... BPAS¹⁷ is an organisation committed to freedom of speech but we have increasingly seen individual women and their escorts being targeted by groups outside clinics, with a view to changing their minds about ending their pregnancy or causing them to feel sufficiently intimidated that they cannot enter the clinic. The distress caused to some patients and their loved ones, as well as clinic staff, has been considerable.

— Health, Charity/ Voluntary Sector

In these cases the service provider respondent could not prevent the actions. In others, however, it was the service providers themselves who expressed their religious views, even sometimes when it was clear the service user did not share them. (This is discussed further in section 5.3). This led in some cases to services issuing guidance to staff working with users about when it was and was not acceptable to discuss religion or belief in the delivery of a service.

Establishing the religion or belief needs of service users

Respondents suggested a number of approaches to try to balance the concept of the freedom of expression of religious views of the service provider with the beliefs and views of service users. Some Christians felt that they should be able to express their beliefs – for example, by offering to pray with service users – virtually unconditionally. They felt in this context that the service user could always decline the offer:

Many situations I come across need prayers. I can't offer to pray with the clients. I'm not asking to impose my views or beliefs on them. However, I should be free and protected by the law of this country to inform my

¹⁶ The British Pregnancy Advisory Service states that it 'supports reproductive choice and health by advocating and providing high quality, affordable services to prevent unwanted pregnancies with contraception or end them by abortion: <http://www.bpas.org/bpasabout>

¹⁷ British Pregnancy Advisory Service: <http://www.bpas.org/bpasabout>

clients that I'm a Christian and offer to pray with them. It's their choice to accept or not.

— Education, Public Sector

Others, however, felt the onus should not be on the service user to decline an approach.

Gauging the religion or belief of service users

An alternative suggestion was that the service provider should try to **gauge or find out** the beliefs and views of the service users and to **tailor** their service accordingly. At an informal level, for instance, one GP said:

As a GP of some years I try and gauge my patients' feelings and sometimes introduce Christian concepts to them.

— Health - GP, Public Sector

Gathering information to tailor services to religion or belief

At a more formal level, some services had tried to **gather information** about the religion or belief needs of their users from an early stage so that they could ensure they provided the right service to them from the start. One example of this was a hospital Chaplain who had tried to improve the collection of information by staff during the inpatient admissions process. In this way it was hoped the right spiritual dimension could be included in the patient's care if they wanted it. He stated:

In my current hospital and my previous one we have tried to put systems into place to enable religious needs consent to be obtained and information passed on... We have improved both patient admission paperwork and information available to patients. I also do a section on the induction programme for new nurses every month. Being included in the need to know circle on the basis of whole person care would make a huge difference.

— Health, Public Sector

5.5 Religious and non-religious views in information and support

A prominent theme in the call for evidence submissions was around access to information and support in the areas of education and health and social care (see also section 5.3).

Abortion advice and information

Some Christian participants felt particularly strongly that there was not full or rounded access to advice and information from religious points of view. They felt that abortion was often being presented as the only option offered. As one member of Life, a 'pro-life' organisation,¹⁸ put it:

On three occasions of asking doctors' surgeries and a pharmacy to display leaflets and contact details of Life's counselling services. In one the practice manager refused. In the other two the leaflets were taken but were not displayed... Our BACP¹⁹ accredited counsellors primarily listen in a non-judgemental way, give facts and offer practical assistance. They allow clients to make up their own minds and are available to help them whatever they decide to do. If people do not know about alternative services offered then they are being denied access to all the information available.

— Health, Charity/ Voluntary Sector

Pastoral care and support

There was also discussion about the extent to which people were told about religious or non-religious support as inpatients in hospitals or in relation to funeral services. Two contrasting views were particularly illustrative. A Minister of Religion said:

It has become increasingly difficult for parishioners, or even myself at times, to visit the sick when in an institution, even where an established relationship exists. Hospital wards often place considerable limitations to access and to the sharing of information, which can actually inhibit the spiritual and pastoral care that a patient may wish to receive.

— Minister of Religion in Health, Other Sector

By contrast, a Humanist reported being denied access to patients who did not have a religious belief and might seek his services:

¹⁸ *Life* says that it is a 'pro-life' organisation that inspires students to think for themselves on issues such as relationships, abortion, sexual health and reproductive technologies:
<http://lifecharity.org.uk/about-us/>

¹⁹ British Association of Counselling and Psychotherapy: <http://www.bacp.co.uk/>

For many years I was a Humanist funeral Officiant working for the British Humanist Association.²⁰ My non-religious services were in general very popular with people who attended them but, if a funeral director was particularly religious (and several were), he/she would not inform the public that Humanist ceremonies were available. When I became a humanist alternative to a hospital chaplain, a member of the clergy rang me to tell me not to expect any people to ask for me - and nobody did.

— Humanist Official in a Hospital, Other Sector

Balanced and full information

The solutions proposed in this context by participants were that publicly-funded and other types of services should ensure that service users have the right to full and balanced information about the support and advice they can receive. Participants who supported this approach suggested that there should be a clearly defined and publicised right to a full and rounded education. They felt that religious and secular views should be presented alongside each other in relation to advice and support; and that service providers should have to give information about alternative religious and non-religious services where they were available. Such presentation of information would also need to consider the factual nature of the information provided in order to ensure that service users were not deliberately misled.

5.6 Freedom of conscience and discrimination

Freedom of conscience - marriage of same sex couples and LGB people

Discrimination because of sexual orientation in the provision of goods, services and facilities is unlawful, except in relation to very specific circumstances such as whether religious institutions wish to conduct marriages of same sex couples. Freedom of religious conscience in the delivery of services was a significant area of concern for some Christian participants both as providers of goods and services and as employees, with this especially being the case in relation to direct involvement with marriage of same sex couples. Many of these participants referred to the case of Lillian Ladele, a registrar of marriages, births and deaths who objected to conducting same sex civil partnerships on the grounds of religious conscience and

²⁰ The British Humanist Association states that it is an organisation that works 'on behalf of non-religious people who seek to live ethical lives on the basis of reason and humanity': <https://humanism.org.uk/>

who subsequently lost her job as a result.²¹ A similar case was highlighted by one of the participants in the call for evidence:

When Civil Partnerships were introduced, I was compelled to attend a training course - so I could knowledgeably deal with an enquiry. Having attended a course I was subsequently informed that I MUST be involved in Civil Partnerships. I explained what I had been promised on appointment [that it wouldn't be compulsory to conduct Civil Partnerships] but was told I must be prepared to take ceremonies if required. A senior manager accused me of being homophobic. A statement I refuted and illustrated by describing experiences of registering deaths where the informant had been the partner of the deceased.... The issue was never satisfactorily resolved. I was suspended from duty following a 'complaint' from a member of the public within days. As a result, I was dismissed from the Authority.

— Registrar, Public Sector

Some Christian respondents felt extremely strongly that the European Court of Human Rights reached the wrong decision in the Ladele case. They also thought that Christians who objected to marriage of same sex couples should be able to opt out of providing a broader range of services to same sex couples.

These participants felt most strongly about the possibility of opting out where they felt that other providers or services could have been made available to lesbian, gay or bisexual people or they could have chosen to purchase a service from someone else. An example in a very different context was a private sector landlord who did not want to rent a room to a gay man. His objection was that the man was a 'practising homosexual' who wanted to bring his partner to the house to sleep with him. While recognising that not allowing the man to rent the room would be unlawful, he stated:

I am left in a state of ignorance, and torn between by desire to stay within the law of the land, and follow the law of God. I could have 'not' said anything, and allowed anyone to stay. However, this would make me feel uncomfortable, as I believe this would be against God's wishes.

— Landlord, Private Sector

In another case, a small business owner offering IT support said that he did not want to build a website for an organisation selling books 'promoting homosexuality'

²¹ Full details of the case of Ladele v London Borough of Islington are in Appendix B.

because Jewish/ Christian belief 'forbids any kind of fornication'. He stated that his objection was not to LGB people per se, but rather with the idea of the promotion of sex outside marriage.

Definitions of freedom of conscience

Some Christian participants made a distinction in relation to freedom of conscience around direct or indirect contact with marriage of same sex couples. For instance, a Christian pianist who taught and performed stated his objection was not to providing services to lesbian, gay or bisexual people per se, but solely to performing at same sex marriage ceremonies:

I am aware that it is now illegal for me to discriminate on grounds of sexual orientation. However, whilst I would be happy to give piano lessons to, or play at a birthday celebration of, a gay or lesbian person I cannot play at their wedding. I profoundly believe this would offend God.

— Self-employed Pianist

This suggests that some Christians feel that the current legislative framework does not take into account the strength of feeling of some religious people towards such marriage as an institution. The registrar above, for example, said that her overriding concern was that she wanted her **strength of feeling to be listened to** in order to see if it was possible to reach some degree of compromise:

I would have hoped that accommodation for my views could have been made. In the area where I worked there was a number of staff who were happy to ensure that I would not be placed in a difficult position.

— Registrar, Public Sector

Others, however, objected to serving same sex couples when they were not directly involved in a same sex wedding or simply because they did not want to serve lesbian, gay or bisexual individuals who they saw as 'practising homosexuals' or organisations they felt were 'promoting homosexuality'. Sometimes they said that they bore the cost to their own business to stay within the law, even where they felt the decision was forced on them and unfair:

A florist is part of our family-run nursery. As Christians we conscientiously object to homosexual 'marriage'. Previously, we have provided flowers for weddings, however due to recent Government legislation we can no longer provide this service as it would be illegal for us to provide flowers for heterosexual weddings but not for homosexual weddings... This

represents a loss to the business of approximately £3,000 - £4,000 per annum.

— Florist Shops, Private Sector

Responses to the fear of complaint and prosecution

It is unlawful to refuse to provide goods, services and facilities to LGB people because of their sexual orientation. Where religious views about sexual orientation or marriages of same sex couples were strongly held, a number of smaller service providers (mainly in the charity/ voluntary or small business sectors) said that they felt criminalised and lived with the constant fear of complaints. The tension between not wanting to serve same sex couples and/ or LGB people and the feeling of being forced to do so, led to a variety of responses. These were:

- **Reluctant compliance with the law** – as one small shop owner put it: Nothing can be done differently as the law stands at present. There is no tolerance from the Government for conscientious objection’ (Shop, Private Sector).
- **Withdrawal of all services so as not to have to provide services to same sex couples** – an example was a Christian charitable organisation that stopped offering relationship counselling.
- **Avoiding providing a service or goods** – for instance, an information technology company providing technical support did not want to service a website for an organisation that it saw as ‘promoting homosexuality’, so made the excuse that they were busy.

Other participants suggested a solution might be to market a business as a Christian one, so that Christians would be more likely to use it. Depending how these messages were presented and interpreted, this might discourage some LGB people from using the business.

Freedom of conscience was therefore an issue that some Christian-run businesses felt very strongly about. In some cases participants looked to the EHRC to help resolve and offer further guidance on these issues. As a Christian counselling service put it:

This is a current problem which we are wrestling with and there seems to be very little help to resolve the issue. HELP!

— Christian Counselling Service, Charity/ Voluntary Sector

5.7 Religion or belief and public funding of services

Perceived reluctance to fund services provided by Christian and other faith-based organisations

Another overarching issue where religious, and particularly Christian, service providers had concerns was their perception that their contribution to charitable work and social care was ignored and undermined. Christian providers in the charitable and voluntary sector felt that they were being caricatured in the media in ways that they believed influenced the funding decisions of local authorities and other public bodies.

One participant described the number of ways in which people of Christian faith provided social care (e.g. food banks, Jobclubs, counselling, children's and youth work). He felt that funders had become suspicious of them in terms of motives and potential prejudices when providing such services. A Christian housing provider said:

We have experienced significant additional scrutiny, compared to other service providers, because we are a faith based organisation.... This has been exhibited in discussions directly with us, as well as [at] high level meetings within the local public sector where we have been discussed and have received feedback from those present. The impact of this has been reputational damage, with the possibility that this has impacted our ability to retain and win contracts for public service delivery (although this cannot be proven).

— Housing, Charity/ Voluntary Sector

In some instances participants in the charity/ voluntary sector said that they also faced restrictions on applying for some public funded grants. They felt that this was usually based on views that they would not (or could not) provide services to the whole community (e.g. other faiths, LGB people) or that the organisation was actually a church. One voluntary and community sector provider said:

I went to a VCS organisation meeting and there were flyers regarding funding. The flyers stated that the funding was NOT available to faith groups. I felt excluded from the setting and that the work we do was not valued.

— Charity/ Voluntary Sector Provider

Another participant gave an example of unsuccessfully applying for funding from a bank. They said the funding may have been withheld because they had not been

upfront about being a church rather than a faith-based organisation but believed the bank had a blanket policy of not providing funding to faith-based organisations, even when the service it delivered did not have a specifically ‘religious aspect’:

We provide a food bank and a free meals service. When we fundraise we find time and again that businesses (particularly large corporations like banks) refuse to give us the money they have raised for the activity when they discover that our charity number is that of a church. We have challenged them to honour their commitments, asked them why, when the services we are providing have no religious aspect, should they withhold funds.... Sadly they have strict policies to which they adhere and we have had no luck changing their minds.

— Church working in the Charity/ Voluntary Sector

These restrictions were reluctantly accepted in some cases. In others they were challenged but with a mixed degree of success (e.g. one service provider was given a smaller grant than it had originally applied for – see section 5.3).

Suggested ways to improve funding to faith-based organisations

Four main suggestions were put forward to try to address the barriers which faith-based organisations reported in accessing funding. These are summarised in Table 5.3.

Table 5.3 Ways suggested to achieve more equitable access to funding opportunities for faith-based organisations

Suggestion	Example
1 Faith awareness training for funders	A participant thought that Faith Awareness Training should be compulsory for all those involved with grant making. They noted that an organisation in their area offered training to a range of statutory sector providers of this kind.
2 Enter into discussion with local authorities about support for religious needs in the community	For instance one faith-based provider of social care in Scotland said: “The people we support often wish to express their independence and in turn to select how we support them as regards practising their faith. On occasion funding issues have been presented that made religious support a bit more difficult than one would have expected. We are in debate with Local Authorities about funding for a reasonable level of religious needs”

	(Social Care, Charitable/ Voluntary Sector).
3 Explore the concerns of funders and build relationships of trust	<p>“We tried to hold conversations with those who we thought were suspicious of us... We further clarified our policies and position statements related to our faith basis, ethos and the tangible and positive difference this had on service users. We have recently retained some contracts, which we have taken as a positive sign. We have worked hard on personal relationships with key individuals to allay their fears and build trust, which has been successful in getting to a neutral position”</p> <p>(Housing Provider, Charity/ Voluntary Sector).</p>
4 Emphasise the outcomes achieved through past provision	<p>“Several charity/ voluntary sector faith organisations working in housing and social care noted the importance of demonstrating real, tangible and transparent outcomes for the people they served: ‘We developed an outcomes monitoring framework so that we could better evidence the difference we make to people's lives”</p> <p>(Housing, Charity/ Voluntary Sector)</p>

5.8 Education

Religion or belief and educational curricula

Among education providers there were three main issues. These were:

- **The way in which religious beliefs were taught separately from secular and scientific views** – in one school, Atheist parents had been unhappy about a planned class project on the theme of ‘Creation’, although the issue was resolved. As the participant explained:

Different faith ideas, including the Christian belief, were taught, and art-work by the children was part of the output. There was confusion between ‘Creation’ and ‘Creationism’. The Head Teacher invited the parents to discuss the matter, and the problem was sorted.

— Education, Public Sector

- **The extent to which mainstream religions and beliefs were taught alongside other world views** – a community governor at a primary school said that when the school became an academy, a Church of England foundation governor tried to prevent acknowledgement of ‘world views’ of religion in the curriculum. Despite

attempts to re-write the Religious Education policy to include the Toledo principles²² to acknowledge other world views beyond Christianity, Judaism, Islam and Hinduism, the policy was effectively blocked by the other governor. As a result the participating governor thought that: 'The kids' education was therefore lacking and, while the C of E has traditionally been relatively benign, the potential for sectarian divisions (e.g. between Islam and Christianity) greatly increased' (Primary Education, Public Sector).

- Requests by managers for teachers or lecturers to censor teaching that was essential to understanding a subject in order not to offend religious students. For example, a Lecturer at a university said that he had been told to censor teaching on a psychology course in order to avoid potential complaints from students holding religious beliefs contrary to the theory of evolution. He stated:

I and several colleagues have been specifically requested by senior management to withhold teaching in aspects of psychology defined as core by the British Psychology Society, in order to avoid giving offence to 'some of the students'. It is clear and understood that this refers to religious groups. The teaching we are asked to withhold is mainly (but not entirely) evolutionary psychology. Members of teaching staff feel unhappy about this but are intimidated by management and by threats that students may make complaints or become difficult. This obviously denies teaching to students in areas which are important to their overall development as psychologists. It appears to be motivated by the perceived threat of protest by very small numbers of students.

— Higher Education, Public Sector

Significantly, in all these cases participants felt that equality legislation and/ or equality and diversity policies were being ignored. This was because Christian or religious teaching was seen to be prioritised over secular or scientific views or because other world views were being ignored. As the Lecturer quoted above put it:

²² The Toledo principles were prepared by the Organisation for Security and Co-operation in Europe in 2007 as guidance for legislators and schools on 'preparing curricula for teaching about religions and beliefs' and 'preferred procedures for assuring fairness in the development of curricula and standards for how they could be implemented': <http://www.osce.org/odihr/29154>

The Equality and Diversity policy now prohibits discrimination against people of any religion or none, but I do not feel that the university takes this seriously.

— Higher Education, Public Sector

School governance involving respect for others

Notably, a number of schools that participated in the call for evidence felt that no negative issues relating to religion or belief had come up. This was because they were able to incorporate all religions and none within an overall framework of respect for others. One example was a Christian Independent school. The participant stated:

At school we encourage pupils towards a personally developed life philosophy. We are a Christian school and as such subscribe to Christian beliefs and values. However we do teach our pupils about other world religions and do not see our role as having a proselytising element. Teaching pupils within an environment that welcomes people of all faiths and none, but that is rooted within unshakeable Christian values is a very positive and enriching experience.

(Education, Independent School)

A school environment that was open to discussion of religion and beliefs of all kinds could also have a positive effect for staff who held religious beliefs. This was because it made them feel more able to share their views. As one teacher put it:

Expression of my own personal faith is not an issue since the school embraces those of all faiths and none. However the teaching of good values means we can all be open about our own faith.

— Education, Public Sector

5.9 Health

Expression of religious views and beliefs in health services

The biggest issue in relation to health services was whether, and if so when, it was appropriate for health care professionals to express or show their religious views and beliefs to patients or the students under their supervision.

Manifestation of religion or belief through symbols or dress

Some Christian participants referred directly to Nurse Shirley Chaplin²³ stating that they felt the decision in her case was unfair, especially when they compared their treatment to the treatment of people of other religions. As one participant put it:

As a qualified RGN working in the District Nursing service, it was made quite clear to me that the wearing of my small lapel badge cross was not allowed, especially as I sometimes had student nurses with me. I felt very isolated, and knew quite surely that to make a stand would do no good at all. Muslims are allowed to attend prayer times, etc., but Christians are not allowed to wear either a little cross on a chain or a lapel badge cross.

— Health, Public Sector

Open and unconditional expression of religious views

For others, however, integration of faith into their work went much further than manifesting their religion through wearing a symbol of their faith. An example was a GP who felt that his Christian beliefs were a significant part of why he became a doctor but also that it was important for him to share his beliefs and to pray with patients:

I am a Christian GP. My faith was the major reason for wanting to become a General Practitioner, to help others who are suffering. I often reference my faith at work and sometimes gently explore whether patients have a faith that may help their current experiences. Many do and are glad that together we can draw on that experience of God's love to overcome illness. I have seen miraculous answers to prayer and sometimes offer to pray to God to ask for healing for the patient in front of me. This is often warmly received. However, sometimes patients have said nothing and later complained to colleagues.... Sadly complaints can be effective in making it harder for Christian GPs to express their trust in God at work and the same complaints thus deprive other patients of the well-proven health benefits of prayer.

— GP in the Public Sector

²³ Shirley Chaplin (*Chaplin v Royal Devon and Exeter Hospital NHS Foundation Trust*, 2010) was a Nurse who was removed from front line services for refusing to stop wearing a small crucifix on a chain even though it went against the hospital's health and safety policy. The European Court of Human Rights found against her in *Eweida and Others v United Kingdom*. More information can be found in Appendix B.

Another GP was aware he breached professional guidance on the expression of religious views to patients, but felt there was benefit to him and his patients. He stated:

I have made a decision to continue to explore faith (by which I mean a trust relationship with God) with individual patients and colleagues. I will also continue to sensitively offer prayer when this feels appropriate. The benefits to patients and society outweigh the potential risk to my time and my GMC registration.

— GP in the Public Sector

It should be noted that current British Medical Association guidance states that 'doctors should not share their private moral views with patients unless explicitly invited to do so'.²⁴

Complaints

By patients

Several health care professionals said that they had received complaints about expressing their religious views to patients. Some felt that patients making such complaints were often unsympathetic to people with a religion. In some instances they suggested that the complaints of the patients were unfounded or deliberately targeted people with Christian views. One participant who had received a complaint against him said:

My trust of the authorities re Christians practising their religion or not in the work place has gone and the assumption always is against the Christian so that anyone can bring bogus complaints and ruin caring, authentic, competent practitioners or businesses.

— Health Sector

One suggestion from a health professional to reduce the impact of complaints on practitioners was that patients should tell them informally if they had opposing views or concerns before raising the issues at a formal level.

²⁴ See <http://bma.org.uk/practical-support-at-work/ethics/expressions-of-doctors-beliefs>

By the general public

Sometimes complaints and concerns about health professionals - or health professionals in training - came from the wider public. For example, one participant, training to be a psychodrama therapist was told by the professional body concerned that he could no longer train on 'public safety' grounds because he had stated on a BBC local radio programme that he could help to 'reduce unwanted homosexual feelings'.

'Religious rights' and patient rights

Some Christian participants perceived the limits on expressing their views as a restriction of their 'religious rights'. Other providers felt that this implied an absence of balance between the needs of the individual expressing the religious views and the needs of the service user. This was expressed by a service providing pregnancy, contraception and abortion advice:

Any attempt to balance the right to freedom of speech with the rights of women to access healthcare, and people in general not to be caused distress, has been strongly resisted by the groups [protesting outside clinics]... This means that the groups outside clinics are essentially people with extreme views who feel at religious liberty to target other citizens at a vulnerable time in their lives.

— Health, Charity/ Voluntary Sector

Assessing the needs of the patient

Some service providers emphasised the religion or belief needs of their patients. For example, a health service provider in Wales tried to fulfil the spiritual needs of patients by providing information about the different services available:

Spirituality should not simply be about religion but whatever fulfils a person's spiritual needs. An intrinsic part of the care delivered to individuals is to assess, plan and deliver a response to their spiritual need. The organisation has a dedicated team of spiritual care Chaplains that covers a wide spectrum of world religions and beliefs. A constant issue is how patients, families or staff can be made aware of the diverse services available to meet their individual spiritual needs. The organisation responds to this concern in a number of ways: 1. a dedicated page upon their internet and intranet sites clearly signposts to a broad range of available services 2. Chaplaincy input across the Governance framework

to ensure that spiritual care is central to the planning and delivery of service.

— Manager, Health Service, Public Sector, more than 250 employees

A number of religious and non-religious healthcare providers suggested that a positive way forward may be to provide a range of services to meet different religious, spiritual or non-religious support needs and to ensure that patients are made aware of them in everyday service delivery.

5.10 Social care/social services

Two main issues arose in relation to social care and social services. The first was similar to the issue in the healthcare sector about when it was acceptable to talk about religious beliefs in the delivery of social care. The second related to the increasing difficulties that faith-based organisations reported that they experienced in obtaining funding for work in the voluntary and community sector.

Discussion of religious beliefs in social care

There was concern among some professionals who did not hold religious beliefs that volunteers working in the voluntary and community sector were sometimes speaking about their faiths in ways that others saw as proselytising or that made clients feel uncomfortable. An example was a voluntary/ community sector organisation that was jointly run by a Christian and a secular organisation. The secular charity made complaints to the Christian charity about the expression of religious views during service provision and stated that religion should not be talked about except in designated rooms. A member of the Christian charity said that:

It seemed to have an attitude of suspicion and fear towards religions and people with religious convictions. This had the effect of upsetting some of our volunteers. It also put pressure on me to agree restrict speech since we did not want to let down our service users - who were depending on us heavily.

— Social Care/ Social Services, Charity/ Voluntary Sector

Two approaches were suggested to deal with such issues.

- **Formal agreements about when religious views should be expressed when providing services to clients** – in the situation described above, the organisations reached an agreement:

In the end we agreed that personal conversations could be on any topic, even religious ones. But that no one should start preaching or similar. NB To be clear, no one had ever preached at the project (as far as I'm aware) - but this 'compromise' seemed to satisfy the local leader (maybe because they could report something back to their manager).

— Social Care/ Social Services, Charity/ Voluntary Sector

- **Informal feedback and discussion when staff or colleagues think that a volunteer or member of staff should not be speaking about their religion or other views:**

I am a Christian and my belief has not affected the service I give, other than I carry out my work to the best of my ability... I have had no issues in the workplace with regard to the public or my colleagues. Feedback is given by colleague to colleague in a friendly way and I have had no issues in the work place which were not caringly dealt with.

— Social Care, Charity/ Voluntary Sector

It was suggested that formal agreements may be necessary if the other providers or clients continue to be faced with uninitiated and unwelcome views and where informal approaches had not worked.

Perceptions of difficulty obtaining funding for charitable social care

As discussed in section 5.2, Christian and other faith-based organisations said that they had experienced significant restrictions on funding since the introduction of the Equality Act. They felt that this was primarily because of the way the legislation was being interpreted so that single-faith organisations, or organisations that did not provide services to the whole community, could not receive public funding. (By the whole community they meant other religious groups, those with no religion and clients who were lesbian, gay or bisexual). One Christian organisation said that this had created significant funding problems for them:

As a Christian organisation we seek to provide services to people in need... Only for us to find we are excluded because we are a faith based

organisation; or barred from a process such as running a community centre because we are a faith based organisation. This has happened more than once and often handicaps our ability to bring services to life in the community that can be run inexpensively and effectively... We have to minimise the work we do and go [it] alone or just not get involved at all.

— Charity/ Voluntary Sector

A Christian charity providing a community café complained to its District Council when it was excluded from funding. While it had made some progress by complaining, the organisation thought that it had still been unfairly treated and suggested ways in which the situation could have been improved in retrospect:

We made a formal complaint to the District Council (whose officers raised the objection on religious grounds). The Chief Executive met with us and agreed we had been treated unfairly. He encouraged us to apply for a small grant from the council, of £1,000 rather than the £33,000 originally applied for. We were successful in gaining this small grant, but it left a huge funding gap... It would have been appropriate for the funding panel to refer the question to senior council officers before refusing the grant, rather than making discriminatory policy 'on the hoof'.

— Community Café, Voluntary Sector

Other suggestions from respondents regarding ways in which access to funding might be improved in for religious and faith-based organisations are highlighted in section 5.2.

5.11 Experience of religion and belief discrimination in other services

Participants' reaction to perceived discrimination regarding religion or belief in other services was dependent on several factors. These were:

- **The extent to which service users, clients or customers could go elsewhere** – for example, those responding in the Leisure sector frequently said that they had experienced few or no complaints of religion or belief discrimination. This was partly due to having relatively limited contacts with their service users, but also because the latter could go elsewhere. By comparison a person working in prisons said: 'I also experienced other examples of serious discrimination against the rights of prisoners exploring Buddhist beliefs' (Prison Service, Public Sector).

- **The extent to which providers have other potential customers** – a planner described an incident where he had lost business because he said he was an Atheist. As he put it:

I was selected to tender for a medium sized church refurbishment contract... Costing involved visiting the church where I happened to meet one of the secretaries who asked if I attended church. I told them I was an Atheist thinking nothing of it. The next news I had, was that I'd been removed from tender list for unspecified reasons.

— Planning and Building, Private Sector

His ability to downplay this incident was in major part because he felt he could find other business easily.

By contrast a charity working in schools described significant effects on their ability to find work because they thought that schools were refusing to work with them because they were a Christian organisation:

The issue is that we at times seem to be discriminated against because we have a faith. In particular one local school officer said 'we cannot work with you because you are Christian organisation.' At other times it is felt that we are not given the opportunities that non faith organisations are given.

— Charity/ Voluntary Sector

- **Approach to the discussion of religion and belief in the delivery of services and goods** – services and businesses that used their Christianity in what they regarded as 'positive' and 'less forceful' ways said that they tended to receive better reactions than organisations and individuals who were more forceful in their views. For instance, a participant working in financial services said:

I do, however find that the fact I give as much time as needed to a client with much conversation focusing on domestic and other non-business matters, the responses from these situations is very positive, and greatly appreciated.

— Self-employed Accountant, Private Sector

Similarly, Christian owners of a B&B described the way in which they used the small fish symbol on their sign to show they were Christians but left it up to their guests to decide whether they wanted to talk about their beliefs. They said that:

We run a small B&B and always make sure that our guests feel welcome. There is a Fish sign on the window facing the car park and we have daily readings and a bible in each room. Other than that we leave the opening very much up to the guests and they quite often ask how we came to be here and that gives us the opportunity to share our story and the way that God has helped us.

— Leisure Tourism, Private Sector

The Equality Act states that a service provider providing a service to the public (for payment or not) must not discriminate against a person requiring the service. These examples show that complaints may be more likely if service users do not think they can get the same service elsewhere and if service providers do not think they can easily find other contracts or business. However, the way in which providers integrate religion or belief into the services they provide can also make a difference to how these beliefs and views are received, and whether these views are received as discriminatory.

5.12 Views on current equality and human rights legislation

Care must be taken in interpreting the figures in the following two sections because they represent only those people who chose to take part in the call for evidence and are not based on a randomly selected sample. It should also be noted that 46 of the 108 service providers taking part in the call for evidence said that they were organisations that practised, advanced or taught a religion or belief.

There was greater support for the view that there needed to be more rather than less protection for people with and without a religion or belief. There was a fairly even split between service providers who felt that others whose rights might be affected by religion or belief issues needed to receive more, less or the same protection. However, the most common view amongst this group was that about enough protection was provided. Further information on service provider views is given in Appendix H.

5.13 Accessing advice on religion or belief issues

A similar number of service providers reported that they did (44 out of 108) and did not (35 out of 108) know where to go for advice on religion or belief issues relating to

employment. More than one fifth neither agreed nor disagreed with the statement: 'I know where to go to for advice on religion or belief issues related to employment'. See Appendix H.

Participants with awareness of the sources of advice available provided examples of these. We have grouped them into three categories: equality and advice, religion or belief and online sources. Table 5.4 below summarises this.

Table 5.4 Sources of advice used by service providers

Type of advice source	Examples of advice sources
Equality and advice	<ul style="list-style-type: none"> • Specialist lawyers • Support and advice services e.g. Citizens Advice Bureau • Trade unions • Local government e.g. local authority • Equality organisations e.g. EHRC, Acas • Other e.g. police, MP, HR departments
Religion or belief	<ul style="list-style-type: none"> • Religion or belief organisations e.g. Christian Concern, Christian Institute, British Humanist Association, Amaze (a charity based in Luton), Evangelical Alliance, education staff within Diocese • Religious contacts e.g. priest or pastor • Other e.g. Canon law
Online sources	<ul style="list-style-type: none"> • Google search for websites of religion or belief organisations

5.14 Summary of service providers

A number of overarching themes arose in relation to religion or belief issues among service providers and in service provision. These were:

- Reasons why there were perceived to be no or few issues – possible ignorance about equality and human rights law but mainly: open discussion of religion or belief in the service; inclusion of different religions and beliefs in service provision; a polite and friendly approach to addressing concerns.
- The balance to be struck between the freedom for providers to express their religious views and the rights of service users – using agreements between

staff and information about service user views to tailor services rather than imposing the views of the service provider.

- The balance of religious and non-religious views in services and information about these – provision of religious and non-religious information about services.
- The issue of freedom of conscience in relation to marriage of same sex couples and perceived discrimination because of sexual orientation - whether further, narrowly-defined conscientious objection is possible; reinforcement of current legislation where there is discrimination because of sexual orientation.
- Perceptions of reduced funding for religious or faith-based organisations in voluntary and community settings – addressing reluctance to fund faith-based organisations through better faith awareness for grant-makers; adequate local funding to meet religion or belief needs in the community; a discussion that addresses concerns of funders and builds up trust; a focus on service delivery outcomes.

Sector specific concerns and solutions were:

- **Education** – concerns about one-sided teaching and unjustified censorship so as not to cause offence; teaching different religions and beliefs alongside each other within a framework of respect for others.
- **Health** – concerns about the discussion or promotion of religious views in the context of delivery of services to vulnerable patients and clients; focusing on and addressing the spiritual and well-being needs of patients and clients, rather than the views of providers.
- **Social care** – agreeing the circumstances in which it is appropriate to discuss religion or belief in the delivery of social care.
- **Factors affecting concerns in other sectors** - the extent to which service users, clients or customers could go elsewhere; whether providers have other potential customers; less forceful and more positive ways of discussing religion or belief.

Overall view that all people needed more or clearer protection in relation to religion or belief in service provision.

6 | Organisations

This chapter discusses issues from the call for evidence from the perspective of organisations that wanted to give their views, but not in their capacity as employers or service providers. Most of this group are organisations that practise, advance or teach a particular religion or belief. We first outline the number and profile of the organisations that submitted evidence. This is followed by a description of the issues related to religion or belief of particular importance to the participating organisations. We go on to discuss the views of organisations about the effectiveness of the law and conclude by considering their suggestions to address religion or belief issues.

6.1 Number and profile of organisations

181 organisations from the private, public, and charitable and other sectors participated in the call for evidence (see Table 6.1). Those who described themselves as ‘other’ included campaigning groups, consultancies working across sectors and retail organisations. Most (115 out of 181) were from the charity / voluntary sector.

Table 6.1 What sector is your organisation in?

	Count
Private sector	6
Public sector	21
Charity/ voluntary sector	115
Other (i.e. campaigning, consultancy, retail, political party)	33
Prefer not to say	6
Total	181
Base: Participants in organisation capacity	

The majority of organisations (132) practised, advanced or taught a religion or belief as part of their remit. The high representation of religious organisations in this section should be kept in mind when considering the types of issues and views discussed in the remainder of the chapter as this is not representative of organisations in Britain. Most organisations operated within the UK. A few respondents worked within the UK and internationally but their responses related to their experiences in the UK.

Quotations and case examples used in this chapter are labelled to reflect the sector of organisation worked in, whether or not it had a religious or belief purpose and the country in which the organisation worked. Further information about participating organisations can be found in Appendix I. Organisations are named in this chapter where consent was given for this.

6.2 Types of issues among organisations

Organisations were given a list of twelve types of religion or belief issues (see Table 6.2 below) and asked to select the three issues that they experienced the most. An 'other' option was included so that they could state additional issues. Caution should be taken in interpreting the accompanying numbers as the call for evidence is not representative of the wider population. These numbers are given as a guide only.

All issues were selected by at least one organisation. The top three issues overall were 'freedom of expression', 'opting out of work duties or conscientious objection', and 'time off work for religion or belief' reasons.

Table 6.2 Which issues is your organisation particularly interested in or concerned about? Select all that apply.

	Count
Time off work for religion or belief reasons	28
Dress codes and wearing of religious symbols	14
Opting-out of work duties or conscientious objection	31
Freedom of expression	68
Restrictions on, or refusal of, a service	10
Offering an appropriate service	5
Harassment related to religion or belief	9
Victimisation on grounds of religion or belief	5
A hostile or unwelcoming environment	2
Definition of 'belief'	1
Procurement or funding issues	2
Exemptions from equality law	1
Other issues	5
Total	181
Base: Participants in organisation capacity	

These themes reflect issues identified by employees and employers. Time off for religion or belief reasons and dress were prominent as themes in submissions by employees, while concerns in relation to the expression of religious views and conscientious objection in the workplace were identified by some managers and employers.

6.3 Views on the effectiveness of the law:

Respondents in this group regarded a number of features of current equality and human rights legislation as effective. These could broadly be defined as **general** to the Equality Act and the Human Rights Act or the **specific provisions** within them relating to religion or belief or to freedom of thought, conscience and religion.

General features of the law seen as effective

Both the Human Rights Act and the Equality Act were seen as good ways to protect the rights of people holding religious and other beliefs and to create greater equality

between people with different religions or beliefs. Perhaps reflecting the impact of the Public Sector Equality Duty, those organisations which thought the law was effective were mainly in the public sector. One participant working in Wales said that the current legal framework had created ‘...a real mandate to work from’ (Public Sector, No Religion, Wales). Another participant working for a Scotland-based public sector organisation also described the way in which the Equality Act: ‘has improved the consistency of communication and implementation of [their] internal equality policies’ (Public Sector, Religious, Scotland). In this context the legislation was seen to give real leverage to reduce unlawful discrimination and promote greater equality of opportunity.

Specific features of the legislation seen as effective

The three main ways in which the current legislation was considered to have worked well were through:

- **Creating greater recognition and respect for a society with a diversity of religions and beliefs** – some participants valued the effectiveness of the law at drawing attention to the differing rights and freedoms of different religions and beliefs. Compared with previous legislation, these participants thought the Equality Act supported a pluralist society: ‘The legislation is laudable in its desire to offer a pluralist framework to our society where no one ideology or faith trumps others’ (Charity, Religious, Scotland). To this extent, the law had protected the rights of an increasingly diverse society and had also raised ‘awareness of some of these diverse needs’ (Charity, Religious, England). By recognising diversity, the Act had enshrined ‘the principle of equality and of mutual tolerance’ (Charity, Religious, England).
- **Protecting people who do not hold religious beliefs** – the current law was described as providing broader protection than previous legislation by including non-religious views and beliefs within its protections; not having a religion or belief, ‘is on par with having one in the new legislation’ (Charity, Religious, UK). In addition, the current legislation was also seen to provide particular protection to specific groups such as lesbian and gay individuals who might otherwise have experienced discrimination.
- **Allowing exemptions related to occupational requirements** – Christian organisations felt that the law demonstrated the correct balance in that it acknowledged religious organisations could be exempted from the legislation in some cases because of particular religious or other beliefs. In particular participants referred to exemptions from provisions in recruitment where it was

seen as essential to have a practising Christian in a job. These **occupational requirements** were seen to ‘provide some common sense protections for people of faith, i.e. practising Christian for certain posts like a School Chaplain (Charity, Religious, England). However, not all Christian organisations were happy with the definition of occupational requirements.

Less effective features of the legislation

Participants who thought the current legislation was ineffective in one or more respects were also drawn from different sectors. The discussion tended to focus around two sets of issues: those related to the way in which the legislation, particularly the Equality Act, had been implemented; and those that related to the way in which it was seen to be enforced.

Implementation issues

Seven issues were raised by organisations in relation to those aspects of equality and/ or human rights legislation in Britain and the UK that they suggested had not been properly thought through during the drafting and implementation of the Acts:

- **Perception of special or privileged treatment** – some non-religious organisations and groups saw protection of religious observance as a form of privilege or special treatment. This perception arose when religious staff received more flexible working conditions and practices than other staff (see section 3.2). The same groups also saw the prominent role of the Church of England and the Catholic churches in the provision of publicly-funded education, as a form of privilege. For example, there was a perception that Christian parents had better access to publicly-funded ‘religious’ schools than parents who were not religious. The ‘failure to implement non-discrimination within all organisations - particularly ones funded by tax payers - such as faith schools’ was seen to maintain an unequal playing field (Prefer not to say, No religion, UK). This view was expressed by organisations with a religious ethos as well as by non-religious organisations.
- **The need for better information on religious requirements and observances** – some organisations thought the legislation had been introduced without sufficient guidance about the requirements or observances of ‘minority’ religions. This was thought to be reflected in the way that some judges appeared to be badly informed about religion and belief when cases reached courts. As one representative of a charity stated:

More awareness of religious belief is required by the lawmakers. The importance or necessity of religious tradition, symbols, rituals, festivals, and celebrations etc. along with the importance of religious ethics to the believer needs to be understood more by the authorities.

— Charity, Religious, Scotland

The problem was thought by some organisations to be particularly problematic in the way legislation had been implemented in schools. An example came from a Sikh organisation that said their members were regularly asked to assist Sikhs in school and workplace matters where they have been discriminated against for wearing the 5 Ks²⁵ of Sikhism and for other matters such as diet. As the participant put it, this:

Quite often this turns out to be a lack of information on the school or workplace's part and can be resolved amicably. In a minority of cases it proves more difficult. Issues normally pertain to wearing Sikh articles of faith (5 K's), serving of vegetarian food and prejudices based on an assumption that Sikhs are similar to Muslims.

— Charity, Religious, England

Other organisations also said that there was a need for better guidance and signposting to resources to help raise awareness in schools and amongst the general public about minority religious groups and to promote better understanding and inclusivity.

- **Inadequate consideration of the definition of belief** – despite a broad definition of belief and a number of test cases, the definition of 'belief' tends to remain open, which was felt to 'muddy the water and create confusion' (Public sector, No religion, Wales). West Lothian Council explained the challenges faced by organisations as a result of having no clear or precise definition of the term:

The lack of definition of 'belief' within the legislation is not helpful in providing advice and guidance within an organisation. While to date it is not an issue which has caused any practical concerns for West Lothian Council, the potential complexity of managing workplace issues for

²⁵ The 5Ks are five articles of faith – all beginning with the letter K – that Khalsa Sikhs are expected to wear at all time (e.g. uncut long hair, a wooden comb, iron bracelet, small dagger, an under-garment: http://www.equalityhumanrights.com/sites/default/files/documents/publications/sikh_articles_of_faith_guidance_final.pdf)

personal issues which may potentially be covered by this definition is a consistent risk.

— Public Sector, Religious, Scotland

- **Conflicting protections and a perceived hierarchy of rights** – it was noticeable that many Christian organisations felt that their rights had diminished and groups with other protected characteristics such as sexual orientation, had gained more rights than those afforded to Christians. However, others thought that this perceived loss of rights reflected the removal of previously-held privilege and the effective promotion of equality. One participant said that: 'people who have enjoyed privilege see the move to equality and the removal of their privileges as 'discrimination'
— Campaigner, No Religion, England

Nonetheless, there was a perception among some Christian organisations that sexual orientation 'ranked higher' than religious belief and that non-religion 'trumped' Christianity. In these cases, organisations wanted better guidance on how to determine what is required for non-discrimination. It was also stated that there was a need for clarification about the direction of rights, in other words at what point the rights of a service user, client or customer are given precedence over the rights of a religious person or religious organisation.

- **Need for greater clarity about when other legal/ policy requirements are given precedence over religious observances** – some organisations were concerned that there had been a lack of clarity under the Equality Act about when certain work practices should be given precedence over the right to manifest one's religion. A Local Authority explained that policy guidance and case law did not provide clarity on whether pupil/ teacher ratios that were legally required should take precedence over requests from employees for time off, or whether the authority should uphold commitments to time off work for religion or belief reasons. As the participant put it:

The council has come across cases where employee requests, for meeting religious requirements in the workplace, have run counter to other forms of legislation. For example, legislation around pupil to teacher ratios. In such circumstances policy reference and case law research has been insufficient to back the position that these other legislative requirements should (or as may be the case should not) take precedence

over the requirements of the Equality Act with regard to time off work for religion or belief reason.

— Public Sector, Religious, Scotland)

Another example related to resistance by managers and employers to approval of requests for days off work or to opting out of working on religious holidays or holy days. This concern was raised by Christian, Pagan and Baha'i organisations.

- **Whether the legislation inhibits or facilitates a working culture inclusive of religion and belief** – a number of organisations raised the issue of whether protections afforded to people holding religious or non-religious beliefs had led to the 'stifling of freedom of speech'. This was because people were afraid of being accused of being discriminatory when discussing religion or beliefs. A representative from one organisation stated:

Anyone who criticises ideas is being treated in the same way as someone who criticises individuals. All ideas relating to religion and belief should be open to criticism or even ridicule - that's what freedom of speech means.

— Prefer not to say, No religion, UK)

Some Christians reported that this had led to being accused of being 'homophobic', 'extremists' or 'unfavourable' by people with no religion or belief. For non-religious people or people of different religions, it could mean being accused of being prejudiced against people of a particular religion. The result was seen to be 'polarising relationships in the workplace' as employees sought out others with similar views. Another result was perceived to be the potential loss of friendship with colleagues of other religions or beliefs.

- **Making a complaint** - some organisations thought there needed to be better signposting to help individuals and organisations to navigate the process of enforcing equality law. Participants wanted information about the procedures to take complaints to higher courts and information about where they could find help in submitting a claim of discrimination. This view was more common in relation to the provision of goods and services, where complaints processes were not well known.

Enforcement

Organisations raised four issues in relation to enforcement:

- **Insufficient enforcement** – a view found among the non-religious, Atheists and the Hindu Council UK was that current equality law on religion and belief left a range of ‘grey areas’. One example involved the preventing of forceful proselytising. A perceived lack of clarity about how the law was enforced and the ability of the law to deal with unlawful behaviour made the law feel ‘easily abused without penalty’ (Charity, Prefer not to say, England). Part of the problem of poor implementation and enforcement was thought to stem from the fact that organisations without equality advisers, particularly smaller ones, could not maintain an awareness of their legal responsibilities. There was consequently a need for:

More support for the need for equality and diversity leads in organisations of a specific size. We cannot allow large [organisations]...to say they have the role embedded. Without an EDC [Equality and Diversity Champion] lead the organisations cannot keep abreast of all its legal responsibilities.

— Asian Fire Service Association, Religious, More than one country

In other instances, however, there was what appeared to be a failure to implement good practice that was not reported or challenged. A representative from the Fire Brigades Union described the law as ‘toothless’ because he said that the fire service continued to use recruitment practices which resulted in no Muslim employees in some areas with higher than average Muslim populations.

- **Perception of heavy-handed enforcement** – by contrast others felt the law had been enforced in a heavy-handed way. Some Christian organisations which felt that marriage of same sex couples, contraception and abortion went against their conscience felt as if they were being forced into accepting views which were contrary to their beliefs on these issues. On marriage of same sex couples, in particular, they felt that some of their followers or members were no longer able to express their views on issues such as LGB people and were being forced to engage with practices that they could not agree with. One charitable organisation run on the basis of Christian ethos felt there was, ‘...a failure to distinguish between respect for the person - which is good - and a call to respect behaviours that are out of kilter with the will of God - which is not good’ (Charity, religious, worldwide). Another participant was concerned that the legislation was being used in ways that meant Christians working in public roles and businesses were

being coerced to go against their religious conscience and feared expressing their real views. As he put it:

Individuals working in public roles (e.g. teachers), or businesses run by individuals with religious [views], are increasingly coerced by equality legislation to keep quiet about their own beliefs, to act against conscience, or even to promote things which they do not agree with. The profile given to this kind of legislation has created a climate of fear for religious believers [so] that they have to keep quiet about what they believe. People are genuinely afraid about freely expressing their views because they wonder who might be listening.

— Charity, Religious, England

- **Desire for greater or ‘reasonable’ freedom to express religious views and freedom of conscience** – some Christian organisations thought inadequate involvement of Christian stakeholders during the implementation of the Equality Act meant that the legislation was being enforced in ways that were not sympathetic to their deeply held beliefs. These Christian organisations called for more ‘freedom of conscience clauses’ to support what they saw as their right of expression of religious faith, freedom of speech, and to allow ‘opt-out of providing a service based on their religious beliefs’ (Charity, Religious, England). These organisations felt the current legal framework could be improved by allowing for freedom of conscience and religious expression to be assessed on a case-by-case basis. Instead one participant said he felt there was as a ‘blanket’ approach where all cases of religious belief and expression appeared to be treated as equally unlawful. An example provided to illustrate this was the wearing of Christian religious symbols in the workplace, which some Christians thought was given less consideration than the expression of religious belief through dress for some other religions. In this context participants emphasised what they considered ‘reasonable’ expressions of faith in the workplace. As one person working for a charity put it:

Encourage employers to accept reasonable expressions of personal faith - on a level playing field. There is no problem with people wearing crosses or other emblems of belief if they do not affect service delivery.

— Charity, Religious, England

Other Christian organisations went much further, calling for ‘all anti-Christian clauses and views to be removed’. They stated that since the country was built on Christianity, the legal framework should be more

rooted in these values too. All Christian organisations said that they would welcome examples of more ‘reasonable’ expression of faith in the workplace and in service delivery. In particular, there was a desire for clear case study examples of what would be considered reasonable expression of religious views under the current legislation:

Within guidance as opposed to legislation, it would be of significant added value to have access to case studies and examples which can help to steer employers and employees on what is likely to be considered reasonable in relation to tensions between the Equality Act religion and belief requirements and other legislation.

— Public Sector, Religious, Scotland

- **Equal application of the law** – a contrary view was that all or most exemptions for people with religious views under equality and human rights legislation should be removed. Organisations with and without a religious ethos both argued that equality law should apply ‘to everyone evenly’. A universal approach to the enforcement of the law was favoured in which everyone would be treated equally under the law. A particular concern was that failure to enforce the law because it appeared to go against some religious views meant that discrimination would be allowed:

In the eyes of some officials, it is not sufficiently clear that the overarching provision [of equality law] supersedes the existing forms of [religion or belief] expression... it may be that the multifarious exemptions for religious organisations, which in general take the form of a licence to discriminate, are interpreted as a blanket exemption from any equalities legislation at all... Take every opportunity to emphasise the universality of its provisions, and reduce any exemptions to a minimum.

— Bedfordshire Humanists, Non-Religious, England

Some organisations on both sides of the religious (mainly Christian) and secular debate advocating a ‘one or the other’, ‘all or nothing’ approach to equality law. Other organisations proposed a more nuanced, case-by-case approach where both Christians and other religions and beliefs could aim for mutual respect and a degree of compromise.

6.4 Summary of organisations

Where organisations thought the current legislative framework was effective this was because:

- It was generally seen as a good way to protect the rights of people holding religious beliefs and to create greater equality between people with different religions or beliefs.
- This view was expressed by participants in the public sector
- Specifically it was regarded as: creating greater recognition of a society with a diversity of religions and beliefs; giving more protection to people who do not hold religious beliefs; providing some 'common sense' exemptions in relation to occupational requirements.

Where the legislation was seen as less effective could be broken down into perceptions about implementation and enforcement

- **Implementation issues:**
 - Better management of religion or belief issues in relation to terms and conditions of work is required to avoid perceptions of privileged treatment for particular groups.
 - Signposting to clearer information on religious observance and requirements is necessary.
 - The definition of 'belief' is viewed as inadequate and open-ended.
 - There is a perception of failure to address which rights prevail where there are conflicts leading to a perception of a hierarchy of rights (with sexual orientation being seen by some participants to 'trump' religion or belief).
 - Greater clarity about when other statutory requirements take precedence over legislation relating to religion or belief is required.
 - Whether the framing of the legislation facilitates or inhibits a working culture inclusive of the consideration of religion or belief needs
 - Greater clarity is needed about how to make complaints, especially in relation to the provision of goods, services and facilities.
- **Enforcement issues**
 - Enforcement, in 'grey areas', is thought to be insufficient.
 - Enforcement is perceived as heavy-handed (e.g. in relation to some Christians having a conscientious objection to marriage of same sex couples)

- **Legal framework**

- There is a desire among some Christians for greater and more equitable freedom to express their religious views and freedom of conscience.
- The legal framework should be applied to all equally with no exemptions for religious organisations.

7 | Legal and advice sector

In this chapter we look at the responses of individuals and organisations providing advice to people who consider that they have experienced discrimination and/ or unfair treatment in relation to religion or belief. After looking at the type of individuals and organisations that responded, we look at the range of issues they raised and what they saw as priorities. We then look at what participants felt were the most and least effective aspects of the current legislation, including how employers and service providers have responded to complaints and the effect of religion or belief legislation on complainants and others. Finally, we describe the different ways in which legal and advice sector participants suggested that the current legislation could be improved.

7.1 Profile of legal and advice sector participants

Twenty-eight participants took part from the legal and advice sector, which meant that this category had the fewest responses in the call for evidence. Of these, 23 responded online and five submitted evidence in writing. The breakdown of type of participants that took part is shown below in Table 7.1. There was a strong presence of Christian representatives (representing a range of denominations).

Table 7.1 In what role are you taking part in this call for evidence?

	Count
Lawyer	8
Legal academic	1
Trade union official/ representative	2
General advice provider	2
Equality and diversity adviser	4
Other (e.g. Christian or Jewish legal representatives, law firms and anonymous responses)	11
Total	28
Base: Participants in legal and advice capacity	

Fifteen participants were based in England, one in Scotland and five in Wales. The remainder worked in more than one country in Britain or the UK.

7.2 Perceived priorities

Different perspectives

Participants had different perceptions of the extent of religion or belief issues in the workplace and service delivery, the priorities for legal consideration and significant issues.

One group, including humanists, equality and diversity specialists, trade union representatives and some lawyers, tended to make observations based on the balance of Christian or religious rights with the rights of others (e.g. employers, employees, service providers and service users, LGB people). They did so by looking at the number of formal complaints and grievances related to religion and belief that they had received. Their view was that there were relatively few cases of religion or belief discrimination:

Pregnancy/ maternity would be the protected characteristic against which most discrimination advice/representation is sought. Sex/Disability/Race are also common. I have rarely had a client present with a Religion or Belief discrimination issue... never had to take a case to Employment Tribunal on the grounds of Religion or Belief.

— Anonymous Equality and Diversity Officer

Another group of organisations representing, supporting or advising Christians who felt they had been unfairly treated or had experienced discrimination, felt the law did not protect Christians sufficiently. They believed that the call on their services showed the extent of the problem:

In the last four years we have dealt with hundreds of inquiries and supported individuals/groups, without charge, at internal hearings, Employment Tribunals, the Employment Appeal Tribunal, the High Court, the Court of Appeal and the European Court of Human Rights.

— Christian Legal Centre

Organisations representing Sikhs and Jewish people also said they had seen many cases.

We asked legal and advice participants to tell us about the issues on which they had provided advice, representation or assistance to individuals, employers and service providers since 2010. They could choose from a list of twelve options. Participants said they had experience of all of the types of issues listed. The ones they encountered 'often' and 'very often' are shown in Table 7.2 (although this table must be heavily caveated since the figures are not based on a randomly selected or representative sample). Only those who responded in the online questionnaire format are included in the table above.

Table 7.2 Please indicate the issues on which you have provided advice, representation or assistance to individuals, employers or service providers since 2010 where religion or belief was relevant

	Count
Freedom of expression	12
A hostile or unwelcoming environment	11
Victimisation on the grounds of religion or belief	10
Dress and wearing religious symbols	9
Definition of belief	9
Opting out of work duties or conscientious objection	9
Harassment related to religion or belief	9
Exemptions for equality law	8
Procurement or funding issues	7
Restrictions on, or refusal of, a service	6
Offering of an inappropriate service	4
Others (including ablution, freedom of association, moral issues, harassment and bullying of others with protected characteristics)	4
Total	25
Base: Participants that answered 'often' and 'very often'	

7.3 Freedom of expression of religious views or freedom of conscience

The area over which there was the most discussion was in relation to the freedom of expression of religious views or freedom of conscience in employment and service delivery for Christians. Under Article 9(2) of the European Convention on Human Rights, freedom to manifest or express one's religion or belief is protected as a qualified right and this should be reflected in way that the Equality Act is interpreted. The terms 'freedom of conscience' or 'conscientious objection' are used very narrowly in national and international law in the context of abstention from military law and opting out from conducting abortions. The use of a 'conscience clause' was rejected in relation to the drafting of the Civil Partnership Act 2004 and the Marriage (Same-Sex Couples) Act 2013 in favour of exceptions to protect religious freedom.

Expression of religious views

Some Christian participants thought that equality legislation was unintentionally restricting the expression of religious beliefs in public life rather than protecting freedom of thought, conscience and religion. This was particularly thought to be caused by the way in which equality law was being represented in the media. Specifically it was thought that the media had presented equality law as completely opposed to the expression of religion at work and in services. The perceived restriction of the expression of religious views was also thought to stem from the same misinterpretation by some employers and service providers. Organisations such as Christians in Parliament saw this as a 'particularly pressing challenge to our idea of a plural society'. The Archbishops' Council of the Church of England said that:

There is evidence, from the media and from popular discourse in general (including among some religious groups) of a creeping assumption that public expression of religion in any form is inherently problematic and at risk of breaching equality law. This may be partly engendered by the way in which equality law has been publicised. Where popular perceptions exaggerate or misinterpret equality law, it is not an adequate riposte to say merely that no law forbids the public expression of religion or religious beliefs.

— Archbishops' Council, Church of England

Some Christian participants wanted an unqualified right to express their religious views that was not subject to any restrictions. However, this view was a cause of concern to many non-religious participants. A Humanist participant, for example, stated that religion was not an inherent characteristic in the same way as other protected characteristics such as race, gender and sexual orientation. Rather, it was argued, religion was a characteristic that sometimes needed to be limited in its influence, because its followers often tried to demonstrate that their views were better than others and potentially could control people's lives. Other Christians, however, wanted dialogue about how Christians could express their views in public and respect the rights and freedoms of others.

Freedom of conscience in employment

Marriage of same sex couples and the case of registrars

As in the other chapters of this report, a number of participants raised the issue of registrars being required to perform ceremonies for same sex couples, even though they disagreed with such marriages. Some Christian organisations argued that the

decision at the European Court of Human Rights in the Ladele case had been the wrong one and that the mistake had arisen from a failure to understand the importance of conviction and belief. The Christian Legal Centre expressed the dilemma that now faced some Christians:

Christians facing a conflict between current policy/ law (whether espoused by an employer or a local authority) and their beliefs, must decide to either to obey the policy/ law or disobey their conscience, or obey their conscience and disobey the policy/law (which leads to penalties including loss of job, loss of income and loss of business).

— Christian Legal Centre

Some participants also believed that conscientious objection on grounds of religious belief, was given less weight than the potential offence to LGB people. As one of them expressed it:

The case of [Lillian Ladele] created a clear injustice and failed to adequately balance two very different sets of rights - the right ultimately to a job against the right not to be (slightly) offended.

— Anonymous Academic

Reasonable or sufficient accommodation

Several participants urged the EHRC and government to revisit the law and guidance to see if it would be possible to accommodate religious conscience under specific circumstances. The Alliance Defending Freedom²⁶ criticised what it referred to as an ‘all or nothing’ approach by employers which it thought was disproportionate:

A recurring pattern we see is that the initial position adopted by the employer is an ‘all or nothing’ approach whereby the Christian employee is required to act in violation of their religious conviction or else they are threatened with an ‘investigation’ or termination. We are aware of a number of cases in which the action taken by the employer has been found to be disproportionate when an accommodation could have been made that had little or no impact on others or the organisation. This

²⁶ Further information on the Alliance for Defending Freedom is available at: <http://www.alliancedefendingfreedom.org/#>

‘closing down of the discussion’ is a result of not realising or accepting that there is a discussion to be had.

— Alliance Defending Freedom

Another participant made reference to the example (reported in the media) of Margaret Jones, a Registrar for *Central Bedfordshire Council* who won an internal appeal hearing that suggested the Council could take some practical steps to allow her to opt out of conducting marriage ceremonies for same sex couples:

Two issues arise: first, there were other Registrars who could have conducted the ceremonies – so it is difficult to see in what way, if at all, service-users were inconvenienced – and secondly, as Ms Jones suggested, would gay couples enjoy being married by an obviously-reluctant Registrar?

— Churches' Legislation Advisory Service

Several participants including Christians in Parliament and the Churches' Legislation Advisory Service, referred to the idea of ‘reasonable accommodation’ or ‘sufficient accommodation’ of religious beliefs in the delivery of goods and services as a way to resolve this issue.

The potential impact of ‘reasonable accommodation’ on LGB employees

Other legal and advice organisations emphasised respect for religious organisations to choose whether or not they allowed religious marriages for same sex couples on **their** own premises, while stating their support for marriage of same sex couples and the protection of LGB people from discrimination in wider public life. For example the Public and Commercial Services Union stated that:

PCS’s stance is based on the principle of full equality. Establishing same sex civil marriage was (is) crucial in promoting acceptance that LGBT people should be respected as equal citizens and their consensual relationships equally respected in legal terms but also in status, perception and freedom of religious choice and expression ... An outright ban on same sex religious marriage is itself discriminatory on religious freedom grounds and undermines true equality in the UK and within faith groups.

— Public and Commercial Services Union

Participants who saw the issue of ‘religious conscience’ from this point of view tended also to emphasise the way in which the acceptance and inclusion of such

beliefs could be extremely uncomfortable and have negative effects on LGBT staff working within organisations. Given the difficult balancing act between two different sets of rights, there was thought to be a need for:

More statutory guidance to employers with worked examples of how to avoid unlawful discrimination on grounds of religion or belief and how to deal with clashes between protected characteristics.

— Anonymous Law Company

Others did not want more guidance but greater detail about the specific factors that should be taken into account when deciding on the balance of rights between service providers and employees or service users; or between religion or belief and sexual orientation as protected characteristics.

Freedom of conscience in service delivery

With the exception of registrars and marriage of same sex couples discussed above, there was far less discussion about upholding religious conscience in service delivery and the provision of goods and services than in relation to employment. The cases that were raised by organisations such as the Alliance Defending Freedom and the Christian Legal Centre, included:

- The case of the Catholic Care adoption agency (see Appendix B) that did not believe it should place children with same sex couples. The agency lost the case at the Upper Tribunal and was no longer able to discriminate in this way.
- Christians in positions of authority. For example, a participant gave the example of senior social workers who had been investigated and forced to resign after 'making decisions about children's welfare on the basis of their beliefs (that it is in their best interests to have a mother and a father)' (Christian Legal Centre).
- Businesses which had operated unlawfully in accordance with their faith and met with a legal challenge (e.g. B&Bs, relationship counsellors).

7.4 Exemptions for religious organisations

Some Christian legal and advice organisations expressed the wish to increase the scope of occupational requirements, but other Christian representatives, such as the Church of England, felt the occupational exceptions were adequate. For instance, the Archbishops' Council of the Church of England stated:

We believe that the exceptions for religious or belief organisations in current law provide a reasonably satisfactory basis for fair outcomes, and we do not at present wish to press for change to the law in this respect.

— Archbishops' Council of the Church of England

The Archbishops' Council thought it was important that Churches were allowed to run their own 'internal affairs' in ways 'consistent with their own doctrines and religious conviction'. At a more complex level the Churches' Legislation Advisory Service said that this should also apply to beneficiaries of religious trusts and to credit unions specifically set up for the benefit of members of specific churches. It stated that:

There are many religious charities whose beneficiaries come from restricted groups under the terms of their trust deeds. The Sons and Friends of the Clergy, for example, is a grant-making charity that helps Anglican clergy and their families in times of need. It would be contrary both to its trust deed and to the intentions of its settlors if it were obliged to make grants to persons generally. Like it or not, grant-making charities were often established with specific, restricted purposes in mind and we feel that those purposes should be respected (and, in passing, not to respect them might possibly engage Article 1 Protocol 1 ECHR).

— Churches' Legislation Advisory Service

7.5 A hostile and unwelcoming environment

Legal and advice sector participants said they had represented, advised and supported Christians and Jewish people who experienced hostile and unwelcoming workplace environments. Examples of difficult work environments their clients had experienced included:

- **Perceived discrimination** – a Baptist Deacon applied for a post as a Registrar but felt he had been excluded from consideration for the post. The participant felt that there had been a misunderstanding that he must be from the Church of England since he understood that Deacons from the Church are not allowed to take up positions as Registrars. By contrast Baptist Deacons are lay people and not clergy. He therefore saw no reason why he should have been excluded from consideration.
- **Religious expression** – participants described circumstances in which Christians had been pressured by employers and other staff to keep their religion private so

as not to offend people of other religions. They felt that this was a ploy by people with no religion to prevent discussion of religion in public life in general and that discussion of religion had not been regarded as offensive by colleagues with other religions.

- **Harassment and victimisation** – some legal and advice participants reported that their Christian clients were harassed after revealing their religious views in conversations initiated by other employees. The Board of Deputies of British Jews reported examples of anti-Semitism where employers did not take employees' religious observances seriously and managers bullied employees who raised these issues. Individuals were also 'treated poorly and bullied by colleagues because they are supportive of Israel' (Board of Deputies of British Jews).
- **Access to services** – it was reported that Christians had been refused the opportunity to foster children because they 'would not agree to promoting a homosexual lifestyle to children in their care' (Christian Legal Centre).

Despite these issues being raised, there were differing views as to whether the current legislative framework was sufficient to address these concerns. While some evangelical Christians clearly thought the legislation should not make issues relating to religious conscience unlawful, other Christian and Jewish representatives said that they felt there was sufficient protection under current legislation to address the issues raised.

7.6 Religious dress, symbols and observances

Legal and advice sector participants who represented Christians believed that equality and human rights legislation allowed Christians less freedom to manifest their faith through dress (specifically wearing a cross, crucifix or other symbol such as a fish) than other religions with clearer requirements of dress:

Orthodox practices have been excluded from protection because a court has decided that particular manifestations are not 'mandatory' for that religion or belief. This has included non-acceptance of wearing a crucifix on a chain (Eweida)... The result is somewhat paradoxical in that those religions which are the least demanding of its adherents in terms of dress or other outward manifestations (for example, Christianity as compared to Islam) received less protection under the law.

(Alliance Defending Freedom)

Christian legal and advice participants who felt that the law offered some protection to manifest religion through dress and symbols still had concerns around three main issues:

- Potential offence to service users or customers was invoked as a reason not to wear a cross, even where no complaint had been made, and was based on the assumption that religion should be kept out of the workplace. This, the Alliance Defending Freedom said, was ‘faux-neutrality’ based on a fundamental misunderstanding of the nature of religion or belief.
- Health and safety concerns were often used as a way of justifying that a crucifix should not be worn. A legal academic stated ‘there had never been a health and safety incident associated with cross wearing in the entire history of the NHS, yet invoking this was sufficient to extinguish the religious right’ (Anonymous Academic).
- Core beliefs or doctrines had been used by tribunals and courts in the past as a test in relation to whether it was necessary for believers to wear certain items. This test had subsequently been relaxed by the European Court of Human Rights in the case of Eweida, by revoking the ‘incorrect assertion that a manifestation must be mandatory to be protected’ (Alliance Defending Freedom). Some participants were still concerned that such criteria were being more strictly applied to followers of Christianity than to other religions such as Islam.

Other participants also said they had experienced problems in relation to the manifestation of their faith. The Board of Deputies of British Jews, for example, reported that:

Many staff and pupils have experienced objections regarding wearing religious dress in schools, for example Jewish religious head coverings.

— Board of Deputies of British Jews

Participants also provided evidence of discrimination in the workplace and in service delivery. The issues fell into three areas:

- In the workplace, participants said that Christian and Jewish employees had been denied time off to worship or employers had been unwilling to take account of employees’ ‘religious needs’. One specific example was that Jewish employees had been refused time off for religious holidays or on Friday afternoons in winter in order to observe the Sabbath.

- In relation to **education**, the Board of Deputies of British Jews reported that they had received complaints that students had problems organising deferrals and appropriate supervision arrangements when exams fell on religious holidays. They also thought it was problematic that there were limits on the number of days that Jewish teachers could take off during term time to observe religious holidays. In this respect they thought there was a need for clearer guidance about the way in which religious observances should be balanced with the needs of schools. They argued that: 'The lack of guidance to inform employers about these potential problems is certainly a contributing factor that could be easily resolved' (Board of Deputies of British Jews).
- In **service delivery**, the Board of Deputies of British Jews had received complaints from Jewish people who had to attend a Jobcentre on the Sabbath or on Jewish holidays and had not been permitted to come in on a different day. Some Jewish benefit claimants had been sanctioned and lost money as a result.

7.7 Perceptions of effectiveness of the legislation

Perceptions of the effectiveness of the legislation were discussed:

- In the ways in which employers and service providers responded when issues were raised.
- In the views expressed about the most and least effective aspects of the legislation.
- Through suggestions about the way in which current equality and human rights legislation and enforcement of it could be improved.

7.8 Perception of employers' responses to the legislation

Legal and advice participants said that despite legislation being in place for some time, and the existence of guidance on a number of issues, employers responded in a variety of ways to religion or belief issues in the workplace.

Some advisors believed that employers and employees did not understand their rights and responsibilities under the legislation. In this respect, responsive employers could resolve complaints and grievances relatively easily through the informal provision of advice and information. Other advisors thought that employers were

unwilling or resistant to respond to concerns at all. In these cases it was more difficult to resolve issues without recourse to formal channels such as Employment Tribunals.

Another concern reported by a participant was that the former Legal Services Commission had refused to support some cases where a lawyer said that he felt there were clear cases of failure reasonably to accommodate staff on the basis of time off for Yom Kippur (one of the holiest Jewish religious holidays).

7.9 Perception of service providers' responses to the legislation

Legal and advice participants also said there was no uniform response by service providers.

Some participants stated that complaints were ignored because service providers wanted an 'easy life', were unsure about the legality of the issues raised or the provider's lawyers thought there was no legal case to answer. In some cases, providers were seen to listen to the concerns of service users but to take no action. A unique issue raised by a lawyer was that the Legal Services Commission did not appear to have a procedure to appeal a refusal of funding where the complaint was for religion or belief discrimination against the Commission itself.

Other participants highlighted what they considered positive responses by service providers. These are shown in Table 7.3.

Table 7.3 Reported positive responses to equality and human rights legislation among service providers.

Reported response	Examples
<p>Religious dress and observances at a hospital</p>	<p>[The] hospital have been proactive in promoting equality and diversity concerning religious clothing and practices related to religious belief. They have issued new guidance promoting the need for greater understanding of the needs of religious individuals, which has been praised and replicated elsewhere'. (Board of Deputies of British Jews).</p>

Religious days off in schools	'The Department for Education has created specific guidelines for schools with a dedicated Code R ²⁷ to be used for absences related to religious observance' (Board of Deputies of British Jews)
Training within a Local Authority	'Officers and Members have received training in equality issues which often conflicts with their personal views but understand the need to not discuss them'. (Anonymous Local Authority)

7.10 Effective aspects of equality and human rights legislation

Trade unions, lawyers, equality and diversity representatives and representatives of some religious organisations tended to emphasise the effectiveness of equality and human rights legislation as a whole. One aspect that they thought worked particularly well was bringing all anti-discrimination legislation within one Act. As one legal company put it: 'It's great that virtually all the UK anti-discrimination law is now within one Act' (Anonymous Law Company). The Churches' Legislation Advisory Service also said:

Finally, perhaps the most effective feature of the current law is the fact that the earlier legislation was subsumed into the Equality Act 2010 so that we only have to look at one statute.

— Churches' Legislation Advisory Service

Those who thought the current law was effective focused less on the ways in which they wanted the legislation reformed, and more on what it had achieved or had the potential to achieve if the provisions on religion and belief were enforced more effectively. For example, the Public and Commercial Services Union said that they thought the 'current legal framework is generally fit for purpose' (Public and

²⁷ In the Department for Education's (2014) school attendance advice it states that 'Code R' should be used for religious observance. 'Schools must treat absence as authorised when it is due to religious observance. The day must be exclusively set apart for religious observance by the religious body to which the parents belong. Where necessary, schools should seek advice from the parents' religious body about whether it has set the day apart for religious observance'. See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361008/Advice_on_school_attendance_sept_2014.pdf

Commercial Services Union). The Board of Deputies of British Jews – which was critical of the workings of a number of different aspects of enforcement – said that:

From the perspective of the Equality Act (2010), the current legislative framework creates robust recruitment guidelines, prohibiting individuals to be disadvantaged because of their faith in all stages of the recruitment process, and inside the workplace. There is also adequate provision for dealing with cases of harassment or victimisation in the workplace, to allow individuals of faith to work in a secure and safe environment. The promotion of understanding around faith obligations such as prayer and religious dress where in line with organisational needs is also crucial in allowing Jewish people to be better understood and integrated in the workplace.

— Board of Deputies of British Jews

Another view among this group was that it was still early days to judge whether the legislation – particularly the Equality Act – was effective because it would take some time for attitudes and beliefs to catch up with the legal implications:

The current legislation provides sufficient protection in law. It's people's attitudes and beliefs that have to be modified.

— Anonymous Local Authority

7.11 Less effective aspects of the legislation

Aspects of the legislation considered least effective were divided into general and specific issues. General issues related primarily to the enforcement of the Equality Act 2010. Specific issues related to perceived negative unintended consequences of equality and human rights law and problems with its operation.

General issues

These were raised by academics, lawyers and participants involved in giving advice and support in equality and diversity roles. Here there was a sense that the effectiveness of the legislation related to problems of enforcement, which had partly arisen because of cuts in public sector funding and policy changes.

Key issues included:

- **Perceived reduction in the EHRC's powers or ability to use them:**

I think the EHRC's powers to assist other bodies concerned with equality have been crippled, and this must have impacted on complainant aid and on the promotion of equality generally.

— Anonymous Academic

- **The introduction of fees for Employment Tribunal cases:**

The introduction of ET fees by far has been the biggest hurdle to justice I have seen. I have many clients unable to get a remission (but not on large incomes) and choosing not to pursue due to fees. There is no point having rights that you cannot enforce.... Loss of discrimination questionnaire was poor as this was useful.

— Anonymous Equality and Diversity Officer

For other participants the view was that existing enforcement arrangements needed to be 'strengthened'. For instance:

- **Dissolution of companies to avoid paying Employment Tribunal awards:**

Directors of companies which breach discrimination law should not be allowed with impunity to liquidate or dissolve company A to avoid paying ET awards only to open similarly named company B. Individual Directors personal assets should be available for Claimants to enforce awards against.

— Anonymous Equality and Diversity Officer

Specific religion or belief issues

Christian lawyers, organisations and campaigning groups thought equality and human rights law was ineffective in three main ways:

- **Perception of increased limits on the expression of Christian beliefs** – some participants thought that Christians felt persecuted, others considered the legislation should be re-examined to see why certain types of cases kept coming up in the courts. For example, the view of Christians in Parliament was that:

The recent wave of Christians in the courts does not in and of itself demonstrate that Christianity is badly treated. However, the frequency and

nature of the cases indicates a narrowing of the space for the articulation, expression and demonstration of Christian belief. Some of the legal activity associated campaigning and media coverage has been unwise and possibly counter-productive to the positive role that Christians play in society.

— Christians in Parliament

The Archbishops' Council of the Church of England felt that there was '...a creeping assumption that public expression of religion in any form is inherently problematic and at risk of breaching equality law', and thus that an unintended consequence of the legislation was that it ended up as a tool to 'punish difference' rather than protect it.

By this we mean that the EA [Equality Act] itself, and the way it has been applied by employers, local authorities and the courts, has made it increasingly difficult for Christians who hold to biblical teaching on marriage and sexual ethics to lawfully manifest their views without fear of being disciplined, dismissed, investigated, or in the case of fostering and adoption, being refused the opportunity to take children into their care.

— Christian Legal Centre

- **Indirect discrimination and proportionality** – the Alliance Defending Freedom argued that the distinction between direct discrimination (which cannot legally be justified) and indirect discrimination (which can, provided the action or provision is a proportionate means to meet a legitimate aim) was sometimes elusive in practice. Christian organisations and some academics thought that the decisions in some legal cases meant the bar of justification for allowing indirect discrimination was too low. A suggestion was made in terms of how the legislation might be reworded to change the balance of justification towards staff and service users:

I think that the major problem rests with the interpretation of how employers can justify limits on employees' religious expression as 'a proportionate means of achieving a legitimate aim' under indirect discrimination. Following Ladele and McFarlane it seems that the bar of justification is set too low and religious rights, especially to conscientiously object are not being treated as sufficiently weighty. Some kind of policy intervention to 'rebalance' the proportionality equation would be welcome. Inspiration could be drawn from the wording of the Equal Treatment

Framework Directive where the word 'necessary' is employed if indirect discrimination is to be justified.

— Anonymous Academic

- **Competing equality interests** – some Christian contributors felt that the Equality Act had not made provision for competing claims to equality and discrimination between religion or belief and sexual orientation or marital status:

There is no distinction made, in law, between the first category of cases, where there is no competing equality interest at stake, and the second where there is. Given that whatever test is ultimately used results in a balancing exercise of some sort, it must be of paramount significance [to consider] what is at stake.

— Alliance Defending Freedom

Both Christian and non-religious lawyers argued for greater clarity in the law about the factors that should be taken into account, for example, in balancing the rights of people who hold that 'homosexuality' is wrong and the rights of LGB people to be free from discrimination. Without greater clarity it was thought that:

Rightly or wrongly, many religious groups have gained the distinct impression that, in the event of a clash, their protected characteristic (religion) is trumped by (and therefore less protected than) sexual orientation.

— Anonymous Law Company

7.12 Suggested improvements

Suggestions for improving current equality and human rights legislation relating to religion or belief also fell into the general and specific categories outlined above. Four main types of suggestions were made as ways to improve the legislation and its effects. These are shown in Table 7.4.

Table 7.4 Suggested improvements to equality and human rights legislation

General issues	
Better regulation and enforcement	<ul style="list-style-type: none"> Remove fees for access to Employment Tribunals. The Government Equalities Office should return to its former status as an independent department: “I think the EA2010 should be restored to the state in which it was passed, reversing the reductions of this government. The Government Equalities Office should return to its former status as an independent department. There should be a return to the previous position on access to employment tribunals, and to the 2010 spending on legal aid, in real terms.” (Anonymous Academic)
Specific religion or belief issues	
Clearer, more tangible and specific guidance	<ul style="list-style-type: none"> Provide guidance that moves away from general statements about the law to specific, sensitive and nuanced examples. Make guidance more tangible with specific examples of how the law should be applied in practice: “We believe that further specific guidance should be published by the Government Equalities Office and/or the EHRC, with case studies, to which the law can expressly state that regard should be had, so as to avoid instances of malpractice by employers and/or service providers.” (Board of Deputies of British Jews) Ensure judges are better informed about different religions or beliefs
Reasonable or sufficient accommodation of religious conscience	<ul style="list-style-type: none"> Consider a concept akin to ‘reasonable accommodation’ or ‘sufficient accommodation’ that employers should refer to in cases where individuals wish to manifest their religion in the workplace or conscientiously object in the delivery of goods, services and facilities. Move away from an ‘all or nothing’ approach where individuals feel they must breach deeply held religious convictions in order to keep their jobs to more practical assessments: “When exemptions for religious employees were debated in the House of Lords in 2005. Baroness Scotland of Asthal, for the Government, stated: ‘Those who manage such situations sensibly if there is a conscientious genuine belief usually make alternative

	<p>practical arrangements so that there is not embarrassment for people who come forward for the service, and so that there is not the struggle of conscience for the person who legitimately wants to carry out a good job. Usually both can be accommodated.' ...As applied in North America, whether or not an employee's beliefs were reasonably accommodated is a practical question and is fact specific.” (Christian Legal Centre)</p>
<p>Improve understanding of the scope of protection</p>	<ul style="list-style-type: none"> • Demonstrate that the religion or belief legislation applies to people with non-religious beliefs and people who do not hold religious views to widen its appeal: “Case law is beginning to clarify definitions and applications in more detail. The protection of non-belief and philosophical beliefs provides a broad level of protection and promotes tolerance more effectively than a narrower protection would. From a trade union perspective, this enables us to demonstrate how the protection applies to all our members and does not privilege specific viewpoints.” (Public and Commercial Services Union)

7.13 Summary of legal and advice

Experiences and views about the current legislative framework differed considerably depending on standpoint.

- Non-religious and equality and diversity participants, trade unions and some lawyers said that the number of religion or belief cases they received was quite small.
- They tended to balance religious rights with the views of employers/ other employees and service providers/ service users.
- Organisations supporting and advising Christians and some organisations representing other religions (e.g. Jews, Sikhs) said that they had seen a lot of cases.

Issues that were highlighted were:

- **Freedom to express religious views and freedom of conscience in employment** – the idea of reasonable or sufficient accommodation appealed to

some participants. Some concern was expressed about the messages sent to LGB employees.

- **Freedom of conscience in service delivery and business** – e.g. provision and management of service in line with religious beliefs; legal actions against Christians for failure to deliver a service to same sex couples.
- **Scope of exemptions for religious organisations** – occupational requirements, internal functions of religious organisations, trusts and deeds.
- **Hostile and unwelcoming environments** – discrimination in recruitment, pressures on employees not to bring religion into the workplace, harassment (especially for Jewish people), access to services (e.g. some Christian fostering and adoption cases).
- **Religious dress, symbols and observance** – issues related to potential offence from religious symbols or dress; health and safety issues; the definition of core beliefs and doctrines; – time off for holidays and holy days, issues related to school holidays, Jobcentre appointments on Jewish holidays.

Advisors saw varied responses by employers and service providers to the legislation.

- **Employers** – there was some lack of understanding around religious requirements but this was easily resolved; in other cases there was hostility, resistance and failure to accommodate religious requirements.
- **Service providers** – some positive responses related to training, dress and school holidays but also uncertainty how to respond and issues being ignored.

Where current legislation was seen as effective this was because it was seen as providing a single robust framework for dealing with discrimination.

The less effective aspects of the legislation were split into religion or belief specific and general considerations:

- **Religion or belief specific** - perceptions about increased limits on the expression of Christian beliefs relative to other religious and secular views; questions about the direct/ indirect discrimination distinction and the meaning of proportionality; how to deal with competing equality and discrimination interests.
- **General** – perceived reduction in EHRC powers of enforcement; unhappiness and concern about Employment Tribunal fees and reductions in Legal Aid; companies dissolving and re-opening under a new name to avoid paying fines.

Suggested improvements were:

- better regulation and enforcement; clearer, more 'tangible' and specific guidance; consideration of allowing 'reasonable' accommodation of religious conscience and 'sufficient' accommodation of religious observances; improved awareness and understanding of the implications and scope of the legislation.

References

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Appendix A |

Definitions of prohibited forms of conduct under the Equality Act

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because of their association with someone who has a protected characteristic (see discrimination by association below).

Discrimination by association

Applies to age, race, religion or belief, sexual orientation, disability, gender reassignment, and sex. This is direct discrimination against someone because of their association with another person who possesses a protected characteristic.

Discrimination by perception

Applies to age, race, religion or belief, sexual orientation, disability, gender reassignment, and sex. This is direct discrimination against an individual by a person who wrongly thinks they have a particular protected characteristic

Indirect discrimination

Applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.

Indirect discrimination can occur when you have a provision, criterion or practice (which can include a condition, rule or policy) in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. It will not be indirect discrimination if the provision, criterion or practice can be justified i.e. it is '...a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful objective consideration you have in running your business or

organisation that is non-discriminatory,. Having the sole aim of reducing costs is likely to be unlawful.

Using proportionate means of achieving the aim really means being fair and reasonable, including showing that there were no 'less discriminatory' alternatives to your decision on how the aim should be achieved.

For indirect discrimination because of religion or belief, a person does not need to show that others are also put at a particular disadvantage by the provision, criterion or practice. Instead, it is a question of whether there is a proportionate limitation on the person's right under the European Convention on Human Rights to manifest their religion or belief, given the legitimate aims of the employer.

Harassment

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership, but not in all settings. Employees or service users can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Harassment by others

Applies to age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

If an employee complains to an employer that they are being harassed by a non-employee (such as a customer) at their workplace because of religion or belief, their employer should take reasonable and proportionate steps to address this. The employer might be legally responsible if they have some degree of control over a situation where they are aware of continuing offensive conduct but do not take action to prevent it happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they

are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

A complainant will not need to compare their treatment with that of a person who has not made or supported a claim under the Act.

Appendix B |

Key case law examples²⁸

Dress codes in work

Nadia Eweida, a Christian employed as British Airways (BA) check-in staff, was required to wear a uniform which was subject to the company's uniform policy. For Ms Eweida, wearing a cross was an important symbol of her religion but BA prohibited staff from wearing anything visible over their uniform, unless it was a 'mandatory' religious item such as the hijab or the turban. When Ms Eweida insisted on wearing a small visible cross, which she accepted was not mandatory for her religion, she was sent home. She remained at home from September 2006 until February 2007, when BA altered its uniform policy to allow staff to display a faith or charity symbol, such as the cross.

Ms Eweida brought a number of claims, including indirect discrimination, to the Employment Tribunal (ET). The tribunal dismissed her claims stating that BA's policy did not put Christians as a group at a particular disadvantage compared to anyone else. Ms Eweida appealed but the Employment Appeal Tribunal (EAT) agreed with the tribunal and made it clear that the protection offered under the law to people holding a religious or philosophical belief is broad. In order to prove indirect discrimination, the onus is on the employee to show that a particular provision, criterion and practice (PCP) puts a particular group at a disadvantage because of their religion or belief. As Ms Eweida had not provided any evidence that others shared her religious conviction about visibly displaying a cross, she could not claim indirect discrimination even though she had suffered a particular disadvantage. Ms Eweida then brought her case to European Court of Human Rights (ECtHR) which ruled that the domestic courts had failed to strike the right balance between

²⁸ The judgments in the cases described here are all available on Cardiff University's Law and Religion Scholars Network case database available at: <http://www.law.cf.ac.uk/clr/networks/lrsncd.html>

considering her right to manifest her religious belief and her employer's interest in preserving its corporate image, according too much weight to the latter.

Shirley Chaplin, a Christian nurse who worked in a state hospital, was told to remove her cross as, due to the hospital's new v-neck uniform, her cross became more visible and could potentially hang down onto, or be grabbed by, a patient. Mrs Chaplin refused to remove the cross and rejected the management's suggestion of wearing a turtle-neck t-shirt under her uniform to hide it as she insisted that the visible wearing of the cross was an essential part of her religious faith. Mrs Chaplin was moved to a non-nursing position which was not subject to the same uniform policy.

Mrs Chaplin brought claims of direct and indirect discrimination against the Trust. However, these were dismissed by the ET. There was no direct discrimination as the hospital's request was based on health and safety as opposed to religious grounds. The claim of indirect discrimination was dismissed as the claimant had failed to show that the employer's policy disadvantaged not just herself but also other people with the same beliefs. Ms Chaplin brought her claim to the ECtHR, which held that the balance between the interests involved - her right to manifest her religious belief and her employer's interest - had been struck in the right way because she was asked to remove her cross for 'health and safety' reasons as opposed to 'corporate image' reasons (as was the case with Ms Eweida above).

Employees delivering services to the public

Employers were prohibited from discriminating on the grounds of religion or belief under the Employment and Equality (Religion or Belief) Regulations 2003. However, in one case, the EAT stated that an employer was entitled to require a committed Christian to carry out civil partnership duties, even though it was against her religious views and this decision was eventually upheld by the ECtHR.

Lillian Ladele was a devout Christian who worked as a registrar of births, deaths and marriages at Islington Council. When the Civil Partnership Act 2004 came into effect, she objected to conducting any civil partnership ceremonies due to her religious belief. Ms Ladele was not then consulted as to whether she would be designated as a civil partnership registrar (Islington designated all their registrars as civil partnership registrars), but was offered the chance to restrict her duties to the signing process, which she turned down. She originally made informal arrangements with some colleagues to avoid having to conduct civil partnerships. However, two

gay members of staff made a complaint about this saying Ms Ladele's continued refusal was an act of homophobia and contrary to the Council's Dignity for All policy. Following further complaints, there was a disciplinary hearing, at the end of which Ms Ladele was warned that she could be dismissed. Ms Ladele brought claims of direct and indirect discrimination and harassment under the 2003 regulations. The ET agreed with Ms Ladele that the Council had directly discriminated against her by designating her a civil partnership registrar without consulting her, by disciplining her, by finding her guilty of gross misconduct and by threatening her with dismissal. The ET decided that the Council imposed a PCP, requiring all registrars to carry out civil partnership duties, putting Ms Ladele at a disadvantage.

However, the EAT disagreed stating that the tribunal's finding of direct discrimination was 'unsustainable' as her complaint was not that she was treated differently from others, but rather that she wanted to be treated differently. They stated that there cannot be direct discrimination when an employer is treating all their employees in exactly the same way. Regarding the claim of indirect discrimination, the EAT agreed that the PCP had the effect of placing people with Ms Ladele's views at a particular disadvantage to others who did not share them. However, the aim of fighting discrimination was legitimate, the EAT stating that it was proportionate for the Council to require employees to act in a non-discriminatory way. The Council were not taking disciplinary action against Ms Ladele for holding her religious beliefs, but as a result of her refusal to carry out civil partnership ceremonies and this involved discrimination on grounds of sexual orientation. The Court of Appeal (CA) agreed with the EAT that Ms Ladele had neither been directly nor indirectly discriminated against nor harassed. The ECtHR also dismissed her claim.

Similarly, the EAT found that it was not discriminatory to dismiss a devout Christian for refusing to comply with this employer's equal opportunities policy which states that it offered all its services equally to all sections of the community.

Service providers and charities

In the case, Gary McFarlane, a Christian employed as a relationship counsellor for Relate, tried to get exemption from working with same sex couples with sexual issues. His employer refused and Mr McFarlane intimated that he was not willing to provide this service to same sex couples and, as a result, was dismissed. He lodged claims of direct and indirect discrimination under the 2003 regulations. The ET decided that Mr McFarlane was dismissed not because of his faith but because of his refusal to comply with the employer's equal opportunities policy. The ET also

rejected the claim of indirect discrimination on the basis that his dismissal was a proportionate means of achieving a legitimate aim, which was to provide a full range of counselling services to all in the community. Mr McFarlane appealed this decision. The EAT upheld the tribunal's decision. Mr McFarlane then brought his case to the ECtHR which, as in the case of Ladele, found against him.

Under the Equality Act 2010, it is unlawful to discriminate against someone because of their sexual orientation and the Supreme Court said that the courts should be slow to accept that prohibiting hotel keepers from discriminating against gay people was a disproportionate limitation on their right to manifest their religion.

In this case, Peter and Hazelmary Bull, Christian hotel owners, refused to provide a double-bedded room to a same sex couple, Martyn Hall and Steven Preddy, who were in a civil partnership, on the grounds that they believe that sex outside of marriage is sinful. The hotel had a policy, which was visibly displayed on their website, that they only let double-bedded rooms to heterosexual married couples. However, this was not mentioned to the couple when they made the reservation over the phone. The two men complained under the Equality Act (Sexual Orientation) Regulations 2007 (now incorporated into the Equality Act 2010) that the hotel owners had directly and/or indirectly discriminated against them on the grounds of their sexual orientation.

The county court judge concluded that the refusal to allow the couple to stay was based on their sexual orientation, which constituted direct discrimination. It was also indirect discrimination, as the hotel owners had applied a PCP which put the Mr Hall and Mr Preddy at a particular advantage that could not be justified. The CA agreed. The Supreme Court held that this constituted unlawful discrimination on grounds of sexual orientation. The Court stated that the institution of civil partnership had been created by Parliament in order that same sex partners can enjoy the same legal rights as partners of the opposite sex.

Similarly the Upper Tribunal has held that an adoption agency, cannot exclude same sex couples from its services on the grounds that, if it does not do so, it will lose its funding and the number of adoption placements will be reduced.

The Catholic Care adoption agency, run by the Roman Catholic Diocese of Leeds, wanted its services to be exempted from the Equality Act (Sexual Orientation) Regulations 2007 that prevented discrimination on the grounds of sexual orientation in the provision of goods, facilities and services. The charity argued that the regulations went against Roman Catholic teachings about marriage and family life and changed their constitution which was only to place children with heterosexual

parents. They applied for the Charity Commission's (CC) consent to replace the objects clause in their Memoranda of Association with a new objects clause that would bring them within the exemption regime provided for charities under Regulation 18 of the 2007 Regulations. This provided an exemption for restricting benefits to persons of a particular sexual orientation provided that it was done in pursuance of the charity instrument.

In November 2008, the CC refused to authorise the change. The charity appealed to the Charity Tribunal who concluded that the proposed changes would be unlawful and dismissed the appeal. Upon further appeal to the High Court, the matter was remitted back to the CC for further consideration. The CC again decided that the charity could not change its objects to limit its activities to heterosexual parents, but the reasons for this refusal were amended to state that the charity had not provided 'sufficiently convincing and weighty reasons' to persuade the CC to authorise the discrimination. The charity appealed again in 2010 to the First-Tier Tribunal (FTT). This time, the charity argued that if it did not discriminate against same sex couples that it would lose funding from its Catholic supporters which would lead to the closure of its adoption service. They argued that this would reduce the overall provision of adoption services and the number of children placed with adoptive families, which would be greater than the harm suffered by same sex couples unable to use the service. The FTT concluded that the charity's case was of insufficient weight to tip the balance in its favour and therefore ruled that it did not justify the discrimination.

The charity then appealed to Upper Tribunal (UT) who held that the FTT's overall conclusion was correct and rejected the charity's appeal. The UT stated that the FTT was right to conclude that the charity had failed to show that there were sufficiently weighty reasons to justify the discrimination it proposed to engage in. As such, the UT has decided that the charity cannot exclude same sex couples from its services.

Freedom of expression of religious views

Adrian Smith, a Christian who was a manager at Trafford Housing Trust, was demoted and given a pay cut for making comments on his private Facebook page opposing marriage of same sex couples. An exchange of comments followed with two of his colleagues, who had access to his Facebook page, in which Mr Smith reiterated his views. As a result, his employers commenced disciplinary proceedings and decided that Mr Smith's actions amounted to gross misconduct. An appeal failed and Mr Smith issued a claim for breach of contract before the High Court. Mr Smith

did not commence proceedings in the ET as it was his stance that he had not been dismissed. The employer's stance was that Mr Smith's postings were 'activities which may bring the Trust into disrepute' and that during the exchange of comments with colleagues, he failed to treat fellow employees with dignity and respect, all of which breached the Code of Conduct and Equal Opportunities Policy. The judge ruled that Mr Smith had made the comment on a personal Facebook page outside of work hours, and that he had not been promoting religious views to his colleagues. The judge found that the current law meant that Mr Smith had been wrongfully dismissed and had accepted a new contract by agreeing to the demotion. The judge stated that the Trust had committed a serious breach of contract and that, if Mr Smith had issued a claim to the ET, there was every reason to suppose that he would have been awarded substantial compensation. However, this sanction was not available to the ordinary courts.

In another case, the EAT stated that there was a difference between dismissing someone because of their religious beliefs and dismissing them for inappropriately imposing those beliefs on others.

Naphtali Chondol, a Christian, was employed by Liverpool City Council as a social worker but seconded to Mersey Care NHS as a member of the Community Mental Health Team. Mr Chondol was aware that the Council prohibited social workers from promoting any religious beliefs whilst at work. Mr Chondol was dismissed for gross misconduct, following concerns that he was inappropriately promoting his religious beliefs to services users and that he had failed to adhere to the Council's lone working policy by taking a service user to his home without a risk assessment having been carried out. Mr Chondol claimed unlawful discrimination under the 2003 regulations, among other things.

The ET accepted that Mr Chondol had been treated less favourably by the Trust but concluded that the reason for this was not because of his religious beliefs, but because he had been improperly foisting his personal views on service users. The ET was satisfied that the Council would have acted in the same way regardless of what religion or strongly held belief was being promoted. Mr Chondol appealed this and brought his case to the EAT, which rejected the appeal.

Time off work for religion or belief reasons

The Employment Equality (Religion or Belief) Regulations 2003 (now part of the Equality Act 2010) state that employers cannot impose a PCP which indirectly

discriminates against a worker on the basis of their religion or belief, unless they can justify it. In one case, the EAT held that the Council's requirement for an employee to work on Sunday was justified as a proportionate means to achieve a legitimate aim, and therefore not indirect discrimination.

Celestina Mba, a Christian employed as a care worker in a children's care home, strongly believed that Sunday is a day for worship and not for work. Staff at the care home worked a rota system covering seven days a week. However, for the first two years of Ms Mba's employment, Merton Council managed to accommodate her request not to work on Sundays. Upon being asked to start working the normal rota, which included Sundays, Ms Mba resigned and made a claim of indirect religion or belief discrimination on the basis that her employer had applied a provision, criterion or practice which discriminated against her as a Christian. The ET held that the requirement to work on Sundays was justified as there was no practical alternative. It stated that the Council's aim of ensuring an appropriate mix of seniority staff, gender balance, the need to provide a cost-effective service, fair treatment of all employees and continuity of care in staff looking after the children was legitimate and that the provision, criterion or practice was a proportionate means of achieving that aim. Ms Mba appealed. The EAT held that the tribunal was right to conclude that the Council had a number of legitimate aims and that the PCP, requiring staff to work Sunday shifts when they were rostered to do so, was a proportionate means of achieving these aims.

Appendix C |

Call for evidence questions

This appendix provides copies of all the call for evidence versions, by capacity type.

Employee version

Section 1: About you

1 | At birth were you described as

- Male
- Female
- Intersex
- I prefer not to say

2 | Which of the following describes how you think of yourself?

- Male
- Female
- In another way (please specify)
- I prefer not to say

3 | How old are you?

- 16-24
- 25-44
- 45-64
- 65+
- Prefer not to say

4 | How would you describe your ethnic group or background?

- White
- Black/ African / Caribbean / Black British /Black Scottish

- Asian/ Asian British /Asian Scottish
- Mixed/ multiple ethnic groups
- Other ethnic group (please specify)
- Prefer not to say

5 | What is your religion or belief?

- Agnostic
- Atheist
- Bahá'í
- Buddhist
- Christian
- Hindu
- Humanist
- Jain
- Jewish
- Mixed Religion
- Muslim
- No religion or belief / non-religious
- Pagan
- Rastafarian
- Ravidassia
- Sikh
- Spiritual
- Spiritualist
- Wicca
- Any other religion or belief, please describe
- Prefer not to say

5a | Which of the following best describes your denomination?

- Church of England/ Anglican
- Roman Catholic/ Catholic
- Presbyterian/ Church of Scotland
- Church in Wales
- Methodist

- Baptist
- Pentecostal
- Orthodox
- Independent churches
- 'New' churches or denominations
- United Reformed Church
- Other (please specify)
- Prefer not to say

6 | Which of the following best describes how you think of yourself?

- Heterosexual / straight
- Gay / lesbian
- Bisexual
- In another way
- Prefer not to say

7 | Do you have any long-standing physical or mental health condition, impairment or disability?

- Yes
- No
- Prefer not to say

Section 2: How your religion or belief or that of other people has affected your direct, personal, experience of employment.

We would like to hear about how your religion or belief or that of others has affected your direct, personal, experience of employment. This covers applying for jobs and/or being in work. It covers actions by your employer and by your colleagues and customers. We are equally interested in positive and negative experiences. Relevant experiences include:

- holding, expressing or practicing a religion or belief or no religion or belief;
- perceptions of fair or unfair treatment due to your religion or belief or the religion or belief of others; and
- other types of positive or negative issues in the work place arising from people having a religion or belief.

We are interested in your experiences that happened in England, Scotland or Wales from January 2010 to the present.

8 | Please describe the issue(s) (positive or negative) you experienced when applying for jobs or when you were in work. In your response, please describe the issue(s), indicate what happened, when, how many times it occurred, who was involved, what the effect was on you and others. (400 words maximum)

9 | How did you respond and why? In your response, please indicate whether or not you took any action and why, whether you spoke to anyone, whether you took advice, whether you requested changes and whether you took any formal action such as raising a grievance, seeking mediation or taking the case to a tribunal. (400 words maximum)

10 | What happened afterwards and how is the situation now? In your response, please indicate details about what happened, including how your employer responded to whatever action you took and what the response was of your colleagues. Please also indicate what the longer-term consequences were. (400 words maximum)

11 | Please explain what, if anything, could have been done differently in relation to the issue(s) you experienced. (400 words maximum)

12 | Which of the following best describes your type of employer at the time you experienced the issue(s)?

- Private sector
- Public sector
- Charity/ voluntary sector
- Other (please specify)
- Don't know
- Prefer not to say

13 | Which of the following best describes the sector that you work in?

- Agriculture, forestry and fishing
- Energy and water
- Manufacturing
- Construction
- Distribution, hotels and restaurants
- Transport and communications
- Banking and finance

- Public administration, education and health
- Arts, entertainment and other services
- Other (please specify)

14 | Which of the following best describes the number of employees in the workplace?

- Fewer than 10
- 10-49
- 50-149
- 150-249
- 250+
- Don't know
- Prefer not to say

15 | Where did you experience the issue?

- Scotland
- England
- Wales
- Other (please specify)

Section 3: Your views on the effectiveness of the law

We are interested in your views on how the law in England, Scotland and Wales protects people with a religion or belief or without a religion or belief.

16. The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. Would you say the law:

- Should provide more protection
- Provides enough protection
- Should provide less protection
- Don't know

17 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to people with a religion or a belief

- Provides enough protection to people with a religion or a belief
- Should provide less protection to people with a religion or a belief
- Don't know

18 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to other people whose rights may be affected
- Provides enough protection to other people whose rights may be affected
- Should provide less protection to other people whose rights may be affected
- Don't know

19 | Please indicate whether you agree or disagree with the following statement: 'I know where to go for advice on religion or belief issues related to employment.'

- Agree
- Neither agree nor disagree
- Disagree
- Prefer not to say

19a | If agree, please briefly state where you would go for advice and why? You can mention more than one source of advice (200 words maximum).

20 | Do you have any other comments on your experience? (400 words maximum)

21 | If you would like a copy of the report, please provide your email address below. Your email address will be held by NatCen and not used for any other purpose.

[specify email address]

Employer version

Section 1: About you and your organisation

1 | Which of the following best describes the type of organisation you work in?

- Private sector
- Public sector
- Charity/ voluntary sector
- Other (please specify)
- Don't know
- Prefer not to say

2 | Which of the following best describes the sector that you work in?

- Agriculture, forestry and fishing
- Energy and water
- Manufacturing
- Construction
- Distribution, hotels and restaurants
- Transport and communications
- Banking and finance
- Public administration, education and health
- Arts, entertainment and other services
- Other (please specify)

3 | Which of the following best describes your role?

- Owner/ senior manager of a business
- Middle management/ line manager
- Human resources/ personnel
- Equality and diversity manager/ officer
- Other (please specify)

4 | How many people does your organisation employ?

- Fewer than 10
- 10-49
- 50-149
- 150-249
- 250+
- Don't know
- Prefer not to say

5 | Do you work for an organisation which practices, advances or teaches a religion or belief?

- Yes
- No
- Not sure
- Prefer not to say

5a | If yes, please state which religion or belief and which particular religious denomination if relevant.

6 | Where is your organisation based?

- Scotland
- England
- Wales
- More than one country (please specify)
- Other (please specify)

Section 2: How your religion or belief or that of other people has affected your direct, personal, experience of being an employer or manager.

We would like to hear about how the religion or belief of you or your employees or customers may have affected your experience as an employer or manager. We are equally interested in positive and negative experiences.

In particular, we would like to hear about your experience of issues related to the workplace with regard to:

- holding, expressing or practicing a religion or belief or no religion or belief;
- perceptions of fair or unfair treatment due to your religion or belief or the religion or belief of others; and
- other types of positive or negative issues arising from people having a religion or belief.

We are interested in your experiences that happened in England, Scotland or Wales from January 2010 to the present.

8 | Please describe how your religion or belief or that of other people affected your direct, personal, experience of being an employer or manager. The experience may be positive or negative. In your response, please describe the issue(s), indicate what happened, when, how many times it occurred, who was involved, what the effect was on you, the employee(s) and others. (400 words maximum)

9 | How did you respond to the issue(s) you experienced and why? In your response, please describe the process that you and others followed to resolve or deal with the issue. Please include both formal and informal procedures. (400 words maximum)

10 | What was the outcome of the issue and how is the situation now? Please describe how the issue ended and the impact on you and others. (400 words maximum)

11 | Please describe what, if anything, you think could have been done differently in relation to the issue(s) you experienced? Please describe things that you or your organisation think you did well and/ or things that went less well and what you would have done differently. (400 words maximum)

Section 3: Your views on the effectiveness of the law

We are interested in your views on how the law in England, Scotland and Wales protects people with a religion or belief or without a religion or belief.

12 | The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. Would you say the law:

- Should provide more protection
- Provides enough protection
- Should provide less protection
- Don't know

13 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to people with a religion or a belief
- Provides enough protection to people with a religion or a belief
- Should provide less protection to people with a religion or a belief
- Don't know

14 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to other people whose rights may be affected
- Provides enough protection to other people whose rights may be affected
- Should provide less protection to other people whose rights may be affected
- Don't know

15 | Please indicate whether you agree or disagree with the following statement: 'I know where to go for advice on religion or belief issues related to employment.'

- Agree
- Neither agree nor disagree
- Disagree
- Prefer not to say

16 | If agree, please briefly state where you would go for advice and why? You can mention more than one source of advice. (200 words maximum)

17 | Is there anything else you would like to tell us about current laws on equality, human rights and religion or belief? For example, are they well known, are they easy to understand, and how well do you feel they protect you or others?

18 | If you would like a copy of the report, please provide your email address below. Your email address will be held by NatCen and not used for any other purpose.

Service user version

Section 1: About you

1 | At birth were you described as

- Male
- Female
- Intersex
- I prefer not to say

2 | Which of the following describes how you think of yourself?

- Male
- Female
- In another way (please specify)
- I prefer not to say

3 | Which of the following describes how you think of yourself?

- Male
- Female
- In another way (please specify)
- Prefer not to say

4 | Is your present gender/ sex the same as the one assigned to you at birth?

- Yes
- No
- Prefer not to say

5 | Is your present gender/ sex the same as the one assigned to you at birth?

- Yes
- No
- Prefer not to say

6 | How old are you?

- 16-24
- 25-44
- 45-64
- 65+
- Prefer not to say

7 | How would you describe your ethnic group or background?

- White
- Black/ African / Caribbean / Black British /Black Scottish
- Asian/ Asian British /Asian Scottish
- Mixed/ multiple ethnic groups
- Other ethnic group (please specify)
- Prefer not to say

8 | What is your religion or belief?

- Agnostic
- Atheist
- Bahá'í
- Buddhist
- Christian
- Hindu
- Humanist
- Jain
- Jewish
- Mixed Religion
- Muslim
- No religion or belief/non-religious
- Pagan
- Rastafarian
- Ravidassia

- Sikh
- Spiritual
- Spiritualist
- Wicca
- Any other religion or belief, please describe
- Prefer not to say

8a | Which of the following best describes your denomination?

- Church of England/ Anglican
- Roman Catholic/ Catholic
- Presbyterian/ Church of Scotland
- Church in Wales
- Church of Wales
- Methodist
- Baptist
- Pentecostal
- Orthodox
- Independent churches
- 'New' churches or denominations
- United Reformed Church
- Other (please specify)
- Prefer not to say

9 | Which of the following best describes how you think of yourself?

- Heterosexual / straight
- Gay / lesbian
- Bisexual
- In another way
- Prefer not to say

10 | Do you have any long-standing physical or mental health condition, impairment or disability?

- Yes
- No
- Prefer not to say

Section 2: How your religion or belief or that of other people has affected your direct, personal, experience of using services.

We would like to hear how your religion or belief or that of others has affected your direct, personal experience of using services. We are equally interested in positive or negative experiences. Services are provided by shops, cafes, parks, banks, cinemas and hotels. Services are also provided by local authorities, hospitals, GPs, schools, universities, the police, charities and organisations which practice, advance or teach a religion. Relevant experiences include:

- holding, expressing or practicing a religion or belief or no religion or belief;
- perceptions of fair or unfair treatment due to your religion or belief or the religion or belief of others; and
- other types of positive or negative issues arising from people having a religion or belief.

We are interested in your experiences that happened in England, Scotland or Wales from January 2010 to the present.

11 | Please describe how your religion or belief or that of other people affected your direct, personal, experience of using a service. In your response, please describe the issue(s), indicate what happened, when, how many times it occurred, who was involved, what the effect was on you and others. (400 words maximum)

12 | How did you respond and why? In your response, please indicate whether or not you took any action and why, whether you spoke to anyone, whether you took advice, whether you requested changes and whether you took any formal action such as making a written complaint to the service provider or a written complaint elsewhere (400 words maximum)

13 | What happened afterwards and how is the situation now? In your response, please indicate details about what happened, including how the service provider responded to whatever action you took. Please also indicate what the longer-term consequences were. (400 words maximum)

14 | Please explain what, if anything, could have been done differently in relation to the issue(s) you experienced? (400 words maximum)

15 | Which of the following best describes the type of organisation providing the services, facilities or goods at the time you experienced the issue(s)?

- Private sector
- Public sector
- Charity/ voluntary sector

- Other (please specify)
- Don't know
- Prefer not to say

16 | Which of the following best describes the services provided by the organisation?

- Education
- Financial services
- Health
- Social Care/ Social Services
- Housing
- Leisure (e.g. libraries, museums, cinemas, sport)
- Hotels Tourism and Leisure Accommodation (e.g. hotels, B & Bs, campsites)
- Planning (e.g. buildings and facilities)
- Shops, Pubs, Cafes and Restaurants
- Police or Criminal Justice
- Other (please specify)

17 | Where did you experience the issue?

- Scotland
- England
- Wales
- Other (please specify)

Section 3: Your views on the effectiveness of the law

We are interested in your views on how the law in England, Scotland and Wales protects people with a religion or belief or without a religion or belief.

18 | The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. Would you say the law:

- Should provide more protection
- Provides enough protection
- Should provide less protection
- Don't know

19 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to people with a religion or a belief
- Provides enough protection to people with a religion or a belief
- Should provide less protection to people with a religion or a belief
- Don't know

20 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to other people whose rights may be affected
- Provides enough protection to other people whose rights may be affected
- Should provide less protection to other people whose rights may be affected
- Don't know

21 | Please indicate whether you agree or disagree with the following statement: 'I know where to go for advice on religion or belief issues related to services.'

- Agree
- Neither agree nor disagree
- Disagree
- Prefer not to say

21a | If agree, please briefly state where you would go for advice and why. You can mention more than one source of advice. (200 words maximum)

22 | Do you have any other comments on your experience? (400 words maximum)

23 | If you would like a copy of the report, please provide your email address below. Your email address will be held by NatCen and not used for any other purpose.

[specify email address]

Service provider version

Section 1: About you and your organisation

1 | Which of the following best describes the sector you work in?

- Private sector
- Public sector
- Charity/ voluntary sector
- Other (please specify)
- Don't know

- Prefer not to say

2 | Which of the following best describes the type of services you or your organisation provides?

- Education
- Financial services
- Health
- Social care/ social services
- Housing
- Leisure (e.g. libraries, museums, cinemas, sport)
- Tourism and leisure accommodation (e.g. hotels, B&Bs, campsites)
- Planning (e.g. buildings and facilities)
- Shops, cafes, pubs and restaurants
- Police or criminal justice
- Other (please specify)

3 | Which of the following best describes your role?

- Owner/ senior manager
- Middle management/ line manager
- Human resources/ personnel
- Equality and diversity manager/ officer
- I work directly with customers
- Other (please specify)

4 | Which of the following best describes the number of employees in your organisation?

- Fewer than 10
- 10-49
- 50-149
- 150- 249
- 250+
- Don't know
- Prefer not to say

5 | Do you work for an organisation which practices, advances or teaches a religion or belief?

- Yes
- No
- Not sure
- Prefer not to say

5a | If yes, please state which religion or belief and which particular religious denomination if relevant.

6 | Where is your organisation based?

- Scotland
- England
- Wales
- More than one country (please specify)
- Other (please specify)

Section 2: How religion or belief issues have affected your experience as a service provider

We would like to hear about how the religion or belief of you or your customers or service users may have affected your experience of providing services to the public. We are equally interested in positive and negative experiences. In particular, we would like to hear about your experience of issues related to service users with regard to:

- holding, expressing or practicing a religion or belief or no religion or belief;
- perceptions of fair or unfair treatment due to your religion or belief or the religion or belief of others; and
- other types of positive or negative issues arising from people having a religion or belief

We are interested in your experiences that happened in England, Scotland or Wales from January 2010 to the present.

7 | Please describe how your religion or belief or that of other people affected your direct, personal, experience of providing a service. The experience may be positive or negative. In your response, please describe the issue, indicate what happened, when, how many times it occurred, who was involved, what the effect was on you, the service user(s) and others. (400 words maximum)

8 | How did you respond and why? In your response, please describe the process that you and others followed to resolve or deal with the issue. Please include both formal and informal procedures. (400 words maximum)

9 | What was the outcome of the issue and how is the situation now? Please describe how the issue ended and the impact on you and others. (400 words maximum)

10 | Please describe what, if anything, you think could have been done differently in relation to the issue(s) you experienced? Please describe things that you or your organisation think you did well and/ or things that went less well and what you would have done differently (400 words maximum)

Section 3: Your views on the effectiveness of the law

We are interested in your views on how the law in England, Scotland and Wales protects people with a religion or belief or without a religion or belief.

11 | The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. Would you say the law:

- Should provide more protection
- Provides enough protection
- Should provide less protection
- Don't know

12 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to people with a religion or a belief
- Provides enough protection to people with a religion or a belief
- Should provide less protection to people with a religion or a belief
- Don't know

13 | The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. Would you say the law:

- Should provide more protection to other people whose rights may be affected
- Provides enough protection to other people whose rights may be affected
- Should provide less protection to other people whose rights may be affected
- Don't know

14 | Please indicate whether you agree or disagree with the following statement: “I know where to go for advice on religion or belief issues related to employment.”

15 | If agree, please briefly state where you would go for advice and why. You can mention more than one source of advice. [Max 200 words]

16 | Is there anything else you would like to tell us about current laws on equality, human rights and religion or belief? For example, are they well known, are they easy to understand, and how well do you feel they protect you or others?

17 | If you would like a copy of the report, please provide your email address below. Your email address will be held by NatCen and not used for any other purpose.

[specify email address]

Organisation version

Section 1: About your organisation

1 | Which of the following best describes the sector that your organisation is in?

- Private sector
- Public sector
- Charity/ voluntary sector
- Other (please specify)
- Prefer not to say

2 | Are you responding on behalf of your organisation or as an individual?

- On behalf of my organisation
- As an individual

3 | Do you work for an organisation which practices, advances or teaches a religion or belief?

- Yes
- No
- Not sure
- Prefer not to say

4 | Which countries does your organisation cover?

- Scotland

- England
- Wales
- More than one country (please specify)
- Other (please specify)

Section 2: Your organisation's concerns about the protection of people with a religion or belief or without a religion or belief.

We would like to hear about the issues that are of most interest or of greatest concern to your organisation in relation to the protection of people with a religion or belief or without a religion or belief in England, Scotland and Wales.

5 | From the following list, please indicate the issues which your organisation is particularly interested in or concerned about (please tick as many as you wish).

- Time off work for religion or belief reasons
- Dress codes and wearing of religious symbols
- Opting-out of work duties or conscientious objection
- Freedom of expression
- Restrictions on, or refusal of, a service
- Offering of an inappropriate service
- Harassment on grounds of religion or belief
- Victimisation on grounds of religion or belief
- A hostile or unwelcoming environment
- Definition of 'belief'
- Procurement or funding issues
- Exemptions from equality law
- Other issue(s) (please specify)

6 | From the list above, which THREE issues is your organisation most interested in or concerned about?

- Time off work for religion or belief reasons
- Dress codes and wearing of religious symbols
- Opting-out of work duties or conscientious objection
- Freedom of expression
- Restrictions on, or refusal of, a service
- Offering of an inappropriate service

- Harassment on grounds of religion or belief
- Victimisation on grounds of religion or belief
- A hostile or unwelcoming environment
- Definition of 'belief'
- Procurement or funding issues
- Exemptions from equality law

7 | Please give more details about why your organisation is particularly interested or concerned about the issues you have highlighted in Q6. (For example, if you have highlighted time off work for religion or belief reasons, please indicate whether this relates to time off work for religious holidays or for one-off events, such as the hajj, or to time off work on Sundays on a regular basis) (1,000 words maximum)

Section 3: Your views on the effectiveness of the law

We would like to hear about your views on the effectiveness of the current legislative framework (the Equality Act 2010 and the Human Rights Act 1998) in protecting people with or without a religion or belief. In addressing the questions below you may want to consider the original drafting of the legislation, the way it has been amended, and interpretation by domestic and European courts. You may wish to discuss whether the current framework provides effective protection from discrimination and for the right to hold and manifest a religion or belief, and the exemptions under the Equality Act.

8 | What are the most effective features of the current legislative framework and why? (1,000 words maximum)

9 | What are the least effective features of the current legislative framework and why? (1,000 words maximum)

10 | Please describe what you think could be done, if anything, to improve the effectiveness of current legislative framework? (1,000 words maximum)

11 | If you would like a copy of the report, please provide your email address below. Your email address will be held by NatCen and not used for any other purpose.

[specify email address]

12 | How would you like your responses to be treated?

- Anonymously
- With my responses linked to my name or the name of my organisation (please specify your name/ the name of your organisation)

Legal and advice version

Section 1: About you

1 | In what role are you taking part in this call for evidence?

- Lawyer
- Legal academic
- Trade union official/representative
- General advice provider
- Equality and diversity adviser
- Other (please specify)

2 | Where do you provide the advice or representation?

- Scotland
- England
- Wales
- More than one country (please specify)
- Other (please specify)

Section 2: Your experiences of providing advice, representation or assistance in relation to religion or belief issues

We would like to hear about your experiences of giving advice, representation or assistance to individuals and organisations relating to the manifestation of religion or belief, and discrimination and unfair treatment in employment or in service delivery on the grounds of religion or belief or the lack of religion or belief. We are equally interested in experiences with favourable and less favourable outcomes. We would also like to hear of examples when parties find a solution to the religion or belief issue under discussion.

We are interested in your experiences that happened in England, Scotland or Wales from January 2010 to the present.

3 | Please indicate the issues on which you have provided advice, representation or assistance to individuals, employers or service providers since 2010 where religion or belief was relevant.

- Time off work for religion or belief reasons
- Dress codes and wearing of religious symbols
- Opting-out of work duties or conscientious objection

- Freedom of expression
- Restrictions on, or refusal of, a service
- Offering of an inappropriate service
- Harassment on grounds of religion or belief
- Victimisation on grounds of religion or belief
- A hostile or unwelcoming environment
- Definition of 'belief'
- Procurement or funding issues
- Exemptions from equality law
- Other issue(s) (please specify)

4 | Please describe these issue(s) in more detail. We would also like to hear of any examples you have come across of good practice by an employer or service provider (500 words maximum)

5 | Please describe how employers have typically responded when issues have been raised by you or your clients? For example, they sought to resolve the problem at an early stage, took no action, or went to tribunal/ court (500 words maximum)

6 | Please describe how service providers have typically responded when issues have been raised by you or your clients? For example, they sought to resolve the problem at an early stage, took no action, or went to tribunal/ court (500 words maximum)

7 | For any of these examples, did the right to hold and express a religion or belief have an impact in any way on other groups protected by equality law? If so, please describe the circumstances (500 words maximum)

Section 3: Your views on the effectiveness of the law

We would like to hear about your views on the effectiveness of the current legislative framework (the Equality Act 2010 and the Human Rights Act 1998) in protecting people with or without a religion or belief. In addressing the questions below you may want to consider the original drafting of the legislation, the way it has been amended, and interpretation by domestic and European courts. You may wish to discuss whether the current framework provides effective protection from discrimination and for the right to hold and manifest a religion or belief, and the exemptions under the Equality Act.

8 | What are the most effective features of the current legislative framework and why? (1,000 words maximum)

9 | What are the least effective features of the current legislative framework and why? (1,000 words maximum)

10 | Please describe what you think could be done, if anything, to improve the effectiveness of the current legislative framework? (1,000 words maximum)

11 | If you would like a copy of the report, please provide your email address below. Your email address will be held by NatCen and not used for any other purpose.

12 | How would you like your responses to be treated?

- Anonymously
 - With my responses linked to my name or the name of my organisation (please specify your name/ the name of your organisation)
-

Appendix D |

Participating organisations

Below is a list of the organisations that agreed for their name to be attributed to their submissions. These organisations did not opt to remain anonymous.

Table A1 Participating organisations

Alliance for Vulnerable Mission	HF Holidays Ltd
Asian Fire Service Association	Hindu Council UK
Atheism UK	Home for Good
Bedfordshire Humanists	JLGB
Calvary Chapel, Leatherhead	Muslim Women's Network UK
Cambridge Secular Society	National Secular Society
CARE	Pagan Federation International
Centre for Studies of Arab & Muslim Issues	Scottish Council of Jewish Communities (SCoJeC)
Christian Medical Fellowship	Sheffield Humanist Society
Christian Peoples Alliance	Shekinah Christian Church, Penzance
Christians in Parliament APPG	Sikh Council UK
Church of England	Spring Road Evangelical Church
Church of Scotland	The Church of Jesus Christ of Latter-day Saints
Churches' Legislation Advisory Service	Union of Jewish Students
Diocese of Salisbury Board of Education	University Jewish Chaplaincy
Evangelical Alliance	Verwood Road Evangelical Church, Dorset
Faith and Fire	Voice of Hope Community Church
Faith and Fire	West Lothian Council
Fire Brigades Union Fairness At Work	West Yorkshire Humanists

Appendix E | Employees tables

At birth were you described as

	Count
Male	845
Female	768
Intersex	3
Prefer not to say	20
Total	1,636
Base: Participants in employee capacity	

Which of the following describes how you think of yourself?

	Count
Male	836
Female	767
In another way	13
Prefer not to say*	20
Total	1,636
Notes:* Includes 7 who described themselves as transgender.	
Base: Participants in employee capacity	

How old are you?

	Count
16-24	81
25-44	650
45-64	796
65+	82
Prefer not to say	27
Total	1,636
Base: Participants in employee capacity	

How would you describe your ethnic group or background?

	Count
White	1,322
Black/ African/ Caribbean/ Black British/ Black Scottish	90
Asian/ Asian British/ Asian Scottish	97
Mixed/ multiple ethnic groups	33
Other ethnic group	40
Prefer not to say	54
Total	1,636
Base: Participants in employee capacity	

What is your religion or belief?

	Count
Agnostic	42
Atheist	188
Bahá'í	23
Buddhist	14
Christian	1,030
Hindu	16
Humanist	47
Jain	1
Jewish	37
Mixed Religion	8
Muslim	58
No religion or belief/ non-religious	64
Pagan	15
Rastafarian	1
Sikh	21
Spiritual	12
Spiritualist	5
Wicca	11
Other	23
Prefer not to say	20
Total	1,636
Base: Participants in employee capacity	

Which of the following best describes your denomination?

	Count
Church of England/ Anglican	256
Roman Catholic/ Catholic	106
Presbyterian/ Church of Scotland	53
Church in Wales	7
Methodist	30
Baptist	109
Pentecostal	128
Orthodox	4
Independent churches	134
'New' churches or denominations	58
United Reformed Church	6
Other	120
Prefer not to say	19
Total	1,030
Base: Participants in employee capacity	

Which of the following best describes how you think of yourself?

	Count
Heterosexual/ straight	1,416
Gay/ lesbian	80
Bisexual	49
In another way	21
Prefer not to say	70
Total	1,636
Base: Participants in employee capacity	

Do you have any long-standing physical or mental health condition, impairment or disability?

	Count
Yes	266
No	1,325
Prefer not to say	45
Total	1,636
Base: Participants in employee capacity	

Where did you experience the issue?

	Count
England	1,244
Scotland	186
Wales	92
Other*	61
Experienced no issue	53
Total	1,636

Notes:* Includes Northern Ireland (16), UK (7) and international (16).

Base: Participants in employee capacity

Which of the following best describes the sector that you work in?

	Count
Agriculture, forestry and fishing	9
Energy and water	23
Manufacturing	35
Construction	31
Distribution, hotels and restaurants	19
Transport and communications	143
Banking and finance	97
Public administration and education	881
Arts, entertainment and other services	89
Medicine and health	44
Social care and services	53
Military, crime and justice	76
Retail and sales	39
Other (Retired, unemployed, research and policy, N/A)	97
Total	1,636

Base: Participants in employee capacity

Which of the following best describes the number of employees in the workplace?

	Count
Fewer than 10	110
10-49	316
50-149	223
150-249	85
250+	822
Don't know	54
Prefer not to say	26
Total	1,636
Base: Participants in employee capacity	

Does the law in Britain protect people from unfair treatment due to their having a religion or belief or having no religion or belief?

The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. *Would you say the law:*

	Count
Should provide more protection	887
Provides enough protection	473
Should provide less protection	95
Don't know	181
Total	1,636
Base: Participants in employee capacity	

Does the law in Britain protect the right of people to follow their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to people with a religion or belief	781
Provides enough protection to people with a religion or belief	538
Should provide less protection to people with a religion or belief	180
Don't know	137
Total	1,636
Base: Participants in employee capacity	

Does the law in Britain protect people whose rights may be affected by other people following their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to other people whose rights may be affected	560
Provides enough protection to other people whose rights may be affected	707
Should provide less protection to other people whose rights may be affected	198
Don't know	171
Total	1,636
Base: Participants in employee capacity	

Do you know where to go for advice on religion or belief issues related to employment?

Do you agree or disagree with the statement: "I know where to go to for advice on religion or belief issues related to employment"

	Count
Agree	541
Neither agree nor disagree	348
Disagree	726
Prefer not to say	21
Total	1,636
Base: Participants in employee capacity	

Appendix F | Employers tables

Which of the following best describes the type of organisation you work in?

	Count
Private sector	33
Public sector	21
Charity/ voluntary sector	9
Other	4
Total	67
Base: Participants in employer capacity	

Which of the following best describes the sector that you work in?

	Count
Agriculture, forestry and fishing	1
Manufacturing	5
Construction	3
Distribution, hotels and restaurants	2
Transport and communications	3
Banking and finance	3
Public administration, education and health	24
Arts, entertainment and other services	1
Other	25
Total	67
Base: Participants in employer capacity	

Which of the following best describes your role?

	Count
Owner/ senior manager of a business	42
Middle management/ line manager	11
Human resources/ personnel	5
Equality and diversity manager/ officer	3
Other	6
Total	67
Base: Participants in employer capacity	

How many people does your organisation employ?

	Count
Fewer than 10	15
10-49	19
50-149	8
150-249	5
250+	19
Don't know	1
Total	67
Base: Participants in employer capacity	

Do you work for an organisation which practices, advances or teaches a religion or belief?

	Count
Yes	14
No	53
Total	67
Base: Participants in employer capacity	

Where is your organisation based?

	Count
England	50
Scotland	6
Wales	5
More than one GB country	3
Other	3
Total	67
Base: Participants in employer capacity	

Does the law in Britain protect the right of people to follow their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to people with a religion or belief	26
Provides enough protection to people with a religion or belief	29
Should provide less protection to people with a religion or belief	9
Don't know	3
Total	67
Base: Participants in employer capacity	

Does the law in Britain protect people whose rights may be affected by other people following their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to other people whose rights may be affected	17
Provides enough protection to other people whose rights may be affected	28
Should provide less protection to other people whose rights may be affected	17
Don't know	5
Total	67
Base: Participants in employer capacity	

Do you know where to go for advice on religion or belief issues related to employment?

Do you agree or disagree with the statement: "I know where to go to for advice on religion or belief issues related to employment"

	Count
Agree	39
Neither agree nor disagree	13
Disagree	12
Prefer not to say	3
Total	67
Base: Participants in employer capacity	

Appendix G |

Service users tables

At birth were you described as

	Count
Male	248
Female	215
Prefer not to say	5
Total	468
Base: Participants in service user capacity	

Which of the following describes how you think of yourself?

	Count
Male	243
Female	211
In another way	8
Prefer not to say*	6
Total	468
Notes:* Includes 2 who described themselves as transgender.	
Base: Participants in service user capacity	

How old are you?

	Count
16-24	33
25-44	165
45-64	197
65+	65
Prefer not to say	8
Total	468
Base: Participants in service user capacity	

How would you describe your ethnic group or background?

	Count
White	397
Black/ African/ Caribbean/ Black British/ Black Scottish	7
Asian/ Asian British/ Asian Scottish	18
Mixed/ multiple ethnic groups	6
Other ethnic group	17
Prefer not to say	23
Total	468
Base: Participants in service user capacity	

What is your religion or belief?

	Count
Agnostic	15
Atheist	127
Bahá'í	2
Buddhist	3
Christian	193
Hindu	1
Humanist	53
Jain	1
Jewish	10
Mixed Religion	1
Muslim	5
No religion or belief/ non-religious	25
Pagan	3
Spiritual	1
Spiritualist	2
Wicca	3
Other*	19
Prefer not to say	4
Total	468
Notes: Includes 4 Vegans.	
Base: Participants in service user capacity	

Which of the following best describes your denomination?

	Count
Church of England/ Anglican	41
Roman Catholic/ Catholic	8
Presbyterian/ Church of Scotland	2
Methodist	6
Baptist	28
Pentecostal	25
Orthodox	1
Independent churches	36
'New' churches or denominations	19
Other	22
Prefer not to say	5
Total	193
Base: Participants in service user capacity	

Which of the following best describes how you think of yourself?

	Count
Heterosexual/ straight	406
Gay/ lesbian	19
Bisexual	6
In another way	17
Prefer not to say	20
Total	468
Base: Participants in service user capacity	

Do you have any long-standing physical or mental health condition, impairment or disability?

	Count
Yes	90
No	364
Prefer not to say	14
Total	468
Base: Participants in service user capacity	

Which of the following best describes the type of organisation providing the services, facilities or goods at the time you experienced the issue?

	Count
Private sector	38
Public sector	316
Charity/ voluntary sector	27
Other	53
Don't know	25
Prefer not to say	9
Total	468
Base: Participants in service user capacity	

Which of the following best describes the type of organisation providing the services, facilities or goods at the time you experienced the issue?

	Count
All of the above	12
Church or faith-based organisation	6
Educational institution	12
N/A	5
Other*	18
Total	53

Notes: * Includes BBC, social care, hotel, NHS.

Base: Participants in service user capacity

Where did you experience the issue?

	Count
England	398
Scotland	21
Wales	18
Other	21
Experienced no issue	10
Total	468
Base: Participants in service user capacity	

Does the law in Britain protect people from unfair treatment due to their having a religion or belief or having no religion or belief?

The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. *Would you say the law:*

	Count
Should provide more protection	272
Provides enough protection	79
Should provide less protection	39
Don't know	78
Total	468
Base: Participants in service user capacity	

Does the law in Britain protect the right of people to follow their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to people with a religion or belief	189
Provides enough protection to people with a religion or belief	103
Should provide less protection to people with a religion or belief	127
Don't know	49
Total	468
Base: Participants in service user capacity	

Does the law in Britain protect people whose rights may be affected by other people following their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to other people whose rights may be affected	249
Provides enough protection to other people whose rights may be affected	123
Should provide less protection to other people whose rights may be affected	50
Don't know	46
Total	468
Base: Participants in service user capacity	

Do you know where to go for advice on religion or belief issues related to employment?

Do you agree or disagree with the statement: "I know where to go to for advice on religion or belief issues related to employment"

	Count
Agree	106
Neither agree nor disagree	107
Disagree	249
Prefer not to say	6
Total	468
Base: Participants in service user capacity	

Appendix H |

Service providers tables

Which of the following best describes the type of organisation you work in?

	Count
Private sector	26
Public sector	33
Charity/ voluntary sector	34
Other	13
Don't know	1
Prefer to say	1
Total	108

Base: Participants in service provider capacity

Which of the following best describes the types of services you or your organisation provides?

	Count
Education	26
Financial services	2
Health	18
Social care/ social services	12
Housing	6
Leisure (e.g. libraries, museums, cinemas, sport)	3
Tourism and leisure accommodation (e.g. hotels, B&Bs, campsites)	1
Planning (e.g. buildings and facilities)	1
Shops, cafés, pubs and restaurants	2
Police or criminal justice	1
Other	36
Total	108

Base: Participants in service provider capacity

Which of the following best describes your role?

	Count
Owner/ senior manager	39
Middle management/ line manager	10
Equality and diversity manager/ officer	2
I work directly with customers	29
Others	28
Total	108
Base: Participants in service provider capacity	

Which of the following best describes the number of employees in your organisation?

	Count
Fewer than 10	40
10-49	24
50-149	6
150-249	5
250+	18
Don't know	12
Prefer not to say	3
Total	108
Base: Participants in service provider capacity	

Do you work for an organisation which practices, advances or teaches a religion or belief?

	Count
Yes	46
No	58
Not sure	3
Prefer not to say	1
Total	108
Base: Participants in service provider capacity	

Where is your organisation based?

	Count
England	92
Scotland	8
Wales	3
More than one GB country	2
Other	3
Total	108
Base: Participants in service provider capacity	

Does the law in Britain protect people from unfair treatment due to their having a religion or belief or having no religion or belief?

The law in Britain protects people from unfair treatment due to their having a religion or belief or having no religion or belief. *Would you say the law:*

	Count
Should provide more protection	78
Provides enough protection	15
Should provide less protection	6
Don't know	9
Total	108
Base: Participants in service provider capacity	

Does the law in Britain protect the right of people to follow their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to people with a religion or belief	77
Provides enough protection to people with a religion or belief	17
Should provide less protection to people with a religion or belief	9
Don't know	5
Total	108
Base: Participants in service provider capacity	

Does the law in Britain protect people whose rights may be affected by other people following their religion or belief?

The law in Britain protects the right of people to follow their religion or belief as long as this does not limit the rights of other people. *Would you say the law:*

	Count
Should provide more protection to other people whose rights may be affected	31
Provides enough protection to other people whose rights may be affected	45
Should provide less protection to other people whose rights may be affected	25
Don't know	7
Total	108
Base: Participants in service provider capacity	

Appendix I |

Organisations tables

Which of the following best describes the sector that your organisation is in?

	Count
Private sector	6
Public sector	21
Charity/ voluntary sector	115
Other*	33
Prefer to say	6
Total	181

Notes: * Includes 15 churches and 3 campaigning organisations.

Base: Participants in organisation capacity

Are you responding on behalf of your organisation or as an individual?

	Count
On behalf of my organisation	78
As an individual	103
Total	181

Base: Participants in organisation capacity

Do you work for an organisation which practices, advances or teaches a religion or belief?

	Count
Yes	132
No	43
Not sure	3
Prefer not to say	3
Total	181

Base: Participants in organisation capacity

Which countries does your organisation cover?

	Count
England	103
Scotland	10
Wales	06
More than one GB country	38
Other	24
Total	181
Base: Participants in organisation capacity	

Which issues is your organisation particularly interested in or concerned about?

	Count
Time off work for religion or belief reasons	28
Dress codes and wearing of religious symbols	14
Opting-out of work duties or conscientious objection	31
Freedom of expression	68
Restrictions on, or refusal or, a service	10
Offering an appropriate service	5
Harassment relating to religion or belief	9
Victimisation relating to religion or belief	5
A hostile or unwelcoming environment	2
Definition of 'belief'	1
Procurement or funding issues	2
Exemptions from equality law	1
Other issues	5
Total	181
Base: Participants in organisation capacity	

Appendix J |

Legal and advice tables

In what role are you taking part in this call for evidence?

	Count
Lawyer	6
Legal academic	1
Trade union official/ representative	2
General advice provider	2
Equality and diversity adviser	4
Other	8
Total	23
Base: Participants in legal and advice capacity	

Where do you provide the advice or representation?

	Count
England	10
Scotland	1
Wales	5
More than one GB country	6
Other	1
Total	23
Base: Participants in legal and advice capacity	

How often have you given advice, representation or assistance to individuals, employees or service users on the issue of:

	Never	Not often	Often	Very often	Not sure	Total
Dress codes and wearing of religious symbols?	7	7	5	4	0	23
Opting-out of work duties or conscientious objection?	11	2	5	3	2	23
Freedom of expression?	7	5	3	7	1	23
Restrictions on, or refusal or, a service?	10	5	3	3	2	23
Offering of an inappropriate service?	10	9	3	1	0	23
Harassment relating to religion or belief?	7	7	3	5	1	23
Victimisation relating to religion or belief?	8	5	6	3	1	23
A hostile or unwelcoming environment?	6	7	5	5	0	23
Definition of 'belief'?	7	6	4	4	2	23
Procurement or funding issues?	11	4	4	3	1	23
Exemptions from equality law?	8	7	5	3	0	23

