

Should veganism receive the same legal protection as a religion? An expert explains

April 1 2019, by Jonathan Seglow



Credit: Andrea Piacquadio from Pexels

Veganism is on [the rise globally](#) – but it can be contentious. Only recently, the editor of a food magazine joked that [vegans should be force-fed meat](#) while a bank employee told a vegan customer that they [should](#)

[be punched](#) after he objected to some vegan graffiti near his home.

But to what degree should veganism be protected by law as a philosophical [belief](#)? It is a [question](#) that is central to an [employment tribunal](#) case in the UK.

Jordi Casamitjana claims he lost his job at the League Against Cruel Sports on account of his vegan beliefs. Mr Casamitjana had objected to the fact that the League invested some of its pension fund in companies which carried out [tests on animals](#). The [League, for its part, said he was](#) "dismissed from his position because of gross misconduct ... Mr Casamitjana is seeking to use his veganism as the reason for his dismissal. We emphatically reject this claim."

The Employment Tribunal will rule later this year on whether veganism is a [protected belief and on the issue of unfair dismissal](#).

It's well known that it's illegal to discriminate on the basis of a person's gender, race, religion and so on. But it is also unlawful to discriminate against them on the basis of some of their beliefs – so-called protected beliefs. But not all beliefs are protected. You can't skip work, for example, just because you believe in having a long lie-in every morning.

The relevant piece of legislation in the UK is the [Equality Act](#), which refers to "philosophical beliefs", though it doesn't specify what that means. [Article 9 of the European Convention on Human Rights](#), to which the UK is a signatory, also states that individuals have the right to manifest their religion or belief.

In practice

Case law on the issue reveals a bit more detail about what kind of beliefs are protected. In [one 1987 case](#), Lord Nicholls stated that protected

beliefs must be serious, coherent and important, as well as consistent with basic standards of human dignity. The European Court of Human Rights has also stipulated that protected beliefs must be [worthy of respect in a democratic society](#).

These tests concern the type of beliefs which qualify for protected status, rather than their actual content or substance. But the courts have also made rulings on some specific beliefs. A leading case in this area is [Grainger v. Nicholson](#) in which an employee of a London property company, Tim Nicholson, claimed unfair dismissal after he refused to take a flight for what he regarded as a trivial reason, given his beliefs about the importance of combating human made climate change.

Hearing the case at the employment tribunal, Mr Justice Burton further clarified that protected beliefs must concern a weighty and substantial aspect of human life. Finding in favour of Nicholson, he suggested that beliefs in such doctrines as pacifism, communism or free market capitalism might in future also qualify for protected status – as well as vegetarianism.

In other discrimination cases, the belief that [fox hunting is wrong](#); the spiritualist belief that it is possible to contact the [dead using psychic powers](#); the belief that the [BBC should promote cultural interchange](#), and a belief in [Scottish independence](#) have all been accorded protected status.

For some religious adherents, such cases represent a worrying trend towards [diluting the sacred](#). But while we might argue about these particular judgements, the fact that some non-religious beliefs qualify for protected status shows that freedom of conscience is not just a right for religious people. After all, [human rights](#) are meant to be rights for everyone. As far as veganism is concerned, it is a coherent way of life involving significant sacrifice, obligation and commitment. Even if one

disagrees with it, [veganism](#) is a matter of conscience for many people.

Responsibility

One issue here is that, unlike their race or gender, people are responsible for their beliefs. Presumably, for example, Mr Casamitjana chose to become a vegan. But if we're responsible for our beliefs, then arguably we're responsible for bearing the costs they incur.

Indeed, another employment tribunal [ruled against a Christian employee](#) who was reluctant to work on a Sunday. Arguably, if you object to Sunday working, you need to find a job that doesn't require it. Requiring all one's employees to work on Sunday, even if one of them is a Christian who objects to it, is an instance of indirect discrimination, which can be lawful in the UK, even if it involves a protected belief.

A further problem can be stated in terms of a dilemma. In a democratic society, the right to manifest one's beliefs should not be partial or sectarian, as arguably it would be if it only protected religious beliefs. But from the other direction, as some of the cases above illustrate, there's a danger of proliferation.

Having too many kinds of protected beliefs risks undermining the notion that only some beliefs are especially weighty, and giving undue importance to trivial beliefs – as parodied by the [Church of the Flying Spaghetti Monster](#). It also begins to erode the important principle that there should be one law for all.

The basic philosophical question is whether accommodating protected beliefs is a form of unjustified special treatment for some, or a way of guaranteeing equal treatment for all.

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