



CHRISTIAN INFLUENCE IN A SECULAR WORLD

## News Release

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For Immediate Release

# New equality laws 'substantially' restrict religious liberty

Today (Friday 24th) the Government closes its consultation on radical anti-discrimination laws which substantially restrict the freedom of churches and religious bodies to employ staff who are practising believers.

Top legal academics have today accused the government of undermining religious freedom. They say that the Government has decided to implement an EU Employment Directive without granting the full range of safeguards which are permitted under EU law. All religious faiths will be affected.

**Professor Ian Leigh** of Durham University, a leading human rights lawyer, said today: "The government regulations have all the potential to seriously undermine freedom of association for religious people. They place the modern concept of 'equality' over and above religious liberty."

In a new report published today by The Christian Institute, Professor Leigh argues that the Government rules made under secondary legislation could be challenged and struck down in the courts (download the report at <http://www.christian.org.uk/directive2003/seminar.pdf>). Other legal academics have questioned whether the government plans are lawful and accused the government of "restricting religious liberty in unprecedented ways".

Whilst the Vegetarian Society can refuse to employ meat-eaters and the RSPCA can sack an executive who is found to have invested in the fur-trade, churches which employ Christians could now face legal action for doing so. They could face the possibility of crippling legal actions just for following their beliefs.

But the Government has granted special exemption to all political parties from the regulations on belief and religion. This means that the Labour Party will be able to continue its present policy of employing only Labour party members.

Under the new regulations a church youth worker who abandons his faith and becomes an atheist or even a Satanist will now be protected in law from being sacked. The Labour Party will continue to be able to dismiss staff who are found to support other parties.

Churches will be allowed to preach that sex outside of marriage is wrong, but under Government rules churches must be willing to employ sexually active bi-sexual or homosexual staff who break this Christian teaching. A church youth worker whose job includes preaching can leave his wife for his boyfriend and now claim absolute legal protection for his bi-sexual orientation.

**Julian Rivers**, Senior Lecturer in Law at the University of Bristol said, "The Government's draft regulations implementing the Equal Treatment Directive represent a substantial and disproportionate restriction on the liberty of individuals and groups to act according to their moral and religious convictions. They fail adequately to balance human rights principles of equality and liberty. There is a serious question over whether they are lawful in their present form."

**David Harte**, Barrister and Senior Lecturer in law at Newcastle University, said: “Unless the Government’s draft regulations are substantially modified, the regulations may be used to restrict religious liberty in quite unprecedented ways. The key problem is that the Directive and the regulations focus on the rights of individuals as employees. They fail to take adequate account of the rights of religious people to structure their work in accordance with their own beliefs.”

**Professor Paul Beaumont** of Aberdeen University, co-author of EU Law, said: “The UK Government having negotiated for the final paragraph in Article 4 of the EC Directive on Equal Treatment in Employment (2000/78) should make full use of that paragraph in the implementing Regulations. As it states individuals should work for religious organisations in good faith and with loyalty to the organisation's ethos. Furthermore the failure to do so should, as a final sanction, permit the organisation to lawfully dismiss the employee. Otherwise individual rights are being given too great a weighting vis-à-vis the freedom of religion and freedom of association rights of the religious organisation.”

**Colin Hart**, Director of The Christian Institute, said: “The draft regulations try to squeeze churches and other religious organisations into a secular mould. The Government is telling churches how they must be run and what they must believe.”

“No religious organisation can maintain its ethos if it is forced to employ staff who profoundly disagree with the whole basis of the organisation. That is why the Labour Party only employs card-carrying party members. It is hypocritical for the Government to stop religious organisations from acting in a similar way.”

**- ENDS -**

**Note for Editors**

The proposals are part of a package of measures aimed at banning workplace discrimination on the grounds of religion, belief or sexual orientation. Only clergy posts are exempted from the new laws because ministers are not employees but office holders. Most churches employ lay staff who are not ordained.

The planned new laws are the result of an EU directive which the Government signed in October 2000. The Christian Institute is campaigning to preserve existing religious freedom. It has published information on a special area of its website (<http://www.christian.org.uk/directive2003>).

The Christian Institute, Registered Charity No 100 4774 seeks to promote the Christian faith in the UK. Registered Office: 26 Jesmond Road, Newcastle upon Tyne, NE2 4PQ

**For more information contact: Colin Hart or Simon Calvert on 0191 281 5664**