

## **Commission launches guidance on managing religion or belief in the workplace and provides advice to MPs on the Equal Marriage Bill**

The Equality and Human Rights Commission has published new guidance today to help employers and employees deal with the expression of religion or belief at work and avoid conflict and costly court cases.

The guidance has been issued on the same day that the Commission has provided a briefing to MPs on the Marriage (Same Sex Couples) Bill as it is scrutinised in Parliament. Both publications will help to clarify two complex areas of law that will have a direct impact on people's lives.

The guidance follows the European Court of Human Rights (ECtHR) judgment in four cases about religious rights in the workplace, one of which found that an employee suffered a breach of her right to religious freedom for being told not to wear a cross at work.

However, the fact that this judgment could be overturned on appeal and it could take time for domestic courts to re-interpret existing domestic law, has the potential to cause confusion for employers on how to deal with employees who wish to express their beliefs at work.

The Commission has therefore produced straightforward, expert guidance to clarify the law and how employers can use it to manage and protect religion and belief rights in the workplace.

It includes good practice advice for employers such as how to tell if a religion or belief is genuine, the kinds of religion and belief requests employers will need to consider and how to deal with them.

Mark Hammond, CEO of the Equality and Human Rights Commission said:

"The right of people to express their religious belief is a vital freedom, guaranteed by the European Convention on Human Rights.

"However, following these cases there is a lot of scope for confusion on this issue. A lot of the confusion and confrontation on this issue can be avoided if we can work together to come up with common sense approaches to managing beliefs in the workplace.

"Our guidance provides clarification and practical advice to employers and employees to help them avoid costly and divisive legal action.

"In addition to publishing this guidance, the Commission is also working with the government to bring together people from different faiths, from secular and humanist groups and employers to develop ideas for how these issues can be resolved."

The briefing on the equal marriage bill draws on a legal opinion from a QC and advises MPs that:

- It does not breach the rights of same sex couples to restrict their opportunities for a religious marriage ceremony to those organisations and individual office-holders who consent to such a ceremony. Therefore a challenge of the bill on these grounds in the European Court of Human Rights is extremely likely to fail.
- Teachers will be required to give an accurate representation of the law and they will be free to give their opinion of the law. But, as with any other issue, teachers cannot seek to coerce and harass others to adopt a particular view.
- Registrars are employed to deliver a public function and may be required to solemnise same sex marriages. This is similar to requirements that have been placed on some registrars since the Civil Partnerships Act 2004, meaning many have been required to perform civil partnerships as part of their duties.

The Religion or Belief guidance is available at:

<http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-employers/religion-or-belief-new-guidance-february-2013/>

The Commission's briefing on the Marriage (Same Sex Couples) Bill is available at: <http://www.equalityhumanrights.com/legal-and-policy/parliamentary-briefings>

-Ends-

For more press information contact the Commission's media office on 0161 829 8102, out of hours 07767 272 818.

## **Notes to Editors**

- The Commission is a statutory body established under the Equality Act 2006, which took over the responsibilities of Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. It is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. The Commission enforces equality legislation on age, disability, gender, race, religion or belief, sexual orientation or transgender status, and

encourages compliance with the Human Rights Act. It also gives advice and guidance to businesses, the voluntary and public sectors, and to individuals.