

# Employment Law

Update number 473 • 6 January 2020

## Ethical veganism is a protected belief

An Employment Tribunal has held that a claimant who had an ethical belief in veganism was protected under the Equality Act.

Jordi Casamitjana was dismissed by the League Against Cruel Sports (LACS). He brought a claim to the tribunal arguing that he was discriminated against on the grounds of his 'religion or belief'. LACS contend that he was dismissed for gross misconduct when he disclosed to colleagues that the pension fund invested in firms involved in animal testing. He did not have two years' service so could not bring a claim of unfair dismissal, and instead he brought a claim that he had been discriminated against because of his belief.

Under the Equality Act religion or belief is one of the nine protected characteristics. It is usually straightforward to identify religion, but the Act covers 'any religious or philosophical belief'.

There have been many cases looking at what amounts to a philosophical belief. In the leading case of *Grainger plc v Nicholson*, in 2010, the EAT held that the belief must:

- be genuinely held,
- be a weighty and substantial aspect of human life and behaviour,
- attain a level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society,
- be compatible with human dignity, and
- not conflict with the fundamental rights of others.

Applying this test, tribunals have held beliefs in climate change, anti-hunting, public service broadcasting, and democratic socialism have all amounted to a philosophical belief. In contrast tribunals have found that an aspiration to be polite, vegetarianism, and poppy wearing did not amount to a philosophical belief.

In every situation a tribunal would need to weigh up the particular circumstances, the nature of the belief and how it impacts on the holder's life and behaviour.

In Mr. Casamitjana's case the tribunal heard that his belief was not just eating a vegan diet, but that he opposed all forms of animal exploitation, and would not buy leather or from firms that were involved in animal testing. The tribunal, not surprisingly, accepted that his belief of ethical veganism, met the test laid out above in the *Grainger* decision.

It should be noted that the employer did not contest the claim that the claimant held a philosophical belief and was covered by the Equality Act. However this was only the first round of the case to see whether he could bring himself within the protected characteristics of the Equality Act, the tribunal will now need to go on to determine whether the belief was the actual cause of the dismissal. As in many discrimination cases the difficulty comes in showing a causal link between the protected characteristic and the less favourable treatment.

**Marion Scovell**  
**6 January 2020**