

Human Rights court to rule on Christians



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Four Christians will hear this week if they lost their jobs because of discrimination over their religious beliefs in what could bring a fresh clash over Europe and human rights.

The European Court of Human Rights will give landmark rulings in cases where Christians maintain that the UK failed to protect their freedom of conscience.

David Cameron has already indicated that he is sympathetic to the four and declared that if they lose and the current UK position is upheld in Strasbourg, he will change the law.

That could put him at odds with another ruling of the European Court of Human Rights, as is already the case over the rights of prisoners to vote.

Last year the Prime Minister said: "I fully support the right of people to wear religious symbols at work; I think it is a vital religious freedom.

"If it turns out that the law has the intention [of banning the display of religious symbols in the workplace] as has come out in this case, we will change the law and make it clear that people can wear religious symbols at work."

He is at odds with Government lawyers who defended the UK position at a hearing before the Strasbourg court in September.

James Eadie, QC, for the Government, told the European judges at a hearing last autumn that a distinction should be made "between the professional and private sphere" when it came to manifestations of religious belief.

Two of the cases involve Christians who were told they could not wear a cross in the workplace and the other two relate to Christians whose employers asked them to perform duties that endorse same-sex relationships.

Nadia Eweida, a British Airways employee, was prevented from wearing a cross and went on unpaid leave after a dispute with the airline in 2006 while Shirley Chaplin, was told after 30 years as a nurse that she could no longer wear a cross around her neck on hospital wards for health and safety reasons.

Gary McFarlane, an experienced relationship counsellor with Relate, was sacked for saying that he might not be comfortable giving sex therapy to homosexual couples. Lillian Ladele was dismissed by Islington Council for refusing to conduct civil partnership ceremonies for homosexual couples.

But Mr Eadie said that the refusal to allow the NHS worker and a British Airways worker to wear a crucifix visibly at work "did not prevent either of them practising religion in private", which would be protected by human rights law.

Unlike the Muslim headscarf for women, wearing a cross was not a "generally recognised" act of Christian worship and was not required by scripture, he said.

Ray Silverstein, an employment lawyer with the law firm Browne Jacobson, said that if the claims are upheld, the law will have to be changed.

If the cases are upheld, it could result in a duty for employers to accommodate workers' wishes to manifest their religious beliefs, unless there are grounds to refuse.

They could still restrict employers from manifesting their beliefs, such as refusing to handle alcohol or meat, but they would have to be able to justify it as proportionate, to meet "a legitimate aim."

Ronnie Fox, of the City employment law firm, Fox, said: "The judgment of the ECHR is eagerly awaited. Employers and their legal advisers are hoping for clear guidance from Strasbourg as to what amounts to reasonable accommodation of religious beliefs.

"There are two key conflicts which need to be resolved. One is the conflict between the freedom of employees to hold and manifest their religious beliefs (in these cases Christianity) in the workplace, and complying with the duties which go with the job (in this case counselling and marrying gay and straight couples, complying with employers' dress codes).

"The other is the potential conflict between the European Convention on Human Rights and the way in which the Convention has become part of domestic English law as a result of the Equality Act 2010 and cases in the English tribunals."