

# *Religion, Belief and Dress Code*

## Introduction

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This position statement outlines ATL's policy in relation to the expression of religion or belief by education staff through items of dress, in the course of their employment. It also examines the law related to religion or belief, race equality and human rights.

## The legal position

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ATL recognises that:

- in accordance with the Employment Equality (Religion or Belief) Regulations 2003<sup>1</sup>, it is unlawful for an employer to discriminate directly on the grounds of religion or belief by treating an employee less favourably than it treats or would treat others because of their actual or perceived religion or belief;
- the Race Relations (Amendment) Act 2000 makes it unlawful for an employer to discriminate directly against an employee by treating them less favourably on the grounds of their race;
- unless the employer can show that the provision, criterion or practice in question is a 'proportionate means of achieving a legitimate aim', it is unlawful for an employer to indirectly discriminate<sup>2</sup> against an employee on the grounds of their race or religion; and
- in accordance with Article 9 (2) of the Convention on Human Rights 1998, individuals have the freedom to manifest their religion or belief.

## ATL's policy position

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ATL will continue to work closely with its branch secretaries, members and representatives to encourage all education bodies to review their dress codes

in order to ensure they do not discriminate against their employees on the basis of religion or belief.

ATL believes that all education bodies should consult and negotiate with employees and trade unions on their dress codes prior to implementation.

ATL will not tolerate discrimination and, where it deems necessary, will take appropriate action to support its members to ensure their legal rights and entitlements are safeguarded.

ATL recognises that the school workforce is racially diverse, with many individuals following different religions or beliefs. ATL believes that schools should celebrate such diversity.

ATL urges education bodies to ensure they abide by the law and respect the legal rights of their employees when considering imposing a dress code.

ATL urges local authorities to ensure that their advice and guidance to school governors and headteachers on dress codes for the school workforce is in line with the current legal position.

ATL recommends that the DfES updates *A Guide to the Law for School Governors* to ensure that the legal position regarding employment equality in relation to religion or belief is clarified.

## Footnotes

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1. The Employment Equality (Religion or Belief) Regulations 2003 are available from the Stationery Office Ltd, London and are downloadable from the following link: <http://www.opsi.gov.uk/si/si2003/20032828.htm>.
2. Indirect discrimination takes place where an employer implements a provision, criterion or practice which places a particular group (racial or religious) at a disadvantage in comparison to those outside that group.

If you would like further information, or to comment on this briefing paper, please do so by contacting ATL on [policybriefings@atl.org.uk](mailto:policybriefings@atl.org.uk).

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