



What constitutes a philosophical belief?

By **Lisa Rix** - 29 January 2020

At the end of 2019, the courts decided that ethical veganism is a protected philosophical belief under discrimination legislation. This decision has led to very strong opinions from lawyers, the public and the press as to what this means for employers and people's rights more generally.

The judgment has also got a lot of people asking: what do you actually need in order for a belief to be protected by equality laws?

Philosophical belief factors

The courts have given us the following guidance as to whether a belief can be classed as a protected 'philosophical belief':

- It must be genuinely held.
- It must be a belief as to a weighty and substantial aspect of human life and behaviour.
- It must attain a certain level of cogency, seriousness, cohesion and importance.
- It must be worthy of respect in a democratic society, not be incompatible with human dignity and not conflict with the fundamental rights of others.
- It need not be shared by others.
- It must be more than just an opinion or viewpoint based on the present state of information available.

What have the courts said is and isn't a philosophical belief?

Over the years, the courts have had to decide whether a wide range of beliefs are protected under equality law. Here are a few examples

- Anti - fox hunting views, 2009 - Protected philosophical belief
- Climate change, 2010 - Protected philosophical belief
- Belief in the 'higher purpose' of the BBC, 2010 - Protected philosophical belief
- 9/11 and 7/7 were "false flag" operations authorised by governments, 2010 - No, not cogent or coherent



- Lying is always wrong, 2012 - Protected philosophical belief
- Scottish Independence, 2017 - Protected philosophical belief
- Vegetarianism, 2018 - No, not linked to a weighty and substantial aspect of human life and did not attain the necessary level of coherency, seriousness, cohesion and importance
- God created men/women; Lack of belief in 'transgenderism', 2018 - No, not compatible with human dignity and conflicts with the fundamental rights of others
- Moral right to own copyright in own creative works, 2019 - No, the wording or interpretation of an agreement cannot amount to a philosophical belief
- Ethical veganism, 2019 - Protected philosophical belief
- Sex/gender not distinct, sex is binary and immutable, 2019 - No, not worthy of respect in a democratic society

What should employers bear in mind in relation to employees' philosophical beliefs?

There are likely to be further cases in this area, so employers should be sensitive to beliefs that might not seem at first glance to be protected. Employers should consider the factors above and if there is a chance that the belief is protected, employers should be careful to ensure it is respected and that the employee is not disadvantaged because of their belief.

A protected belief is not a blank cheque for an employee to make demands and employers may have legitimate reasons in certain circumstances for treating employees with a protected belief in the same way as other employees, even if the employee perceives that as putting them at a disadvantage. Caution should always be taken in such cases.

Employers should also take comfort in remembering that merely holding a belief and proselytising about that belief at work are two separate things, with the latter not being protected.

Take a look at what employers should be thinking about in light of the most recent finding on [ethical veganism](#).