

NEWS REPORT

Update of flash report nr: 207-UK-20

Date: 18 January 2010

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Title: Ladele v London Borough of Islington [2009] EWCA Civ 1357

Country: United Kingdom

Context

Issue at stake: Conflict between protected grounds: protection of discriminatory beliefs

Ground of discrimination: Religion and sexual orientation

Source: national court decision

Field: employment

Legislative provisions: Employment Equality (Religion and Belief) Regulations 2003, Equality Act (Sexual Orientation) Regulations 2006

Content

Case: Ms Ladele, who worked as a Registrar of Births, Marriages and Deaths, was threatened with disciplinary action by her employers in respect of her refusal to participate in civil partnerships (between same sex partnerships) when, as a result of the recognition of such partnerships by UK law, the duties of Registrars in Islington were extended to include such partnerships. The question for the Court of Appeal was whether the lower Court had been entitled to rule that action taken against an employee who, on grounds of her religious belief, refused to comply with that part of her job function which related to civil partnerships between same-sex couples, although it disproportionately disadvantaged the Claimant as a Christian, was nevertheless necessarily justified by the employer's obligations not to discriminate on grounds of sexual orientation against service users.

Decision of the Court: The Court of Appeal ruled that the employer and the Claimant, as an office holder, were prohibited by law from discriminating on grounds of sexual orientation and that, therefore, the indirect religious discrimination involved in insisting that the Claimant perform her duties relating to civil partnerships was necessarily justified. The Court concluded that the Claimant was neither directly nor indirectly discriminated against, nor harassed, contrary to the 2003 Regulations, whether by being designated a civil partnership registrar, by being required to officiate at civil partnerships, or by any other aspect of her treatment by her employer, the London Borough of Islington.



Internet link source and additional information: (no newspaper links)

<http://www.bailii.org/ew/cases/EWCA/Civ/2009/1357.html>