

Intervention at European Court of Human Rights

In 2012, the National Secular Society intervened at the European Court of Human Rights (ECHR) to argue that Britain's equality laws should be upheld and not compromised by religious exemptions. It was the only organisation to do so.

We argued that the four cases of Eweida, Chaplin, Ladele and McFarlane, all relating to alleged religious discrimination in the workplace, were correctly dismissed by the UK courts. We saw this as a landmark case determining the future direction of equality law in the UK, and potentially also in Europe.

The cases of British Airways employee Nadia Eweida and nurse Shirley Chaplin, concerned the wearing of crosses at work. The cases of Islington registrar, Lillian Ladele, and Relate councillor, Gary McFarlane, concerned objections on religious grounds to dealing with same sex couples. All four applied to the ECHR claiming that the dismissal of their cases in England was in breach of the European Convention on Human Rights and that the UK law must therefore be changed.

In the cases of Ladele and McFarlane, we argued that the rights of gay people would be placed at risk if it were decided that 'reasonable accommodation' is acceptable when religious people provide (or refuse to provide) services to them. We argued that such accommodations are humiliating and unacceptable.

In the case of the wearing of religious symbols at work — Eweida and Chaplin — we argued that the English courts reached the correct decisions taking into account the particular circumstances. We feel that there should be no blanket permission for religious people to be able to disregard uniform policies or health and safety regulations in the workplace.

The ECHR rejected the cases of Chaplin, Ladele and McFarlane. It upheld Eweida's case; the court ruled that Eweida's employer failed to correctly balance her right to manifest her religion with their right to project a corporate image. The ruling, whilst protecting the right to manifest religion at work, made clear that these rights must be balanced against rights of others.

We were in full support of the ECHR judgment regarding Chaplin, Ladele and McFarlane; we believe that any further accommodation of religious conscience in UK equality law would have created a damaging hierarchy of rights, with religion at the top. Any change to the law to increase religious accommodation would have stood the risk of seriously undermining UK equality law.

In May 2013, Chaplin, Ladele and McFarlane appealed to have their cases heard at the Grand Chamber. This appeal was rejected by the ECHR.

[Read our September 2011 submission to the ECHR in full](#)