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Ref: MH/MWT/151egan  
Date: 1 May 2013

Dear Bishop Philip

### **Commission's guidance on religion and belief in the workplace**

Thank you for your letter of 9 April 2013 about the impact of the Commission's recent guidance on religion and belief in the workplace on the Catholic community. Baroness O'Neill is currently out of the country and has asked me to reply on her behalf.

You suggest that the Commission's guidance does not differentiate between a religion and belief, treats religions and beliefs in an equal way and imposes guidelines of behaviour that are not drawn from Christian religious traditions. I have every respect for your views of course but I think you may have misunderstood the respective roles of the Commission, Parliament and the Courts.

The Commission does not make the law defining which religions or beliefs are protected. The law is set by Parliament and interpreted by the Courts. The Equality Act 2010 sets out that 'religion' means any religion or a lack of religion, and 'belief' means any religious or philosophical belief or a lack of belief. The Courts have set out that a belief, including a religious belief, needs to have a level of cogency and

seriousness and must also be worthy of respect in a democratic society and not incompatible with human dignity.

These broad definitions mean that the protections of the law are offered to all people in Britain, of a wide range of religions or beliefs. Historically, some faiths enjoyed full freedom of conscience long before others. It was only with the Human Rights Act (1998) that legislation recognised a general right to religious freedom; and prohibitions against discrimination due to religion or belief have been included in equality law most recently in the Equality Act of 2010. Parliament has thus set a clear framework that provides similar protection to differing religions and beliefs.

The Commission's role is to provide expert advice on how to manage issues that arise in the workplace around the protection of religion and belief. The Commission believes that litigation is divisive and expensive. Helping individuals understand their rights, and helping employers respect these rights is a useful role for the Commission to play. Our guidance suggests that employers should seek to balance the religion or belief needs of an employee with the legitimate needs of the business and the interests of others and provides a range of examples to demonstrate how this might work in practice.

Your letter goes on to suggest that British law and policy should be based on Catholic or Christian teachings. This reflects a legitimate debate on the basis for our legal system and government policy. In a democratic society like Britain, this is decided through our parliamentary process, and as I noted, Parliament has decided through the Acts how religions and beliefs should be protected.

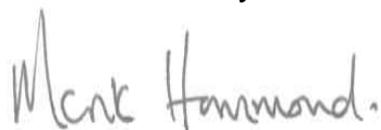
Finally, you may be interested to know that the Commission is currently involved in a series of roundtables attended by about 180 people, drawn from over 100 organisations, including many from different faiths. The aim of the events has been to discuss the impact of the laws protecting religion and belief, and identify how the Commission can improve understanding of the law for employers and others. We hope that over time this work will help clarify many of the misconceptions about the law and demonstrate the benefits of these legal protections for individuals who hold strong religious or other beliefs.

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The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

We are aware that your letter is available to the public on your website, and we are happy for you to publish ours.

Yours sincerely

A handwritten signature in grey ink that reads "Mark Hammond". The signature is written in a cursive, slightly slanted style.

Mark Hammond  
**Chief Executive**

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