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Abstract: Is ‘reasonable accommodation’ of religious belief in UK workplaces the answer?

Religion, belief and the right to manifest a religious belief can clash with working life in a number of ways including time away from work to observe a particular religious belief, an employer’s dress code and a request for a variation of duties based on a particular religious belief.

The cases of Ladele and McFarlane in *Eweida and others v UK*, both Christian employees with religious objections to aspects of their job which involved presiding over same sex civil partnerships in Ladele’s case and counselling same sex partners in McFarlane’s case, and Chaplin’s request and subsequent refusal by her employer to wear a cross at work, may have been decided differently if UK employment law followed the American example of ‘reasonable accommodation’ for religious belief in the workplace? Title VII in the Civil Rights Act 1964 provides that an employer must reasonably accommodate an employee’s religious beliefs and practices unless doing so would cause “undue hardship on the conduct of the employer’s business”. Section 20 of the Equality Act 2010 already allows for reasonable adjustments to be made to working practices and the physical working environment for disabled employees. The question is could this be expanded to include religion and belief?

Guidance issued by the EHRC following *Eweida* seems to suggest that employers in the UK should consider the ‘reasonable accommodation’ of religion in the workplace. Supreme Court Deputy President Baroness Hale, has also recently called for the ‘accommodation’ of religious beliefs under the law[[1]](#endnote-1). This suggestion has proved controversial[[2]](#endnote-2) and this paper will examine arguments for and against the principles behind the ‘reasonable accommodation’ of religious belief in UK workplaces.

1. John Bingham, ‘Christian Beliefs should be ‘accommodated’ under law’ *The Telegraph* (London, 20 March 2014) <http://www.telegraph.co.uk/news/religion/10712546/Christian-beliefs-should-be-accommodated-under-law-top-judge.html> [↑](#endnote-ref-1)
2. See Gwyneth Pitt, ‘Taking Religion Seriously’ Ind Law J (2013) 42 (4):398 [↑](#endnote-ref-2)