

labour and employment lawflash

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UK Supreme Court Confirms Scientology Is a Religion

With implications for employers, Court's decision reinforces that non-mainstream religions also fall within the scope of the Equality Act.

On December 11, in *R (on the application of Hodkin and another) v Registrar General of Births, Deaths and Marriages*,¹ the UK Supreme Court unanimously confirmed that Scientology is a religion and that its services are an act of worship. The decision has potential implications for employment discrimination claims based on religion or belief in the workplace.

Background

Louisa Hodkin, a practising Scientologist, wanted to marry her fiancé in a Church of Scientology chapel in London. For a legally valid marriage to take place in that venue, the chapel had to be registered as a place of worship under the Places of Worship Registration Act 1855 (the PWRA). However, the UK's Registrar General of Births, Deaths, and Marriages refused to register the Church of Scientology as a place capable of holding a marriage because, in its opinion, it was not a place of "worship".

Ms Hodkin challenged the decision and made an application for judicial review to the High Court, arguing that refusal to register the church was discriminatory and contrary to both the Equality Act 2010 and the Human Rights Act 1998. The High Court dismissed Ms Hodson's application, holding that it was bound by the Court of Appeal's decision in *R v Registrar General ex parte Segerdal*, which involved the same issues.² As the nature of Scientology had not fundamentally changed since *Segerdal*, the High Court held that it had no scope to hand down a different decision in the present case. However, one of the High Court judges did express the view that, in his opinion, Scientology was a religion. For this reason, the High Court gave Ms Hodkin permission to appeal directly to the Supreme Court.

Supreme Court Decision

The Supreme Court judgment confirmed that there has never been a universal legal definition of "religion" in English law. It went on to say that "religion" needs to be interpreted in accordance with a contemporaneous understanding of religion; in other words, religion is an evolving concept. As such, it is no longer the case that the term "religion" should be confined to "religions which recognise a supreme deity".

Instead, the Court stated that religion can be described as a "belief system, held by a group of adherents, which claims to explain mankind's place in the universe and relationship with the infinite, and to teach its adherents how they are to live their lives in conformity with the spiritual understanding associated with the belief system". On this basis, the Supreme Court concluded that Scientology was clearly a religion. It followed that, as the chapel of the Church of Scientology holds religious services, it is a place of meeting for religious "worship" for the purpose of the PWRA.

1. *R (on the application of Hodkin and another) v Registrar General of Births, Deaths and Marriages*, [2013] UKSC 77, available at http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2013_0030_Judgment.pdf.

2. *R v Registrar General ex parte Segerdal*, [1970] 2 QB 697.

Implications for Employers

Much of the commentary stemming from the Supreme Court's decision has focused on its implications for business rates and whether the judgement paves the way, controversially, for the Church of Scientology to be registered as a charity. However, the decision is also important for employers.

The UK's Equality Act provides protection from discrimination based on religion and belief, and both of these concepts are defined very broadly in the legislation. It has therefore been left for the courts and the tribunals to determine, on a case-by-case basis, which religions and beliefs qualify for protection. In doing so, the courts have taken an expansive approach, previously holding that, for example, beliefs in the need to protect the planet from climate change, a belief in the sanctity of public sector broadcasting, and strong anti-fox hunting views all qualified for protection under the Equality Act.

In terms of religion, it is not only the established mainstream religions to which employers need to be sensitive. As the Supreme Court's decision reinforces, other less common religions, such as Scientology, also fall within the scope of the Equality Act. Accordingly, employers must now be mindful of the potential impact of their actions, policies, and/or procedures on employees who hold less popular beliefs.

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