

# Equality Commission determined to push religion up the hierarchy of rights

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The National Secular Society today accused the Equality and Human Rights Commission of supporting special rights for Christians in the workplace – putting the rights of others at risk.

Last month, the head of the EHRC Trevor Phillips criticised politically motivated Christian groups trying to undermine the equality legislation and gain special exemptions and privileges for religious believers. Now he appears to be supporting their claims that they are being discriminated against and even persecuted.

Terry Sanderson, president of the National Secular Society, said: “The cases that have been referred to Europe are not as straightforward as we are led to believe by the campaigners running them. Some of them have been tested in court and repeatedly found to be groundless (for example, Nadia Eweida, the BA employee) and the others have been settled by employment tribunals or through workplace negotiation. The fact that in every case where they have been brought to court they have been dismissed illustrates the emptiness of the claims being made by the likes of the Christian Legal Centre.

“Mr Phillips should realise that by encouraging these worthless cases he is putting at risk the rights of gay people and others to live free from discrimination and injustice. For every privilege granted to religious people, someone else’s rights are diminished. The fight for equality for gays has been long and hard, and now we see this campaign putting them at risk as religious believers fight for the right to legally enforce their prejudices against LGBT people.”

Mr Sanderson said religious believers were protected from discrimination – even though their beliefs were not.

“Human rights are for human beings not for beliefs or ideas,” he said.

This is not the first report that has concerned the NSS that the Equality and Human Rights Commission seems to be at odds with the judiciary over human rights and equality law.

We support “reasonable accommodation” in disability cases, but doing so in religious cases can impinge adversely on those without a belief. We disagree with the EHRC arguments for an unfettered right to wear a cross. Employers should retain the right to ban it where appropriate – for example in operating theatres or hospital wards where health and safety must be the priority.

The appeals to the European Court of Human Rights that the Commission is backing includes the influential McFarlane/Avon Relate case where the judge, Lord Justice Laws, himself a senior Anglican, said:

“The promulgation of law for the protection of a position held purely on religious grounds cannot therefore be justified. It is irrational, as preferring the subjective over the objective. But it is also divisive, capricious and arbitrary. We do not live in a society where all the people share uniform religious beliefs. The precepts of any one religion – any belief system – cannot, by force of their religious origins, sound any louder in the general law than the precepts of any other. If they did, those out in the cold would be less than citizens; and our constitution would be on the way to a theocracy, which is of necessity autocratic.”

LJ Laws has been quoted approvingly by other judges, including in the Cornish hotel case. Setting themselves against this eminently reasonable line, the EHRC seem to have abandoned the “Equality” element of their organisation’s title.

[Read the EHRC press release regarding their application to intervene in four cases at the European Court of Human Rights](#)

**Also see:**

[High court judgement affirms that the law is secular](#)