

Protected Characteristic - Religion or Belief

RELIGION OR BELIEF

What is Religion or Belief Discrimination

Religion or belief discrimination refers to treating someone unfairly or differently because of their religion or belief, or lack thereof. This can include discrimination against people of different faiths, including atheists and agnostics, as well as discrimination against people who hold non-mainstream beliefs or philosophical convictions.

Religion or belief discrimination can take many forms, such as denying someone employment or promotion opportunities because of their religion or belief, making derogatory comments or jokes about their religion or belief, or treating them less favourably than others because of their religion or belief.

Religion or belief discrimination can have serious consequences for individuals, including limited job opportunities, reduced income, and reduced access to goods and services.

What the Equality Act says about Religion or Belief Discrimination

The Equality Act 2010 says you must not be discriminated against because:

- you are (or are not) of a particular religion
- you hold (or do not hold) a particular philosophical belief
- someone thinks you are of a particular religion or hold a particular belief (this is known as discrimination by perception)
- you are connected to someone who has a religion or belief (this is known as discrimination by association)

If you have experienced discrimination, contact EQUIP for free, impartial advice and support:

Phone Number

0330 135 6606

E-mail Address

advice@equipequality.org.uk

Website

www.equipequality.org.uk



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In the Equality Act religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. The Equality Act also covers non-belief or a lack of religion or belief. For example:

the Equality Act protects Christians if they are discriminated against because of their Christian beliefs, it also protects people of other religions and those with no religion if they are discriminated against because of their beliefs.

What qualifies as a philosophical belief?

The Equality Act says that a philosophical belief must be genuinely held and more than an opinion. It must be cogent, serious and apply to an important aspect of human life or behaviour. For example:

- an employee believes strongly in man-made climate change and feels that they have a duty to live their life in a way which limits their impact on the earth to help save it for future generations: this would be classed as a belief and protected under the Equality Act.

The Equality Act also says that a belief must also be worthy of respect in a democratic society and not affect other people's fundamental rights. For example:

- an employee believes that white people are a superior race to others and tells their colleagues so: this would not be classed as a belief protected under the Equality Act.

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Circumstances when being treated differently due to religion or belief is lawful

A difference in treatment may be lawful in employment situations if:

- belonging to a particular religion is essential for the job: this is called an occupational requirement. For example: a prison chaplain serving Methodist prisoners may need to be a member of that faith.
- an organisation is taking positive action to encourage or develop a group of people with a religion or belief that is under-represented or disadvantaged in a role or activity.
- a faith school appoints some of their teaching staff on the basis of their religion.
- an organisation with an ethos based on religion or belief is restricting a job opportunity to people of their religion or belief. For example, a Humanist organisation which promotes Humanist principles and beliefs could specify that their Chief Executive must be a Humanist. However restricting a job opportunity to people of a certain religion or belief is not lawful unless the nature or context of the work demands it.
- the circumstances fall under one of the other exceptions to the Equality Act that allow employers to provide different treatment or services based on religion or belief.

A difference in treatment may be lawful in situations outside the workplace such as if:

- a faith school is using religious criteria to give priority in admissions to children from a particular religion:

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- a religious or belief organisation is restricting its membership or participation in its activities, or the provision of goods, facilities and services to persons of a particular religion or belief. This only applies to organisations whose purpose is to practice, promote or teach a religion or belief, whose sole or main purpose is not commercial. A restriction can only be imposed:
 - if the purpose of the organisation is to provide services to one religion or belief.
 - if it is necessary to avoid causing offence to persons with the same religion or belief as the organisation.
- an organisation is taking positive action to encourage or develop a group of people with a religion and belief that is under-represented or disadvantaged in an activity.
- the circumstances fall under one of the other exceptions to the Equality Act that allow organisations to provide different treatment or services based on religion or belief

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