

# In the beginning.... God did good work.

■ by Paul Diamond



**Paul Diamond, barrister, argues that discrimination against Christians in the British Courts is undermining God's blueprint for work, vocation, and the managerial responsibility for good stewardship.**

There are many differing viewpoints on the meaning of diversity and equality in the workplace. One is clearly that all individuals should be assessed solely by their character, and not on external irrelevancies. I don't think any Christian would disagree with this, and it is Christians who have been in the forefront of the fight against discrimination. It is right that such views have been expressed in *Faith in Business*.

However, there is another viewpoint that much of what is happening in British society represents post-Christian values; or even anti-Christian values. Many Christians think that the law is being used to dismember the social norms of the Judeo-Christian heritage of this country. Many people believe that you need to be foolhardy to speak about Christian faith in the workplace.

In the course of my practice as a human rights barrister I have witnessed a number of examples of injustice and discrimination against Christians. These appear to form part of a wider agenda aimed at eroding Christian principles in every area of public service, business, and commerce.

Lady Hale acknowledged recently at her lecture at Yale Law School in March 2014: 'it is not difficult to see why Christians feel their religious beliefs are not being sufficiently respected'.

Nowhere is this agenda more evident than in the workplace. Discriminating against someone because they are demonstrating their

Christian faith in their work not only has a profound effect on the victim, it also distorts God's plan for the way in which business should run and workers should apply their vocation.

Do such examples of discrimination matter? In August 2013, the outgoing Archbishop of Canterbury, Dr Rowan Williams urged Christians in the UK who complain about discrimination to 'grow up', implying that any opposition they might face is paltry in comparison to the suffering and persecution meted out against Christians abroad at this time.

I say the following with the greatest respect to a former Archbishop of Canterbury. No one is suggesting that what we face in Britain today is on a par with the terrible suffering endured by the church in other parts of the world. But that doesn't mean we should ignore the issue, and one of the reasons why it is important is because it has implications for how we as Christians engage with work.

I wonder whether similar views would be acceptable to other minority groups. It never ceases to amaze me how Christians can be the last to advocate Christian freedoms. In fact, in many of my cases, it is the Christian community that seems most perturbed by a co-religionist exercising their legal rights.

Take Ms Nadia Eweida, who worked on the check-in team at British Airways? She was told that she had to remove the cross she wore, whilst colleagues of other faiths were allowed



▶▶ to wear clothing related to their religion. As a compromise her employers offered her an alternative role that did not involve engaging with the public. Ms Eweida took her case to court, where she was told that the cross was not a part of Christian identity but a personal requirement; and astonishingly, it was implied that she was at liberty to wear the symbols of any other religion if she wished.

In total, 13 British Judges, including Judges sitting in the Court of Appeal and Supreme Court refused to recognise the Christian Cross as a religious manifestation protected by Article 9 of the European Convention; and found no discrimination against Christians despite the fact that other faith adherents were permitted to wear their religious apparel. Eweida eventually won her case before the European Court of Human Rights after seven years, but why was it necessary for a foreign court to say the obvious?

Another more subtle, but real concern is the way in which the current level of discrimination against Christians leads to waste and inefficiency.

As Christians we like to talk about the biblical concept of stewardship. But the current climate of disrespect to the Christian faith, and discrimination against Christians represents - amongst other things - a failure of stewardship.

The experience of another of my clients, Shirley Chaplin, is a good example of how these principles have been undermined. Mrs Chaplin joined the NHS as a nurse in 1978 and gave nearly thirty years of exemplary service.

During her career she wore a cross on a necklace as she went about her duties. There was nothing unusual in this; many of her colleagues wore different items of clothing and jewellery, including bracelets, rings and necklaces. Some of these items had religious significance and some didn't. During all of these years of service there were no complaints about Mrs Chaplin's modest demonstration of her faith.

In 2007 her line manager asked Mrs Chaplin to remove her cross on the grounds that it might 'scratch' someone, or harm a patient if it was accidentally pulled. Mrs Chaplin refused to remove the symbol of her faith on such spurious grounds. As a consequence she was disciplined, and then redeployed to a non-patient facing job. Meanwhile staffs of other faiths were able to continue to wear jewellery and other faith-related clothing such as headscarves. In fact, the Department of Health has directed the scrapping of the 'bare beneath the elbows' policy to accommodate other faiths.

We should remember that for Mrs Chaplin this was not just another job; this was the outworking of the vocation she believed God had given her. The case attracted media attention, but the Hospital Trust did not alter



*Shirley Chaplin*

their decision. Once the media spotlight had moved on from Mrs Chaplin's case, her role was made redundant, (as an aside this must surely be one of the very rare occasions when a nursing role is made redundant!) and Mrs Chaplin was effectively dismissed. She was devastated.

I represented her in subsequent hearings; first at an Employment tribunal in 2009 and then all the way to the European Court of Human Rights in 2013. During this four year battle the Trust's argument changed from the contention that the reason why Mrs Chaplin was banned from wearing a cross was, in fact, because wearing a cross is not a mandatory requirement of the Christian faith to a health and safety issue. ▶▶

▶▶ In the European Court government lawyers argued that the wearing of a Cross visibly was not a recognised manifestation of faith; and that people should find another job (or even lose their job) if they want to wear a Cross. Our Prime Minister spoke in Parliament about the right to wear a Cross, but his lawyers argued the opposite.

A moment's reflection on this case reveals the hypocrisy inherent in Ms Chaplin's treatment. It also highlights why, now, the issue of the niqab is so awkward for those who want to remove Christian symbols from public life. The cross is a central symbol of the Christian faith, but if it is banned because the Government held that wearing of it is not mandatory then surely the wearing of the Hijab should also be banned because it, too, is not mandatory within Islam. The Hijab has been banned in Turkey and Tunisia for officials in public positions, although this is changing with the rise of fundamentalism in those countries.

My point here is not only to highlight the injustice for an individual, but also to point out the consequences of that injustice as they relate to our places of work, and the nature of work as a divine gift.

Direct care of the patient was a fundamental element of Mrs Chaplin's vocation. To remove her opportunity to exercise that vocation compromised the calling God had given her. The equivalent example from the private sector was Ms Eweida's role for British Airways. She was trained to check in passengers, this is what she wanted to do; and like Mrs Chaplin this public-facing element of her work was part of her vocation.

Both of these cases also represent the needless removal of a very experienced and competent member of staff from the environment where

they could most effectively make a contribution. The organisations involved had to find others to do this work, and also expend time and money to manage the subsequent legal processes. What kind of stewardship is this? How much did these incidents cost the public, in the case of Mrs Chaplin, and the shareholders of BA in the case of Ms Eweida? The leadership of both of these organisations have at best 'buried their talents in the ground' and at worst squandered them.

How many nurses could the Exeter Trust have employed if they had not spent money on legal fees? Likewise the legal expense of British Airways was considerable.



*The calling God had given her*

I could cite other examples from my practice, but I hope that the point is made. There is an ongoing and insidious undermining of the Christian faith in public life. Nowhere is this more evident than in the workplace, and two of the reasons why this trend is so harmful relate directly to the nature of work, our calling to it, and responsibilities in that context. It is

fundamentally biblical to see our work as a human endeavour, and not a mindless robotic activity. This applies in the public and commercial sectors. Further, to withdraw work from those who can best do it, for unjust and discriminatory reasons, is to ignore the call to good stewardship.

These things matter because they are part of the blueprint that God gives us for good working and good business. In both of the cases and in other examples I've seen in my practice, that divine blueprint has been lost. The workplace is a crucial battleground in the fight to assert Christian principles in public life, and a clear sense of God's purpose here will help us to articulate the case and cast a vision for the way in which all of us can and should, do good work. ■

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