

English Nationalism not a protected belief under the Equality Act

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In the recent case of *Thomas v Surrey and Borders Partnership NHS Foundation Trust*, the Employment Appeal Tribunal held that a tribunal was right to find that a worker's belief in English nationalism was not a protected belief under the Equality Act 2010.

Specifically, the EAT agreed that the worker's belief that Muslims should be forcibly removed from the country was not worthy of respect in a democratic society, was incompatible with human dignity and conflicted with the fundamental rights of others.

Interestingly, the EAT agreed with the tribunal's finding that English nationalism itself was capable of constituting a philosophical belief which would fall within the definition of a protected characteristic. However, the Claimant's specific expression of this belief, and particularly his extreme focus on Islam, meant that it could not qualify for protection. It is thought that the Claimant could appeal this decision, and employers should keep an eye out for any further developments in this case.

Given the recent spate of far-right demonstrations across the country, employers may be required to address expressions of English nationalism amongst their workforce. Such issues should be handled sensitively and carefully, but where these beliefs stray into sharing prejudiced views or harassing minority groups, employers should feel able to challenge and tackle such behaviours in line with this recent ruling.

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