

Vegetarianism is not a philosophical belief under the Equality Act 2010

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Vegetarianism is not a philosophical belief under the Equality Act 2010

To date, an eclectic range of beliefs have acquired protection from discrimination at work, from beliefs in climate change,

Scottish nationalism and the ability of mediums to communicate with the dead, to beliefs against lying, fox hunting and hare coursing. Therefore, one could be forgiven for thinking that a belief in vegetarianism would easily acquire protection. Yet in the case of *Conisbee v Crossley Farms Ltd* an Employment Tribunal ruled that vegetarianism did not pass the test.

What does the law say?

Workers are protected from discrimination in employment on the grounds of their religion or their religious or philosophical belief. However, only philosophical beliefs which meet a certain standard are protected. In order to be covered, a philosophical belief must:

- be genuinely held and be more than a mere opinion or viewpoint;
- concern a weighty and substantial aspect of human life and behaviour;
- have a certain level of cogency, seriousness, cohesion and importance;
- be worthy of respect in a democratic society; and
- not be incompatible with human dignity or conflict with the fundamental rights of others.

What happened in this case?

Mr Conisbee was a vegetarian. He worked as a waiter for Crossley Farms Ltd for five months. He resigned shortly after a dispute at work and proceeded to claim he had been discriminated against on the grounds of philosophical belief, namely vegetarianism. In order to proceed with his claim, Mr Conisbee first had to convince the Employment Tribunal that a belief in vegetarianism qualified for protection under the Equality Act 2010.

He argued that he had a genuine belief in vegetarianism based on the premise that it was morally wrong to subject animals to cruel farming methods and kill them for food. He also

believed vegetarianism was better for the environment. He pointed to the fact that vegetarianism had been recognised as a belief for the purposes of the European Convention of Human Rights and that other less mainstream beliefs had successfully acquired protection under the Equality Act 2010.

What was decided?

Surprisingly, the Tribunal was not persuaded that vegetarianism was a belief capable of protection for the following key reasons:

- Mr Conisbee did not have a principled objection against killing animals for food. Instead, it was better described as an opinion or viewpoint that the vegetarian way of life was better than a carnivorous one.
- This belief was little more than an admirable lifestyle choice and did not concern a weighty and substantial aspect of human life and behaviour.
- The plurality of reasons for becoming a vegetarian (e.g. lifestyle, health, animal welfare, personal taste etc.) meant it did not attain the necessary level of cogency, seriousness, cohesion and importance. The Tribunal contrasted this with veganism “...where the reasons for being a vegan appear to be largely the same”, namely a principled objection against eating animal products on welfare and/or environmental grounds.

What are the learning points?

For now, it seems that vegetarians do not acquire special protection from discrimination in the workplace. However, this decision suggests that veganism is a more cogent belief system and leaves open the question of whether it is a protected philosophical belief.

That question will be answered in the case of *Casamitjana v The League Against Cruel Sports*, where a Tribunal will rule on whether Mr Casamitjana’s “ethical veganism” is a philosophical

belief worthy of protection. Given the indications made by the Tribunal in this case, it seems likely that ethical veganism will pass the test and acquire protection.

If veganism is protected then employers will need to be mindful not to discriminate against workers on this basis. A recent survey of 1,000 vegan employees revealed that almost half felt they had been discriminated against by their employer and almost a third felt they had been harassed or unfairly treated at work due to their veganism. Particular risk areas include failing to provide vegan food options in the staff canteen and at work events or having a requirement to wear leather shoes or otherwise use leather products. Employers should also ensure that they have taken reasonable steps to prevent the harassment of vegans. This will include training on dignity at work which reminds the workforce that unwanted teasing of vegan colleagues could constitute unlawful harassment.

[Conisbee v Crossley Farms Ltd and others](#)

If you would like to discuss any of the issues raised in this article, please contact [Amanda Steadman](#) on 020 3828 0363 or email amandasteadman@bdbf.co.uk.

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