

# Wearing crosses / Tensions between rights of homosexuals and religious groups ...at work

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To the great joy of the Daily Mail, in the much publicised case of *Eweida and Ors v UK*, the European Court of Human

Rights ruled that Nadia Eweida, a practising Christian and British Airways check in worker should not have been prevented by BA from wearing a visible plain silver cross necklace. Whilst the European Court agreed that BA's aim to promote their corporate image was reasonable, there was no evidence that employees wearing religious items had a detrimental impact on that image. The European Court decided that there had been a breach of Ms Eweida's right to manifest her religion. The fact that BA subsequently amended their uniform policy demonstrated that the earlier prohibition was not very important.

By contrast though, *Shirley Chaplin*, who was a clinical nurse who was not permitted to wear a crucifix outside her uniform on the basis it was a health and safety risk to nurses and to patients failed in her case. The Court said that hospitals were better placed to make decisions about clinical safety than a Court.

### **Tensions between rights of homosexuals and religious groups ...at work**

To much less fanfare, but equally significantly, in conjoined cases, the European Court found that the rights of homosexuals trumped those of religious groups opposed to homosexuality.

*Lillian Ladele*, an Islington Council Marriages Registrar, and *Gary McFarlane*, a Relate Psycho-sexual Counsellor were dismissed for refusing to conduct civil partnership ceremonies and providing therapy to gay couples respectively. The European Court decided that both the Council and Relate had a legitimate policy to promote equal opportunities and to require their employees not to discriminate on grounds of sexual orientation.

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