

for two years. The tribunal considered it a matter of some regret that the PCC had declined to go down the route of conciliation initially advocated by the bishop. [WA]

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### **Eweida v British Airways plc**

Reading Employment Tribunal, January 2008

*Religious discrimination – cross – uniform*

The claimant, a committed Christian, was employed by the respondent from 1999 as a member of the uniformed airport check-in staff. Between 1999 and 2004 she had habitually (though not always) worn a silver cross on a chain round her neck. This cross was concealed beneath the high-necked uniform blouse. In 2004 the uniform changed, whereby items of jewellery or other adornment which would formerly have been concealed became visible. The respondent's uniform policy forbade the wearing of any jewellery. The claimant reported for work on a number of occasions with her silver cross visible. When she refused to conceal the cross she was sent home and remained at home and unpaid between September 2006 and February 2007, when the uniform policy was changed to allow the visible wearing of a faith or charitable symbol and she returned to work. The claimant complained of discrimination, indirect discrimination and discrimination by harassment under the Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660. During the course of the case, the tribunal also invited and heard a complaint that the respondent had unlawfully stopped the claimant's pay during the time she remained at home.

The claimant's allegation of discrimination centred on the uniform policy but also included complaint against the respondent's rostering system, its management of break times for employees, a perceived anti-Christian bias in company policy and training materials and its former provision of a Qur'anic entertainment channel on certain flights for part of her period of employment. The tribunal found no evidence of religious discrimination in any of these secondary matters and, on the contrary, found that the rostering system was flexible enough to allow the claimant to attend worship on a Sunday, albeit with a certain amount of effort on her part, and that the system for rostering Christmas Day was fair and not discriminatory.

The claim that the uniform policy and its management were discriminatory was backed by evidence that employees of other faiths were permitted to wear visible garments and symbols of that faith, whereas the claimant,

as a Christian, was not. Specific items cited were the Muslim hijab and Sikh turban, bracelet and kirpan (ceremonial dagger). Reference was made in the judgment to Jewish items such as a skull cap or a Star of David. In finding that there was neither direct nor indirect discrimination in the respondent's treatment of the claimant, the tribunal found that there was a distinction to be made between items of clothing that were mandatory for adherents of a certain faith, which (with modification) were allowed by the respondent and religious symbols, such as the cross, that were not mandatory. The tribunal found that the respondent's uniform policy, which required any item of adornment that could be concealed to be concealed but which included provision for the approval of the wearing of items that were both mandatory and not capable of being concealed, was reasonable and not discriminatory. However, the tribunal was critical of the respondent's blanket ban on all jewellery and symbols for not having struck an adequate balance between the need for a uniform policy and the needs of individuals. They noted that the respondent had suffered no ill effect after the reversal of this policy prompted by the claimant's case. The claimant's claims, including her claim for damages for loss of earnings, were dismissed in their entirety. [WA]

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