

Equality Bill

Introduction

The Equality Bill creates a single Commission for Equality and Human Rights with huge powers. It is well-intentioned in so far as it aims to combat genuine cases of religious discrimination or harassment. But in the current climate, there is a real risk that the Commission will be manipulated by individuals who want to target evangelicals.

It will have power over enforcing laws on sexual orientation and religion, amongst others.

Christianity in the public square

The Bill will have a major impact on public bodies. The Equality Bill says they must not discriminate or harass on the grounds of religion.

This could see public bodies ending all association with religion. This is already happening as a result of political correctness – before any new laws are in place.

- June 2005 - University of Leicester NHS Trust considers banning bibles from bedside lockers to avoid offending other faiths. After protests, it denies it was ever planning such a move.¹
- June 2005 - Torbay Council removes a wooden cross from the wall of a crematorium chapel, and renames the building a ‘ceremony hall’. The council says it is “to cater for everyone in a diverse multi-faith society”.²
- May 2005 – Norfolk County Council warns a Christian-run shelter for the homeless that it will lose £150,000 of funding unless it stops saying grace at mealtimes and putting out Bibles for use by guests.³
- April 2005 – Stirling University Students’ Association calls for Gideon Bibles to be banned from halls of residence to avoid offending non-Christians.⁴
- March 2005 – Perth Royal Infirmary is told to remove the Communion table from its chapel after the NHS Trust warned it could offend non-Christians.⁵
- November 2004 – Worcestershire County Council is urged by one of its ‘equality champions’ to scrap its 116 year-old tradition of beginning its bi-monthly meetings with Anglican prayers because it is “not equally welcoming” to other religious groups.⁶

¹ *Daily Telegraph*, 3 June 2005

² *Daily Telegraph*, 9 June 2005

³ *Daily Mail*, 3 May 2005

⁴ *Scottish Daily Record*, 21 April 2005; *Express on Sunday*, 17 April 2005

⁵ *Daily Express*, 3 June 2005

⁶ *Sunday Mercury*, 7 November 2004.

- February 2004 – Edinburgh University bans Christian prayers at graduation ceremonies to avoid offending other religions and atheists.⁷
- December 2003 – The Royal Hospital for Sick Children in Edinburgh bans the distribution of a Christmas CD because it mentions the baby Jesus and this “could cause offence to those who are not Christian”.⁸
- November 2003 – The Scottish Parliament bans the words “Merry Christmas and a Happy New Year” from cards sent out by MSPs and staff saying that the wording is not “socially inclusive” and may offend other religions.⁹

If the Equality Bill is passed, we can expect similar occurrences all over the country. The Bill completely disregards our Christian heritage.

This means that:

- Whereas prayers in parliament are specifically exempted by the Bill,¹⁰ prayers in council chambers around the country will be illegal.
- Any public authority that includes any religious element in its proceedings could be sued for harassment.
- Any hospital that keeps Gideon bibles in bedside cabinets could be accused of breaking the law.

Public funding for Christian work

Crucially, the ban will also cut off funding to hundreds of Christian organizations. We have already seen cases like Teen Challenge where the Welsh Assembly ordered a local authority to stop funding their drug rehab work because it included an evangelistic element. This was despite the fact that the evangelistic element was privately funded¹¹ and their drug rehab work is amongst the most effective in the country.

Many public sector legal advisers take an extremely over-cautious approach. The fear of the merest possibility of litigation may well result in them banning funding to any work with a religious element, even though the likelihood of a successful legal challenge is very remote.

It is possible that any Christian organization that receives public money could be told to drop all its religious content or lose its public funding. Those who compromise will keep their money but lose their Christian mission. Those who stick to their Christian principles could be forced to close through lack of funding.

⁷ *Daily Telegraph*, 16 February, 2004

⁸ *The Scotsman*, 22 December, 2003

⁹ *Loc cit*

¹⁰ Clause 54(3)

¹¹ *The Western Mail*, 17 August 2004

Turning Christian organisations into ‘public authorities’

Worse still, if Christian groups do get public funding, the government wants them *treated as public authorities themselves*.¹²

This means that any religious group in receipt of public money is to be regarded as a public authority when fulfilling the functions for which the money is given. This is a radical new departure. It means that those religious groups will be subject to much more stringent restrictions than privately funded groups.^{13, 14} In particular, they will be subject to the Bill’s ban on ‘harassment’.

“Harassment” provisions to be very widely interpreted

The government is taking a very wide view of ‘harassment’. It believes that even the presence of a cross in the room may be caught. It is actually considering an amendment to prevent this. (This is presumably for the practical reason that many local authorities use church buildings for conferences and polling booths etc.) But what about other manifestations of religion? The Government seems to think that the presence of bibles or even the saying of grace may also be regarded as harassment. It does *not* propose to amend the Bill to prevent this. Indeed, it seems to believe strongly that this sort of thing *should* be illegal. A Government minister told the House of Lords she was firmly of the opinion that people should only be exposed to such things if someone requests them.¹⁵

This means religious bodies that are deemed public authorities cannot make bibles or other religious materials available to the general public in connection with their public functions. Presumably, a church worker on a welfare project who attempted to gently steer the conversation towards religion would also be breaking the law.

Christian businesses and privately-funded Christian mission

Outlawing religious discrimination is opening a Pandora’s Box. The Government realise that and that is why it tried hard to create exemptions in the Bill for religious groups that would protect their basic, religious activities from some obvious problems.

Christian groups can benefit from protections in the Bill that are a marked improvement on previous legislation. Without these protections, key activities of

¹² The Home Office states “the assumption has to be that a service provider which uses public money, whether or not it is a religious organisation, does become a public authority in activities that are part of the work needed to provide that service for which the money is provided (though they will not be a public authority while doing things unrelated to the public function).” - Letter of 22 July from David Ware, Home Office

¹³ Designating religious groups as ‘public authorities’ for the purpose of the Equality Bill presumably also means they are to be regarded as such for the purposes of the Human Rights Act. They will therefore be rendered liable to a whole host of new forms of litigation under that Act, in addition to new litigation under the Equality Act.

¹⁴ Since the receipt of public money turns them into ‘public authorities’, any other ‘public function’ will do the same. Performing weddings may become the subject of litigation. Marriages in places of worship are a statutory function, regulated under the 1949 Marriage Act. The ‘authorised person’ (or, in Anglican churches, the priest) is an officer of the state for the purpose of registering the marriage. Will this involve the courts in reviewing marriage services, decisions about the form of the service, or refusals to marry certain persons? What about a Christian adoption agency? Will they be breaking the law because they only deal with Christian adopters?

¹⁵ House of Lords, Hansard, 13 July 2005, col. 1130

every church and Christian organizations in the country would effectively be outlawed. Churches and Christian organizations that only allowed believers into membership would be breaking the law. Ministries that provided resources and facilities for believers would be acting illegally.

But under the protections, the ability of churches and religious groups to restrict their membership and decide who uses their premises is protected. Their ability to provide goods, facilities and services targeted at fellow-believers is also protected.

The Bill does, however, require them to prove their actions are necessary or expedient having regard to the purpose of the organization or to avoid causing religious offence.

The biggest restriction in the protections is that they do not apply to commercial organizations. Churches and charities are safe. But a firm of Christian lawyers or Christian mechanics is not protected.

In most cases, this will not matter. Christian businesses, like any other, want to sell their products to all-comers. They won't refuse to serve non-Christians. But if a business focuses on fellow-believers, perhaps by giving preferential rates to church groups, will a Mosque or Synagogue be able to sue them for not offering the same preferential rates to them?

Of course, the protections will not benefit Christian groups that are deemed to be public authorities, since they will be subject to the more far-reaching provisions on 'harassment'.

Conclusion

Clearly there are major problems with the Equality Bill as it stands. The Christian Institute will continue to press for changes to protect our Christian heritage, and the work of Christian organizations.