

Employment regulation – possible discrimination against teachers in faith schools

The High Court has today indicated that teachers in faith schools are ‘likely’ to have full protection from discrimination on grounds of sexual orientation. The view was given in a case for judicial review of the employment regulations brought by the National Union of Teachers and other unions.

The Union’s main concern was that Regulation 7(3) might apply to teachers. The regulation allows employers to discriminate on grounds of sexual orientation against individuals employed for the purposes of an organised religion if they have done so in order to comply with strongly-held convictions of a significant number of the religion’s followers, or in accordance with the religion’s doctrines.

The NUT sought review of the regulation in order to clarify which employees would be seen as ‘employed for the purposes of an organized religion’.

Mr Justice Richards said that employment in a faith schools should not be seen as within the meaning of ‘for purposes of an organised religion’.

Commenting on the outcome of the case, Doug McAvoy, NUT General Secretary, said:

“I welcome the spirit of Mr Justice #Richards judgement. Unfortunately the use of the word ‘likely’ may encourage some employers to discriminate on grounds of sexual orientation. Should that happen we will provide support to any member so affected.

“The clarification given by Mr Justice Richards puts an end to the uncertainty and confusion which has surrounded the meaning of the regulation. It should prevent the over-zealous and misinformed interpretation of the regulation that has been suggested and which caused concern to teachers in faith schools.

“There are a number of other matters involved in the case and the Union wants to look in greater detail at the judgement. Leave to appeal has been sought to give greater time for consideration of those issues.

“These issues concern the position of reserved teachers employed in church schools to teach religious education.

“A decision on whether to lodge an appeal will be taken in the near future.”