



## ‘Ethical veganism’ is a protected belief – what does that mean for employers?

By **Raoul Parekh** and **Ben Smith** - 29 January

In 2019, the scope of ‘protected beliefs’ hit headlines as a tribunal found that ‘ethical veganism’ — a form of veganism that involves avoiding all forms of animal exploitation and harm in all aspects of life, from clothing to pharmaceutical products — was protected.

The employee, Mr Casamitjana, claims that he was dismissed because of his beliefs, though that point remains to be decided by the employment tribunal later this year.

Employers can be forgiven for some weariness when they read about this case, as they fear a stampede of discrimination claims from aggrieved ethical vegans. But in fact this ruling is the latest in a long line of less obvious protected philosophical belief cases to hit the courts.

In 2019 alone we saw employees trying to win protection for a belief in the moral right to own the copyright in creative works (not protected), and a belief that a person cannot change gender (also not protected) and, in the Maya Forstater case in December, that sex is an immutable, binary characteristic (also not protected). For further discussion of the threshold an employee needs to meet to have a protected belief, see our article [here](#).

In fact, the very same judge that heard Mr Casamitjana’s case last year found that vegetarianism did not reach the threshold necessary for protection – a discrepancy that may leave some vegetarians aggrieved.

But although this decision seems to buck the recent trend, it also joins a history of more successful philosophical belief cases – like the 2010 decision on the belief “that mankind is heading towards catastrophic climate change” (protected), the 2009 case on anti-fox hunting views (protected, but limited to its facts), a belief in the “higher purpose” of the BBC (also protected).

Employers needn’t panic just yet, though. For while ethical veganism might be protected, this case is far from over: the employee still

has to show that his dismissal was linked to his beliefs and not (as his employer says) due to gross misconduct. Historically, employees have often struggled to demonstrate this causal link.

It's possible that some employees will see this decision as a license to make demands of their employers, with leather furniture in the workplace or uniforms that include leather or woollen items being targeted. However, we expect that tribunals will take a measured approach and would not require an employer to meet every demand from an aggrieved employee.

Ethical vegan employees are not likely to be able to refuse any contact with animal products. A similar case involved a Muslim employee in a warehouse that contained some alcoholic products and the tribunal decided that requiring the employee to handle alcoholic products was not discriminatory.

One exception is that if employers provide food to employees (in staff canteens, for instance), they should ensure that there are options suitable for vegans. The decision however does not appear to pave the way for a requirement that extensive vegan options are provided — a tribunal has previously found (in the context of an employee who did not eat pork) that simply having fewer choices is not a disadvantage for discrimination law purposes — so as a bare minimum a single vegan option will likely suffice.

Looking beyond employment, it is unlikely that the decision will have major ramifications for the provision of goods and services — which discrimination law also applies to. The right to a vegan hotel room or a vegan option at a steak restaurant does not yet have the force of law.

In short, while this is an interesting development — and certainly one employers should bear in mind — it is unlikely to require radical changes in the workplace.

A version of this article was published in The Telegraph in January 2020.