

**Religious Literacy for Equality in Religion or Belief**

**Interview Analysis**

As part of the scoping phase of this project, we conducted a very brief series of interviews to examine the views of a small number of selected EHRC staff and Commissioners and external stakeholders about previous research, legal and other work the EHRC has done in this area. This was intended both to complement our review of the existing research; to see how the issues identified therein were manifest in the strategy and day to day work of the Commission; and to identify other issues and priorities that would inform the shape of the Dialogues to follow.

**Methodology**

We identified nine members of EHRC staff, all of whom had a strategic role within the Commission, two commissioners and five external stakeholders from organisations working with the EHRC. Our final sample was somewhat smaller, due to internal changes at the EHRC prior to and during the interview phase. In total, we conducted interviews with three EHRC staff and three external stakeholders.

The interviews were semi-structured and based around an ‘interview aid’ which interviewees were given in advance. This document was produced as part of our review of the existing research conducted or commissioned by the EHRC on religion or belief, and outlined the key issues that emerge from this research. This was used as a spring board for discussion around the role of the EHRC and its priorities in the area of religion or belief. It was made clear to interviewees that we sought their personal views, not the views of the EHRC or any other organisation. The questions we asked are in Appendix 1 of this document.

**Analysis**

**Key messages**

We asked respondents to comment on what they thought were the key issues around religion or belief and equalities.

A key issue raised by external stakeholders was the **lack of understanding** amongst employers of how to approach equalities legislation on religion or belief in the workplace. There was concern over a compliance-based response of employers to the legislation. This was seen as stemming from confusion over how to behave regarding their obligations. One respondent linked this with the placement of religion or belief in equalities legislation, which is generally seen as requiring employers to protect the rights of individuals, yet where religion or belief “clashes” with other characteristics, the protection of one compromising the rights of another, this is not always possible. This is new and unfamiliar ground to many employers and many are unclear how they should be handling such situations.

**The balancing of rights** is a key issue and one which Donald (2012) addresses in detail. There is support of the idea of a set of principles or values which might guide discussions or conflicts in this area;

“We need principles of conversation. [There is a] lack of recognition that there are diverse views and that people can meet half way” (Respondent A)

Linked to this is the **lack of clarity around and complexity of the law** itself. Also an important area of discussion was the inclusion of ‘religion or belief’ in the Equalities legislation. One respondent commented that the tension created when recent European cases have brought religion or belief into a direct relationship with other protected characteristics is not surprising given the **ill-fit of religion or belief in anti-discrimination law**. The reason given for this ill-fit was the fact that religion or belief is not an inherited characteristic.

Another issue raised was the problem of defining religion or belief in law. The practicalities of approaching the equalities agenda in the workplace are made all the more complex due to the stretchiness of the terms ‘religion’ and ‘belief’, set against the definitude of law. Respondents cited the complexity of **the religion and belief landscape** in the UK. Respondents cited the increasing diversity of religion and belief in the UK, the decline in traditional Christianity alongside the growth of evangelical churches, of Islam and of a whole plethora of new religion and belief groups. This ‘super-diversity’ is in itself a challenge to any attempt to define religion or belief. Yet combined with this is the complexity of ‘lived’ religion and belief. Respondents felt that within this ever-changing landscape, those who self-define as having a religion or a belief hold it more strongly and that a decline in numbers doesn’t equal weaker belief. There is an awareness that religion and belief is a fundamental part of many people’s lives and that the way it is lived is different for everyone. This makes religion or belief incredibly difficult to define.

Given the complexity of the religion and belief landscape, **representation** is also a key issue. There is acknowledgment within the EHRC that whilst they have been working to extend the group of stakeholders they work with and to understand those groups better, particularly religion or belief groups, there is much more to be done in this regard. Whilst representation of every religion and belief group in the UK may be an impossibility, the EHRC is keen to extend participation to make sure that diversity is reflected. This has been more of a challenge with smaller religious groups and non-religious belief groups, many of whom don’t have the kinds of leadership structures that facilitate finding a ‘representative’.

There is a strong awareness of the growth of Christian voices from the evangelical wing, with the message of Christian marginalisation being publicly and loudly articulated. However, there is also the feeling that this has been hyped by the media and may not be as widespread as it seems. Yet certainly, the idea of one set of rights ‘trumping’ another was seen as an area that needs more focus and debate.

The tension between religion or belief groups and other protected characteristics is seen as ill-understood; the idea of intersectionality was raised and thought to be in need of more attention.

It was felt that the media sometimes have an important role in the escalation of tensions. As well as a general misunderstanding of cases projected by the media, there is concern over the polarisation of debates. One respondent pointed out as illustration of this that the media’s projection of the hostility of religious groups to homosexuality is often not realistic within the religious communities themselves. Another respondent mentioned the pitching of groups against one another, often resulting from high profile cases, in which the government is pitched against religious groups and religious group against other characteristics.

It is clear that some of the heat needs to be taken out of these debates and it was felt that in order not to polarise debate even more, what is needed is a practical understanding of what the common issues are in the workplace and further guidance for employers.

**The EHRC Approach**

We asked respondents to comment on the role of the EHRC in relation to religion or belief and on their approach to date.

It was felt by some that the EHRC approach so far had been very much a case by case one, related to the emerging case law in this area. It was commented that perhaps the EHRC had been (perhaps necessarily) responsive rather than proactive. There was one comment that the support of high profile Christian cases may have been too quick a reaction to certain criticism from some religious groups. This was coupled with a view that the selection of cases to support had the appearance of being somewhat haphazard rather than considered.

There is an appreciation of the guidance role of the EHRC and some worry that this may be under threat, which was a concern to some stakeholders who stressed the need for a body that employers can depend on for certainty on equality and diversity issues. However, our interviews with EHRC staff signalled that this was very much a continuing role and indeed there is the will to extend this in the area of religion or belief.

There is also an appreciation of the research role undertaken by the EHRC, although there is some divergence on views over the scoping for Reasonable Accommodation in British law.

**Suggested priorities for the EHRC on religion or belief.**

In terms of support for legal cases, there seems to be support for a continuation of this role and for support for individuals across the protected characteristics.

However, it was also felt that cases to support had to be even more carefully identified than in other areas, due to the potential for ‘clashes’ between characteristics.

The EHRC’s concern to develop ‘jaw’ alongside ‘law’ seems generally to be supported as is the desire to reach a consensus on how to manage key issues and to set ground rules to ease conflict in this area.

There seems to be mixed views on whether EHRC should be facilitating conversation in the area of religion or belief though there is an acknowledgement that the Commission could improve on its engagement with groups. The approach of the planned roundtable dialogues was widely welcomed by stakeholders;

*“[We] need to create conversations where people can “air & share” and not feel compromised in doing so”.*

The main area interviewees stressed was guidance, and specifically, signposting the practical implications of responding to law and how law will be used to judge cases. It was often commented that employers are nervous and unsure of how to approach their duties around religion or belief and need simple, easy to follow guidance. However, it was also acknowledged that the production of definite guidance in the law will be difficult until there is more of a build up of case law to interpret.

It was felt by some that guidance should be more widely disseminated. One interviewee also mentioned the scope for producing guidance for small employers and service deliverers (particularly religiously orientated).

**Respondents’ suggested priorities in terms of research:**

* Focus on the workplace, involving trade unions not just employers
* Religion or belief in education
* Balance between the protection of ‘religion or belief’ and ‘sexual orientation’.
* Whether religion or belief belongs in legislation or should be treated differently.
* More examples of case studies – ways employers responded to practical challenges – would give employers confidence about how they should respond not just in terms of compliance with the law but to build good management that welcomes difference.

**Appendix 1**

**The Interview Schedule**

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1. On the basis of the work on religion or belief done so far by the EHRC, can you tell us a bit about your understanding of the key messages/issues in this area?

2. There has been a lot of new research recently around religion and belief in the UK and we are trying to get an idea of how widely its been disseminated. What is your understanding of the religion or belief landscape in the UK?

3. Thinking now about the law and how that has been operating, how would you characterize the approach EHRC has taken to date?

4. What do you think should be the priorities for the EHRC on religion or belief?

a) priorities in terms of legal role

b) priorities in terms of advice, guidance, policy work

c) priorities in terms of research