

A disappointing verdict for Eweida | Edward Wanambwa and Anna Birtwistle

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It's unfair that Nadia Eweida's right to wear a cross won't be protected, given concessions made to others on matters of belief

The decision in the case of [Nadia Eweida, who has lost her appeal today](#), does not sit well with the general principle that protection from discrimination should be interpreted broadly. Regrettably this judgment might have the effect of providing nationalist figures with further ammunition to preach their own culturally and racially divisive beliefs that the law gives precedence to religions other than Christianity in our multicultural society.

For Eweida, a policy which on the one hand made exceptions for her Sikh, Muslim and Jewish colleagues to express their faith through the turban, hijab and skullcap would understandably seem unfair. It is true that it was Eweida's personal decision to wear a visible cross (and was not one which was required by scripture or as an article of her faith). But we might well ask why, when discrimination legislation has moved forward so as to encompass arguably non-traditional philosophical beliefs, the law should look to the requirements of scripture as they pertain to religions rather than individuals' own interpretation and subjective beliefs.

Indeed it is hard to justify that Eweida's desire to display the cross should not be protected where employment tribunals have previously emphasised the wide range of beliefs, for [example climate change](#) and vegetarianism, that will be protected under our discrimination laws.

Unlike other decisions concerning religious discrimination, the manifestation of Eweida's belief had no discernable affect upon others (see, for example, the case of the [Christian registrar who refused](#), on grounds of her belief, to perform same-sex civil partnerships) and for this reason one might have expected the court of appeal to have taken a more generous approach when interpreting our religious discrimination laws.

Arguably, the judgment in Eweida may have been largely public policy driven; the court of appeal perhaps being concerned that it might open the floodgates to employees relying on, and seeking protection in the workplace for, their own subjective rather than objective versions of religion.

We await full details of the court of appeal's reasoning, but it appears that the court took the view that banning Eweida from wearing a cross was not discriminatory because Christians, as a group, "generally" do not wear a cross as a requirement of their religion and Eweida was unable to produce evidence to the contrary.

[Liberty](#), who represented Eweida at the court of appeal, has indicated that they will now try to take her case to the supreme court. However, today's decision may represent the last word on this matter if Eweida is not granted leave to appeal to the supreme court.

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