

YOUR JOB OR YOUR FAITH! WHICH WILL IT BE?

UK Government Lawyers claim at the European Court that Christians must make a choice.¹

On Monday 4th September 2012, the European Court of Human Rights (ECtHR), in Strasbourg, began to hear the cases of four British Christians who maintain they were dismissed from their jobs because they wanted to adhere to their Christian beliefs and principles. The decision of this landmark case will have a future overriding implication, not only for the British applicants but also for other faith groups and Christian churches in the United Kingdom.

The claim for Christians to decide either to keep their jobs or leave was a mere reflection by British Lawyers of the previous decision made by the European Commission of Human Rights. In two high profile cases, the Commission ruled that “where employment obligations conflict with an employee’s religious convictions, the possibility of relinquishing the post, is the ultimate guarantee of freedom of religion”² By implication, the United Kingdom Government has under Section 2(1) of the Human Rights Act 1998 imported the decision of the European Commission into its legal system.³ The European ruling may not be binding; however, we note that already in the four British cases now under consideration in Strasbourg, that the UK Government lawyers have used the previous European Commission decision as a point of reference for their legal reasoning. Let us hope that the current European Court of Human Rights will adopt a more realistic approach than merely “if you can’t stand the heat, get out of the kitchen” argument.

The AdventRLP team intends to closely monitor the legal proceedings and keep you updated of any significant developments.

Summary of the UK Cases – ECtHR 2012

1) Eweida V United Kingdom (No.48420/10)

Nadia Eweida – a British Airways check-in worker based at Heathrow Airport was dismissed after she refused to hide her necklace which bore a silver cross. She is a practising Coptic Christian.

2) Chaplin V United Kingdom (No.59842/10)

Shirley Chaplin – lost her job as a nurse at the Royal Devon and Exeter Foundation NHS Trust because she refused to conceal the crucifix she wore on a chain around her neck. She too is a practising Christian.

3) Ladele v United Kingdom (No.51671/10)

Lillian Ladele - lost her job as Marriage Registrar with the Islington Borough Council, North London, following her refusal to conduct same-sex civil partnership ceremonies. Miss Ladele argued that to do so was to go against her Christian values and religious belief.

4) McFarlane V United Kingdom (No.36516/10)

Gary McFarlane – formerly an Elder of a large multicultural church in Bristol, worked for Relate Avon Ltd, part of the Relate Consortium. The Relate Federation provides a confidential sex therapy and relationship counselling. Mr Macfarlane was sacked by his employer after he objected to giving sex therapy guidance to same-sex couples. He claimed his religious beliefs meant that he was unable to promote gay sex.

¹ <http://www.dailymail.co.uk/news/article-2198201/Christians-choose-job-faith-Government-lawyers-claim-European-court.html>

² Konttinen V Finland (1996) 87 DR 68 ECommHR and Stedman V United Kingdom (1997) DR 104 ECommHR

³ David Hoffman and John Rowe, Human Rights in the UK, Pearson – longman, 2003) p.52.