

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY I. GARDINER OF ST. HELIER  
ANSWER TO BE TABLED ON MONDAY 9th MARCH 2020**

**Question**

Further to an employment tribunal ruling in the U.K. that ethical veganism is a philosophical belief that is protected by law against discrimination, will H.M. Attorney General advise whether similar protection for ethical veganism exists within Jersey's legislation and, if so, will he state under which Laws such protection exists?

**Answer**

A preliminary hearing to determine whether ethical veganism amounted to a philosophical belief, and thus a protected characteristic within the meaning of section 10 of the Equality Act 2010 (the "2010 Act"), was heard by an employment tribunal in the U.K in January 2020: [Casamitjana Costa v The League Against Cruel Sports 3331129/2018](#).

The Tribunal considered the principles set out in the case of [Granger Plc v Nicholson](#) [2010] ICR 360 EAT and the Equality and Human Rights Commission Code of Practice on Employment 2011, particularly paragraph 2.59 which sets out when a philosophical belief is to be protected under the 2010 Act.

Section 10 of the 2010 Act provides:

...

(2) *Belief means any religious or philosophical belief and a reference to the belief includes a reference to the lack of a belief.*

(3) *In relation to the protected characteristic of religion or belief –*

*(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;*

*(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.*

The Tribunal noted that it appears that section 10 of the 2010 Act consciously mirrors Article 9 of the European Convention on Human Rights.

*1. Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or in private to manifest his religion or belief, in worship, teaching, practice and observance.*

*2. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety for the protection of public order, health or morals, or for the protection of the rights and freedom of others.*

Pursuant to the Convention, the freedom to hold and manifest belief is to be enjoyed without discrimination as defined by Article 14 of the ECHR:

*The enjoyment of the rights and freedom set forth in the Convention shall be secured without discrimination on any ground such as... religion, political or other opinion...*

The Tribunal concluded that ethical veganism is capable of being a philosophical belief and thus a protected characteristic under the 2010 Act.

In Jersey, the Discrimination (Jersey) Law 2013 (the "2013 Law"), does not include an equivalent to section 10 of the 2010 Act. The 'protected characteristics' under the 2013 Law are limited to discrimination on

grounds of race, sex, sexual orientation, gender reassignment, pregnancy and maternity, age and disability only.

Article 9 and Article 14 of the European Convention on Human Rights are reflected in the Human Rights (Jersey) Law 2000 which means that it would be unlawful for a public authority to act in a way which is incompatible with those Convention rights, but they do not provide members of the public with a statutory right to protection from discrimination committed in Jersey (including in the employment context) on the grounds of the protected characteristic 'religion or belief'.

A 'public authority' includes a Court or Tribunal. A Court or Tribunal must take into account Convention rights insofar as they are relevant to proceedings before them.