

Press Release

Religious discrimination at work

Recent cases surrounding religious discrimination at work remind employers that as well as sex, age and race, they now need to be careful that they don't inadvertently discriminate against people who choose to practise or express their faith at work.

The Employment Equality Regulations 2003 make it unlawful to discriminate on the grounds of religion or belief in employment and vocational training

However, a recent ruling upheld a school's request for a Muslim teacher to remove her veil saying it did not amount to religious discrimination. In the case of Aishah Azmi, the school had asked her to remove her veil after children in the school, many of whom do not have English as a first language, said they found it hard to understand her during English language lessons.

Where there is a genuine occupational requirement within a job, like employing women in an all-female hostel, then indirect discrimination is not always unlawful. As in the case of Aishah Azmi, an employer needs to show that there is a real business need for the employee to remove their religious symbol. The real test for employers is always; can this employee still do the job effectively?

Claire Bell, Employment Director at Actons says:

“In this case, the rights of the children to receive the best quality education were paramount but in other scenarios, such as shop and office work, an employer may



struggle to justify a dress code which requires the removal of the veil. If however the employee was in a customer-facing or sales role they might have a legitimate concern.”

British Airways faced a similar dispute after Heathrow check-in worker Nadia Eweida went on unpaid leave after refusing to cover up her crucifix necklace. Nadia believes that this is an important expression of her faith and does not affect her capacity to do the job.

British Airways says all jewellery and religious symbols on chains must be worn under the uniform, however it makes an exception for Sikh turbans and Muslim hijabs because they cannot be covered up. This is clearly a complex area where employers need to consider each case on its own facts before taking action.

For more advice on religious discrimination at work or any other aspect of employment law, please contact Claire Bell or one of the team on 0115 9 100 200.

Ends

Notes:

1. http://www.cre.gov.uk/legal/rights_religion.html
2. <http://www.opsi.gov.uk/si/si2003/20031660.htm>
3. <http://news.bbc.co.uk/1/hi/uk/6051486.stm>
4. http://news.bbc.co.uk/1/hi/uk_politics/6069012.stm

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