

CASE NOTES

EDITED BY RUTH ARLOW

Barrister, Deputy Chancellor of the Dioceses of Chichester and Norwich

Chaplin v Royal Devon and Exeter Hospital NHS Foundation Trust

Exeter Employment Tribunal, April 2010

Religious symbol – uniform policy – Employment Equality

Ms Chaplin, a nurse who was a communicant member of the Free Church of England, refused on religious grounds to stop wearing a crucifix with her uniform, contrary to the Trust's health and safety policy. As a consequence she was redeployed from nursing duties to be an Admissions and Discharge Coordinator, in which post she was not subject to the same uniform restrictions. The minister of her local church gave evidence to the effect that it was not part of the doctrines of the Free Church of England that its adherents should wear crucifixes. It was held that she had not been subjected to direct or indirect discrimination contrary to the provisions of the Employment Equality (Religion or Belief) Regulations 2003. Despite evidence that another nurse had been asked to remove her cross and chain, the Employment Tribunal held by a majority that the other nurse had not been put at a particular disadvantage since her religious views were not so strong as to lead her to refuse to comply with the policy and, following *Eweida v British Airways*, concluded that the uniform policy did not 'place "persons" at a particular advantage'. The minority, by contrast, held that both nurses had been placed at a disadvantage but that this was justified. [Frank Cranmer and Russell Sandberg].

doi:10.1017/S0956618X11000214

Catholic Care (Diocese of Leeds)

Charity Commission for England and Wales, July 2010

Adoption agency – Equality Act (Sexual Orientation) Regulations 2007

The Chancery Division of the High Court had remitted to the Charity Commission for reconsideration whether or not Catholic Care (which refused as a matter of theological principle to provide adoption services to same-sex