



Bulletin 139

June 2009

Belief in climate change can be a “philosophical belief”

In *Nicholson -v- Grainger plc and ors*, a tribunal found that an employee’s belief that carbon emissions must be cut to avoid catastrophic climate change could amount to a philosophical belief for the purposes of the Employment Equality (Religion or Belief) Regulations 2003 (the Regulations). Grainger plc has confirmed that it will appeal the decision.

Mr Nicholson was made redundant and included with his claims, a claim that he had been discriminated under the Regulations asserting that the real reason for his dismissal was his belief in climate change. Mr Nicholson stressed that his belief in the danger of climate change affected most aspects of how he lived his life “*including my choice of home, how I travel, what I buy, what I eat and drink, what I do with my waste and my hopes and fears*”.

The tribunal found that Mr Nicholson’s beliefs about climate change did amount to a protected philosophical belief noting that they gave rise to a moral order similar to those ‘*derived from the major world religions that eschew certain types of meat, promote sexual abstinence and make a virtue of poverty*’.

If the EAT upholds the Tribunal’s finding, Mr Nicholson will still have to show at a full hearing that he was dismissed ostensibly for redundancy but in reality because his employer disapproved of his beliefs

👉 Practical Tip

The Regional Employment Judge dealing with this case emphasised that the decision should not be seen as the thin end of a wedge of similarly based complaints. However, the decision does emphasise that the protection offered by the Regulations goes well beyond the main recognised world religions.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact: Paul Chamberlain in Manchester on 0161 836 8864, Andrew Cross in Liverpool on 0151 600 3062 or Kevin James in Preston on 01772 229847.

If you no longer wish to receive the bulletin please let us know by return e-mail to helen.calvert@brabnerscs.com

This bulletin is for general guidance purposes only and should not be used for any other purpose.

Brabners Chaffe Street is a Limited Liability Partnership



LIVERPOOL

Horton House, Exchange Flags, Liverpool L2 3YL
0151 600 3000

MANCHESTER

55 King Street, Manchester M2 4LQ
0161 836 8800

PRESTON

7-8 Chapel Street, Preston PR1 8AN
01772 823921

email: law@brabnerscs.com www.brabnerschaffestreet.com