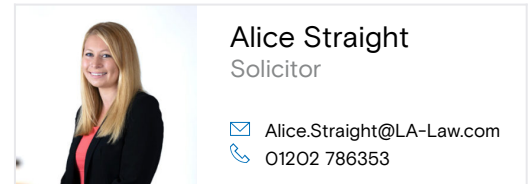




AUTHOR / KEY CONTACT

Vegetarianism: Not a Protected Characteristic



The Norwich Employment Tribunal recently dismissed a discrimination claim from an employee who claimed that he had been discriminated against because he is a vegetarian.

Conisbee v Crossley Farms Ltd and others: Norwich Employment Tribunal

George Conisbee was a vegetarian. He claimed that he had been given snacks by his colleagues at work and that these snacks were not suitable for vegetarians. Mr Conisbee resigned saying that he had been discriminated against on the grounds of a philosophical belief – vegetarianism.

Mr Conisbee argued that he had a serious belief in vegetarianism which is based *“on the premise that it is wrong and immoral to eat animals and subject them and the environment to cruelty and perils of farming and slaughter.”* Mr Conisbee further argued that vegetarianism had been recognised as a belief under the ECHR and should therefore be recognised as one under the Equality Act 2010.

Mr Conisbee’s employer, Crossley Farms Ltd, argued that the practice of vegetarianism is actually an opinion or viewpoint and not a “belief” and therefore fails the test of a philosophical belief under the Equality Act 2010. In addition, Crossley Farms Ltd went on to argue that vegetarianism is not a belief as to weight and substantial aspect of human life and behaviour; does not attain a certain level of cogency, seriousness, cohesion and importance; and does not have a similar status or cogency to religious beliefs.

The Tribunal ruled that vegetarianism was not a belief capable of protection. The Tribunal’s conclusions were for the following reasons:

- *“It is not enough to have an opinion based on some real, or perceived logic;”*
- The belief does not relate to weight and substantial aspect of human life and behaviour, it is a lifestyle choice;
- Vegetarianism does not attain a certain level of cogency, seriousness, cohesion and importance. Unlike veganism, vegetarians adopt the practice for many different reasons; and

- The belief does not have a similar status or cogency to religious belief.

What does this mean for employers?

The decision confirms that vegetarians do not acquire special protection from discrimination in the workplace. The ruling does suggest, however, that veganism is a more cogent belief.

The case of *Casamitjana v The League Against Cruel Sports* will look at whether ethical veganism is a philosophical belief under the Equality Act 2010. The judgement on this is due shortly.

If the Tribunal decide that veganism is a philosophical belief capable of protection under the 2010 Act, employers will need to be mindful of not discriminating against vegan employees. In May 2019, a survey revealed that 45% of 1,000 vegans felt discriminated against at work. Points raised by the survey included that some employers failed to provide vegan food options both at work and at work events, and some employers had a requirement to wear leather shoes/leather products with no alternative.

Employers should be mindful of these factors and take reasonable steps to prevent harassment of vegans at work. Training on respect at work and respect at work policies are examples of steps employers can take to avoid these problems.

If you would like advice and assistance on employee discrimination claims, please do not hesitate to contact [Catharine Geddes](#) or another member of the [Employment Team](#).