Belief in the Labour Party equivalent to religious belief

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In Olivier v Department for Work and Pensions, the Tribunal found a strong commitment to a political party amounts to as

much of a protected belief for the purposes of bringing a discrimination claim as a religious belief.

Mr Olivier worked for the DWP and was subject to its standards of behaviour, which set out the parameters to which civil servants can engage in political activity. He was dismissed for gross misconduct when following his election as a Labour councillor, he had a letter published in a local newspaper criticising the government's tax and benefit policies. He subsequently brought a philosophical belief discrimination claim.

Before the case could proceed, Mr Olivier had to prove that he held philosophical beliefs of sufficient gravity to entitle him to the protection of the Equality Act. To do so, he had to show that his affiliation with the Labour Party was not mere political activity but a genuine belief in a political party, which amounted to democratic socialism. The tribunal accepted Mr Olivier's arguments on the basis that: (i) his belief was genuinely held and not simply an opinion; and (ii) it influenced how he conducted his life in that he lived for the Labour Party and had supported its aims, values and causes for over 30 years.

In the run up to the 2015 general election next year, employers should note that whilst politically active workers cannot bring a discrimination claim on the basis of mere party support, they potentially can if their political views amount to strong genuine beliefs in a doctrine.

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