

Scots teaching union accepts Catholic teacher discrimination

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An attempt by an atheist to stop religious discrimination in employment in Scottish Catholic schools has backfired – effectively making the situation worse than it was before.

Scotland's largest teaching union, the Educational Institute of Scotland, has decided not to contest the controversial legal ruling that that will permit Catholic schools to choose staff on the basis of their religion. The Union has told its members that all teachers who apply for a job or promotion in denominational schools (in Scotland that means RC schools) have to get approval from the Catholic Church on the grounds of their “religious belief and character”.

The move follows an employment tribunal in 2006 involving an atheist teacher called David McNab, who accused the church of discrimination on the grounds of his religious beliefs by preventing him applying for a promoted post teaching pastoral care. Although he won his case, the tribunal reaffirmed the church's right to approve all teachers in its schools under the 1980 Education (Scotland) Act – a practice that had never been widely adopted by local authorities.

Following the ruling, there was a furious backlash from some EIS members on the grounds that such a provision flouted employment regulations. However, this week, Drew Morrice, assistant secretary of the EIS, said that the McNab case had “made clear” that the church has the right of approval under the act.

"Whatever the merits of the case, the fact that we have had this process brings a clarity to the situation and, unless there is a further change in the law, that is the way it is," Drew Morrice told *The Herald* newspaper in Glasgow. "There are those who have a view that this practice is discriminatory and some people feel uncomfortable about the change, but it remains the case that this is what the law provides."

Mr Morrice said that the union would always look at cases where a teacher felt there had been discrimination in any job application, but such a case could only apply to the application of approval, rather than the requirement for approval itself.

David McNab said: "Lots of teachers find the process demeaning and it is a ridiculous situation for us to be in. Teachers have been fully trained, they have been checked by the police, and they are registered with a professional body. Why should the church have the right to determine their suitability?"

Needless to say, the Scottish Catholic Education Service was cock-a-hoop over this legal power to reject non-Catholics, atheists, homosexuals and people cohabiting outside of marriage. Its director, Michael McGrath, said: "We have been encouraging all parties to recognise the law and make the

system work and we are happy that the EIS are showing that recognition," he said.

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