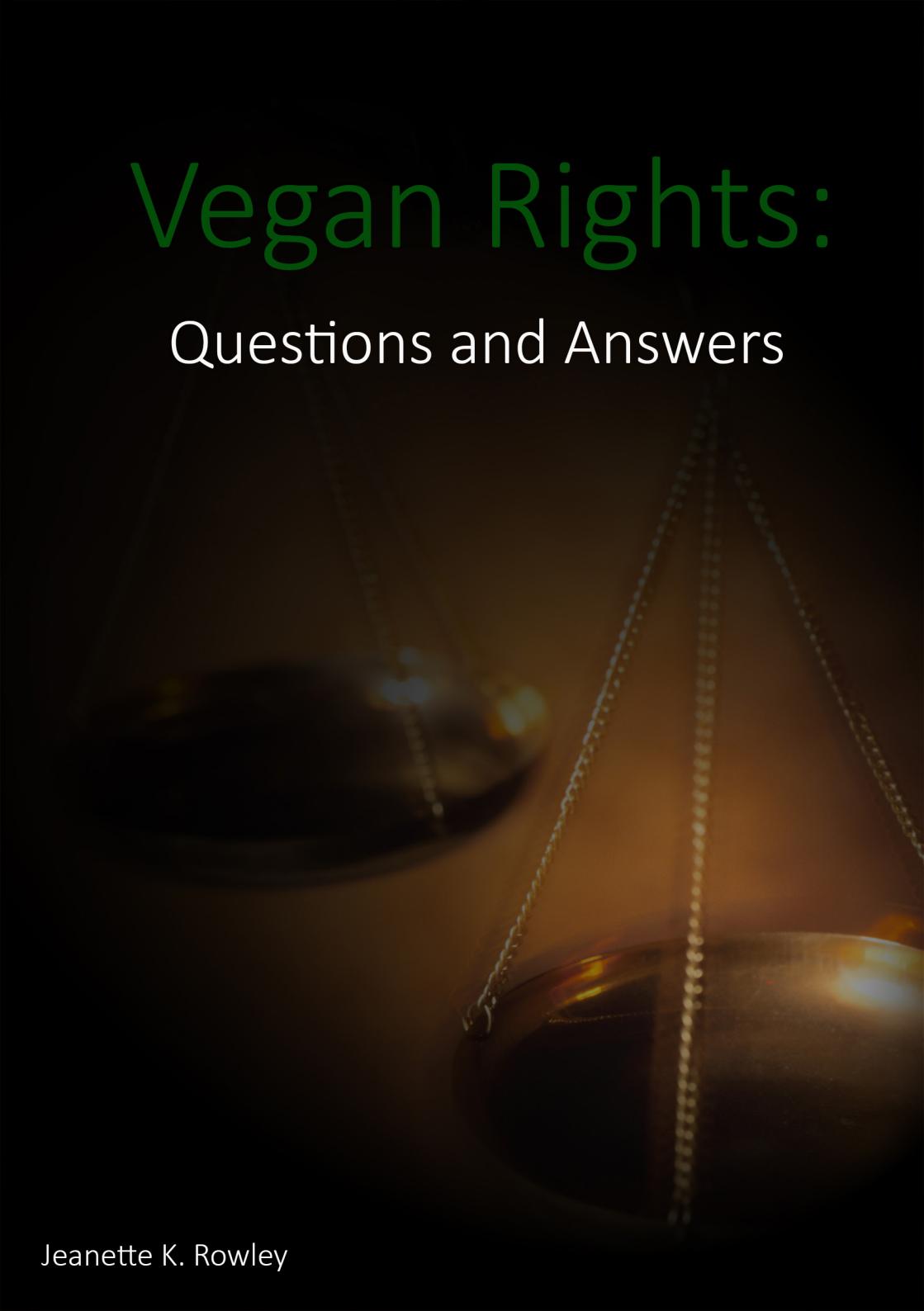


Vegan Rights: Questions and Answers



Jeanette K. Rowley

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Published by



International Vegan Rights Alliance
(<http://www.theivra.com>)

September 2014

First published 2014
by the International Vegan Rights Alliance (IVRA)
<http://www.theivra.com>

Design and Graphics by Loukas Mitsou

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Disclaimer:

This book gives general information about human rights and focuses specifically on human rights and equality provisions for ethical vegans in the United Kingdom. The information contained in this guide should not be taken as personal and specific advice in instances of perceived discrimination or unfair treatment.

Acknowledgements

Any project is made possible with the cooperation and support of numerous others. In acknowledgement of this, heartfelt gratitude is extended to Sheena, Jackie and Paula.

I would also like to thank Dr. Kevin Watson for his unlimited support, especially at a critical time, and Michael Green, for taking excellent care of Bunny.

A special thank you is owed to Loukas for generously giving his time to design, format and publish this guide.

In appreciation of their meticulous attention to detail, special gratitude is owed to the two supporters who very kindly reviewed the text.

The time, energy and effort invested in producing this guide, is primarily for the non-human others whose moral standing is highlighted through vegan rights. Veganism represents a human identity in law, that speaks for the non-human others who so desperately and urgently need our voices to be heard. To this end, in a world where they have no privileges or rights, we can at least turn the spotlight on them, when we stand for them in the course of our daily lives.

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Foreword

Historically, veganism has been dismissed and derided, but today, it is taken much more seriously as an ethical lifestyle that responds to the moral standing of non-humans, facilitates good health and has a host of environmental and humanitarian benefits. As such, it is no surprise that veganism is protected under human rights and equality law. Veganism is also currently enjoying a surge in popularity and it is now more than ever, that the issue of catering for the needs of vegans is highly topical.

There are many areas of law that address aspects of our social relationships and many of them incorporate the principles contained in human rights and equality legislation, such as those relating to employment, child protection and public order. In the recent past, the United Kingdom Equality Act generated considerable interest and debate regarding who had rights in law and on what basis. It is in this context that this guide provides a brief overview of how law relates to veganism in the United Kingdom. With a clear, easy to understand style, this book explains the origin of protection for veganism and provides information about the provisions for vegans under the Human Rights Act 1998 and the Equality Act 2010. It is a guide primarily for vegans, but will also be useful for service providers, educators and employers.

Jeanette K. Rowley

Introduction

Since the United Kingdom (UK) consolidated discrimination law in the form of the Equality Act 2010, there has been considerable debate and confusion concerning who is protected and on what basis. This brief explanation has been written specifically with vegans in mind. It is critical, if rights and equality law is to succeed, that individuals understand what existing law means for them, especially in an era of confusion about veganism triggered, to some extent, by ill-informed press coverage of the issue.

The Equality Act 2010 is not difficult to understand, despite the fact that it brushes over the complexities of legislating for different needs. At the heart of this type of law, is the prescriptive value that we all owe a duty of welcome and respect for each other, and no one should feel inferior or unequal to anyone else because of their different characteristics.

To explain how current law relates to veganism, this brief overview explains why it is that vegans have human rights in the first place, and how their rights are incorporated into law that aims to promote equality in all social contexts.

Veganism is a protected way of life. Its protection stems from a principle in the international Bill of Rights, concerning the importance of the freedom to live according to personal, moral convictions. This principle is incorporated into the

European Convention of Human Rights and since the United Kingdom is a signatory to both the International Bill of Rights and the European Convention on Human Rights, it is obliged to make these principles available to its citizens in its own domestic legislation. In compliance with this requirement, veganism is protected under the UK Human Rights Act 1998 and the Equality Act 2010. Both of these Statutory Acts, outlaw discrimination against and unfair treatment of vegans.

A few years ago, research¹ highlighted the negative press vegans endured. It used to be common to read in popular daily newspapers, about “pale faced, sickly vegans”, “vegan animal rights terrorists” or the “lettuce eating, sandal brigade”. Nowadays, through the excellent work of the United Kingdom Vegan Society and a range of other organisations that focus on the moral standing of non-humans, things have changed. These efforts, combined with a widespread and serious regard for nature and the wider environment—and a modest amount of legitimate celebrity endorsement—have resulted in veganism becoming better understood. As such, veganism is now often portrayed in significantly better terms. The use of dismissive, negative and ignorant vocabulary to describe vegans and veganism, fast becoming a relic of a distasteful past.

Despite this and the growing popularity of veganism as an ethical lifestyle of choice, a small research survey, conducted in 2013², revealed that vegans were silently

enduring difficult and uncomfortable experiences in their daily lives, in varied social and employment contexts. This discomfort appears to concern the way in which veganism is sometimes perceived as a frivolous and unimportant lifestyle choice, and the subsequent way vegans are made to feel. For example, vegans report feeling humiliated, stressed among colleagues, intimidated and, sometimes, even anxious in anticipation of almost unbearable situations, in which their dietary choices are used to discredit their ethical orientation. It seems then, that veganism is still misunderstood and that vegans are enduring a burden that current human rights and equality provisions are designed to address.

On the whole, vegans appear to be resilient, very content in themselves, strategic in avoiding unwelcome situations and able to make use of opportunities to inform others about veganism³. Nevertheless, no one should be subjected to unwanted and unwelcome behavior and no one should be feeling anxious because of their ethical convictions and lifestyle. In this regard, the information presented in this book aims to help vegans understand how law applies to their lifestyle and support those who, as a result of their dealings with vegans, have duties and responsibilities in law.

The information is set out in four parts. Part 1 explains the broader context for vegan rights. It sets out, simply and clearly, why vegans have human rights. Part 2 explains what legislation applies to veganism in the United Kingdom, the

important principles and provisions and gives some easy to understand examples to put existing law into context. Part 3 contains some frequently asked questions that have cropped up during seminars on the subject of vegan rights. Part 4 explains how the Equality and Human Rights Commission of the UK supports vegan rights, and gives information about organisations that can help, if you feel you have been subjected to discrimination or unfair treatment.

Part 1

What is the origin of vegan rights?

A commonly held perception is that human rights law concerns religious beliefs only. This could not be further from the truth. Human rights law, from its reinvigoration following the atrocities of World War 2, has specified that human rights concern the deep convictions intrinsic to both religious and other beliefs. In human rights law both types of beliefs are afforded protection equally. A qualifying belief is, therefore, no less significant or less important in human rights law than that of religion.

This principle is documented in what is known as the International Bill of Rights. The International Bill of Rights is the name given to the combination of documents that are foundational to international Human Rights law. They include the Universal Declaration of Human Rights and a couple of other important documents known as Covenants. The International Bill of Rights states various principles and rules about the way governments should treat citizens. Most governments across the world, have declared their agreement to these principles and are subsequently required to observe them.

The United Kingdom is a signatory to the International Bill of Rights and, in addition to this, a signatory to the European Convention on Human Rights and Fundamental

Freedoms. The European Convention on Human Rights and Fundamental Freedoms (the Convention) expresses many of the same principles as the International Bill of Rights.

The important principle concerning veganism contained in these human rights documents, is about having the right to live according to your own moral convictions. This freedom is normally referred to as the “right to freedom of religion and belief” and is sometimes shortened to “freedom of religion”. It is a paramount value in human rights because it recognises that human beings are thinking beings and will inevitably work out their ethical orientation and adopt a religion or a philosophical belief as a way of life that represents their own, personal, moral outlook.

The human rights documents do not specify which religions or beliefs qualify for protection. Instead, they allow for the absolute right to believe in whatever a person wants to believe in but, in the interests of social community, they permit governments to impose certain restrictions on the practical expression of beliefs.

For example, an individual has the right to become a Sikh and has the absolute right to make this decision. However, a male Sikh motorcyclist, who may want to wear a turban, would have a problem wearing a crash helmet. In this case, a government may enact a law that requires the Sikh to wear a crash helmet. This example illustrates how human rights operate. In being able to formulate your own ethical

orientation, you have the absolute and unrestrained right to develop your own deep convictions. However, in the interests of social community, putting your beliefs into practice may be limited by laws that are considered reasonable and necessary.

In this situation, the Sikh, who is required to remove his turban to wear the crash helmet, may like to appeal to the human rights court to find out if the rule affecting him contravenes his human right to live according to his ethical convictions. If he did this, the court would first decide if his religion or belief “qualifies” under human rights law. This is how a range of religions and beliefs are validated as being protected under human rights law. This process is important in human rights because, whilst you have the right to believe in anything you want, it is not certain that the human rights court will rule that your belief is entitled to protection. For example, you can believe in murder but that does not mean that you have a protected belief.

To qualify as a protected religion or belief, it must satisfy certain criteria. It must be important, cohesive, cogent and serious, worthy of respect in a democracy, a weighty and substantial aspect of human life and behaviour and it must not be incompatible with human dignity or the integrity of the person. If the Sikh’s belief passes this first test, then the court will proceed to assess whether or not the restriction imposed on his freedom to practice his belief was unlawful. In a case such as this, where religions or beliefs are already

regarded to qualify for protection, the human rights court will confirm that it passes the first test, but it may also decide that a limit on his freedom to ride a motorcycle without a crash helmet, was justified. The justification is that a law is required and necessary to protect the safety of all road users and all individuals must comply, regardless of their right to freedom of religion and belief.

An existing law that is required, is just one type of restriction on your freedom to manifest your religion or belief. Other limitations concern the protection of public morals and public order, the needs of a democracy and respect for other people's rights and freedoms.

As can be seen then, a person has the absolute right to think and believe whatever they want, in order to find and live a personally fulfilling and meaningful life. They also have a restricted right to practice, in their daily lives, the behaviors that accompany their beliefs. This right is broad in scope and is a principle of human rights law, explained as such in the supplementary guidance to the provisions of human rights documents. A qualifying belief does not have to relate to traditional religious values. It can be a newly emerging or minority belief. Of paramount value in human rights is that you have the absolute right to choose your ethical orientation and you should not feel forced into a belief or a religion that you did not choose.

These principles of human rights are illustrated through

the example of the parody religion, known as the Church of the Flying Spaghetti Monster (FSM⁴), followers of which are



images courtesy of Google Images

known as “pastafarians”. In this parody organisation, members can, if they choose, wear a pasta sieve on their heads. One member of this organisation wore his pasta sieve when taking an official photograph which was to be used as an image for identification on his driving license. Since there was no law that said you cannot cover your head on the driving licence photograph, it was accepted as a valid and legitimate image of its owner. In these circumstances, since human rights law allows you to believe whatever you want to believe, pastafarianism is acceptable and no one can interfere with your thoughts. If, however, a pastafarian motorcyclist wanted to wear his pasta sieve instead of his crash helmet and took his case to the human rights court, the court would be unlikely to agree that pastafarianism qualified as a protected belief.

Whilst judges would not, and could not, outlaw pastafarianism (remember, you have the absolute right to think what you want to think), they would not, on the basis of

the criteria for legal protection listed above, grant a protected status to a belief in the FSM. This is because a belief in the FSM cannot reasonably be said to be serious and cogent, worthy of respect in a democracy, a weighty and substantial aspect of human life and behaviour, the case would be thrown out after failing the first test.

We see then, how individuals can believe in veganism if they want to and why it cannot be outlawed. Vegans have the absolute right to believe in the moral claims that veganism presents. In addition to this, we also know that veganism comes within the scope of human rights protection too. This is because veganism has been presented to the European Court of Human Rights for consideration and has been validated. In a case presented in the early 1990s, the United Kingdom government and the Commission of the European Court of Human Rights, agreed that veganism comes within the scope of Article 9 of the European Convention of Human Rights and is therefore, a belief that qualifies for protection in human rights law.

Article 9 of the Convention explains the right to freedom of religion and belief. It has two parts. The first part explains that an individual has an absolute right to believe in whatever they want to believe in and that they are free to think for themselves. The second part explains the lawful restrictions that can be used to limit the practical expression of one's belief, or, as is more commonly referred to, limit manifestation

of religion or belief. They are, as we saw earlier, very limited, allowing a government only a few reasons for interference. These are if you are affecting public order or morals, affecting the normal operation of democracy or if you are impacting on someone else's rights and freedoms. If manifestation of your belief involves any of these, then interference by a government will be assumed lawful and may be deemed as such when judged in the human rights court.

Summary

We have seen that the International Bill of Rights and the European Convention of Human Rights and Fundamental Freedoms place a high value on the freedom of individuals to think and work out their own ethical direction. In this regard, these human rights documents provide for an absolute right to think and believe. Manifestation of belief will, however, be subject to certain limitations in the interests of a democratic and social community. We have seen that not all beliefs will qualify. The court applies criteria to test their validity as cogent and important beliefs for society to recognise as worthy of protection. We have also seen that with regard to veganism, both the European Court of Human Rights and the United Kingdom government have recognised that it is a serious and important belief, operating in humanity. As such, veganism is protected under Article 9 of the European Convention on

Human Rights.

As explained earlier, all contracting nations to the human rights documents, are required to give effect to the international provisions within their own countries. In compliance, the United Kingdom government has enacted legislation to ensure that its citizens are protected by the principles and Articles contained in international human rights law. The relevant legislation is The Human Rights Act 1998 and the Equality Act 2010.

We will now turn to examine, in more detail, how vegans are protected in the United Kingdom and what responsibilities and duties are imposed by legislation.

Part 2

What is the law in the United Kingdom relating to veganism?

There are two important pieces of legislation that relate to veganism in the United Kingdom and Great Britain. The first is the Human Rights Act 1998 and the second is the Equality Act 2010. Both of these Acts protect veganism but do so in different ways. Each will be explained in turn, starting with the Human Rights Act 1998.

1. How does The Human Rights Act 1998 relate to veganism?

The Human Rights Act of 1998 applies throughout the United Kingdom. It makes available the human rights contained in the European Convention of Human Rights and functions as an Act that regulates your relationship with the state. This means that the rights contained in the Act, are rights which the government must not contravene in their dealings with you.

An important provision for vegans is explained in Article 9. It takes its wording from Article 9 of the Convention.

Article 9 grants an absolute right to believe in veganism as your moral compass, and it allows you a restricted right to practice. However, as we saw earlier, there are very few lawful

restrictions. The state can only limit the practice of veganism in certain circumstances and where laws exist to enable the normal functioning of democratic society. This means that as long as your practice of veganism does not threaten public safety, health or morals and that you do not impact negatively on the rights and freedoms of others, there is no justification for interference.

Since the state owns and operates a number of institutions and organisations, there is a duty placed on these organisations to observe your rights under Article 9. Government organisations are known as “public authorities”. Examples are the prison service, the NHS, the fire service, the police service and state schools. Whenever you are in a relationship with a public authority, your rights as a vegan must be respected. The Human Rights Act 1998 makes it illegal for a public authority to act in contravention of your Convention rights and as such, these public bodies must take your vegan lifestyle seriously and aim to accommodate your needs. For example, when you are in hospital, your dietary requirements must be taken seriously. A pupil at school should not be forced to participate in a practice which they find unethical and an employee of the state, for example a firefighter, should have a request for vegan friendly safety and uniform items taken seriously.

When can a public authority restrict my veganism?

Firstly, a public authority cannot restrict your absolute freedom to believe in your own moral convictions. Even though veganism is what is known as a qualified right because there may be some circumstances in which restricting it is justified, the absolute right to your own moral convictions is of such paramount value in human rights that it is one of the most protected rights in human rights law. Under the Human Rights Act, if a public authority interferes with your rights as a vegan, it must prove that it has a justifiable reason. In law this is referred to as a legitimate aim and would relate to other laws that exist. In addition it must prove that the interference was vital to achieve the aim. For example, a prisoner in the UK may be required to work in the kitchen where a range of non-vegan food is prepared. The vegan may want to raise a complaint arguing that a requirement to undertake kitchen duties violates the human right to practice as a vegan. The prison authority, however, may use the Prison Rules to justify interference. The rules may stipulate that prisoners are required to do equal work in different departments on a rota in the interests of prison order and as such, the interference may be deemed a reasonable and justified means of achieving the legitimate aim.

2. How does veganism relate to the Equality Act 2010?

The Equality Act is not, strictly speaking, a human rights document but promotes some basic universal principles that human rights documents address. For example it is concerned with the equality of all people and with promoting the moral value of respect for each other. As such we can regard equality law as similar to human rights law. Whereas human rights law mainly concerns the way a government treats its citizens, equality law deals with how we treat each other as equal members of a social community.

The Equality Act 2010 is designed to address the problem of discrimination and unfair treatment in certain situations. These are: when you are at work, when you are a customer of a business that provides goods and services, such as cafes and shops, when you join private clubs or use the services of public bodies.

The Equality Act applies throughout Great Britain only⁵. It sets out your rights as an equal citizen who must not suffer discrimination or unfair treatment. Under this Act, veganism is protected under a specific “characteristic”. The Equality Act lists a number of protected characteristics such as age, disability and race. One of these characteristics is “religion and belief”. We have seen before that this is an important term in human rights law. It is also an important term in United

Kingdom equality law. Under the protected characteristic of religion and belief, veganism qualifies as a philosophical belief. A philosophical belief that qualifies for protection in equality law, is no less significant than a religious belief.

The Equality Act refers to four main ways in which a person can suffer discrimination and unfair treatment. These are: i) Direct discrimination; ii) Indirect discrimination; iii) Harassment and iv) Victimisation. We will examine each in turn, starting with direct discrimination.

i. Direct Discrimination

Direct discrimination occurs when you are treated worse than someone else in a similar context, simply because you are vegan. To claim direct discrimination, you must compare yourself to someone else who has not been disadvantaged.

EXAMPLES

- An interviewer rules out your job application on the basis that you are vegan. You are clearly the best candidate but, because he is a huntsman, he does not want to employ vegans. You are aware that two other applicants who were recruited recently, were both hunt supporters.
- You are told you cannot attend a work function because you are vegan and it wouldn't go down well. You know, however, that various

religions and beliefs are represented by those attending.

- You are told that the café does not serve vegans. You know however, that the café caters for a wide range of other dietary needs.
- You are told, off the record, by a senior colleague, that you will not be considered for promotion, despite being skilled and qualified, because you are vegan.

ii. Indirect Discrimination

Indirect discrimination can occur when you are subject to a rule, a practice or a policy that aims to apply to all people but, because you are vegan, it puts you at a disadvantage. This provision of the Equality Act is designed to be broad to cover formal and informal contexts and long standing or newly made policies, practices and rules. It also covers provisions and arrangements that are made presently or for a future date. To claim indirect discrimination, you need to show that other vegans would be also disadvantaged, even though there may not be other vegans present. This is not necessary if it is clear and obvious that you were discriminated against because you are vegan.

EXAMPLES

- A restaurant has a practice on Sundays of offering a “buy one get one free” drink, when customers order the Sunday “roast”, which is not

vegan. Because you are vegan, and select a vegan meal option, you are disadvantaged.

- Your line manager creates what she thinks is a fair rule for the rota for buying “milk” for the kitchen. As a vegan, you would be justified to feel that this rule disadvantaged you because you are not comfortable to either purchase or carry it.

A defence against a claim for indirect discrimination can be put forward. However, it would have to be a good reason for the rule, practice or policy and it would have to be considered to be a good reason by most people, if asked. In legal terms, this is known as objective justification. The court can consider things like business costs, efficiency, running a business and needing to make a profit as reasons contributing to the rule, practice or policy. The good reason must prove it is an appropriate, necessary and proportional way of achieving a legitimate aim. The burden of proof is on the person who creates the rule, practice or policy and they must prove that there was no alternative measure they could put in place to achieve their aim.

iii. Harassment

Harassment, under the Equality Act, is a term used in the broadest sense and applies to all the areas the Act covers, such as in the workplace or as a consumer of goods and

services. You are a victim of harassment if you feel distressed, intimidated, degraded, humiliated or offended or when you are subjected to an environment in which you feel that your dignity is violated. Some examples of what constitutes this violation are: spoken or written abusive comments (including what is written in emails or on social media), sketches or images that you find shocking and personally degrading, offensive gestures that are designed to ridicule and humiliate you, jokes or facial expressions that are designed to demean you and your ethical orientation. An important element of this provision of the Equality Act is that the harassment does not have to be intentional. Harassment can be caused when someone presents unwanted behaviour that either intends or has the effect of making you to feel violated or creates an intimidating, hostile, degrading, humiliating or offensive environment. You do not need to have objected to the behaviour previously and it concerns any unwanted and unwelcome behaviour, related to your veganism, which you find offensive. In a case concerning harassment, your own subjective feelings are what count and whether or not it was reasonable for you to feel the way you did.

EXAMPLES

- You are out with colleagues in a restaurant and some of them start making offensive jokes about your food. This is escalated by them after a few drinks, when they start to make animal sounds every time

you pass by. This is harassment related to the protected characteristic religion and belief.

- You are eating lunch at your desk when your colleagues come back into the office. They immediately start making offensive comments about what your food looks like and enthusing with each other about what they have just eaten. This is harassment related to the protected characteristic of religion and belief.
- You are at a team building event. At the end of the day the final task is that you each write an anonymous, supportive and memorable observation for a named colleague about the usefulness of the day. The anonymous comments are sealed and passed to the named recipients. When you open yours, you are horrified and shocked to find no words written but an offensive drawing relating to veganism. This is harassment related to religion or belief.

iv. Victimisation

You are victimised if, when you have raised a complaint under the Equality Act about the way you have been unfairly treated, you are made to feel as if you are a ‘trouble maker’ or, you are singled out in some other way, such as being left out or denied certain privileges from which others benefit.

EXAMPLE

- You feel that your dignity was violated because you were the subject of offensive and humiliating jokes over a sustained period of time. During this time, you started to feel anxious about going to work and had feelings of dread in the office. Although you had quietly endured these conditions, you felt that things had reached unacceptable levels on one occasion and you realised at that time that a boundary of respect had been breached. You went to see your line manager about it but were not taken seriously. In fact, as a result of raising the complaint under the Equality Act, you subsequently felt ignored, overlooked and ostracised. You were also left out of important meetings which you had previously attended. These circumstances may constitute victimisation under the Equality Act.

Proving discrimination under the Equality Act

If you make a claim under the Equality Act, you will need to prove that on a balance of probabilities, you were discriminated against. If you are discriminated against in the course of your employment, your employer is usually deemed responsible and will need to prove that they took all reasonable steps to prevent the discrimination. Employers are also liable if they fail to protect you after they become aware of the discrimination.

The public sector equality duty

The Equality Act 2010 requires public authorities to monitor the way they cater for different needs because they have to have due regard for protected characteristics. This is really important because as we saw earlier, a public authority is a government organisation with duties not to contravene your Convention rights. Sometimes the way organisations monitor how they meet different needs is by asking people to fill in questionnaires. You may have seen questionnaires that ask you to declare specific details about yourself including if you have a religion. By collecting this information organisations and employers can assess how their policies and practices meet the needs of a diverse society. To date there is little evidence of veganism being incorporated into these questionnaires. Whilst it is common to see a list of traditional religions, vegans may be required, if they participate, to add their ethical orientation in a box, line or section called “other”.

Summary

We have seen that the United Kingdom gives effect to the human rights contained in the European Convention of Human Rights in the Human Rights act 1998. Veganism is protected under this act because it comes within the scope of protection offered by Article 9 of the European Convention on Human

Rights. The Human Rights Act 1998 governs your relationship as a vegan with the government. Under this act, you have the absolute right to think and develop your vegan, moral convictions and you have a restricted right in the interests of public order, public morals and for the benefit of a democratic society, to practice veganism. Defences against claims made under this act, must confirm that the violation was necessary, proportional and reasonable in the circumstance to achieve a legitimate aim.

We have also seen that the United Kingdom government has enacted additional legislation that protects vegans from discrimination. This legislation is the Equality Act 2010 and we saw that it intends to have broad coverage and that it outlaws four main types of discriminatory treatment. In particular, we saw that harassment concerns your own subjective feelings and that it does not have to be intentional but can be a consequence of unintentional behaviour. We also saw that making a complaint under the Equality Act is a protected act and if you are made to feel bad about raising a complaint, then the way you are treated could constitute victimisation. We saw that there can be defences to discrimination claims, but they must be reasonable and it has to be proven that there was no other way of achieving the legitimate aim.

Part 3

The range of questions below, are reproduced from those asked during presentations and seminars given about veganism and law. The responses do not constitute legal advice but merely aim to explain how the situations relate to current legislation.

Perhaps the most important advice for anyone involved in unpleasant circumstances relating to a personal characteristic, is to think of legal action as a last resort. Quite often, these unpleasant situations are an excellent opportunity to provide information in a helpful and constructive environment. Sadly, however, this may not always be possible. Following part 3, part 4 contains information about where you can find further help and advice.

Questions raised by vegans

Q : *“I am required to wear safety clothing (boots, gloves, etc.) at work, however, the company only bought safety clothing made of animal skin for the employees. Am I entitled to alternative, vegan-friendly clothing and is my employer obliged to procure and provide them to me or do I have to purchase them myself?”*

A : In these circumstances, under employment law and the Equality Act, the company has a necessary and justified

dress policy. The policy can be regarded as neutral because everyone is equally subjected to it. However, because veganism is protected under the characteristic religion and belief, you could argue that the policy inadvertently indirectly discriminates because it imposes a requirement to participate in what a vegan regards as the unethical practice of consuming and benefiting from the skin of non-humans. The vegan in these circumstances can justifiably request that their safety clothing be sourced from suppliers that can provide suitable synthetic alternatives. The vegan must not be discriminated against or made to feel bad because of their request, as this could amount to victimisation. On the other hand, the company may argue that they have justifiable reasons for not providing suitable alternatives. Alternative items may not conform to required safety standards or the costs may be excessive. In these circumstances, the vegan, who is likely to have more experience of where to obtain suitable clothing, may wish to assist in sourcing suitable alternatives and may agree with the employer to meet some of the additional costs, if any. At all times, it is paramount, in the interests of both parties, that a mutually assistive environment is maintained. The decision must be made according to what is reasonable, appropriate and proportionate but, if there is an alternative means of achieving the aim, then this option must be chosen.

Q : *"The company I work for, provided me with and*

iPad and a screen cover for it, which is made of animal skin. However, I am vegan. Can I ask my employer to purchase and provide an alternative, vegan-friendly cover for me and is the employer obliged to do so?"

A : This company has provided an item for a vegan to use to do her job. If the ipad cover is deemed to be an essential item, which it probably is because it protects the screen, then she could argue that she is inadvertently affected by the employer's practice of supplying a non-vegan item. She is required, in these circumstances, contrary to her belief, to participate in the use of non-humans to protect the employer's property. In these circumstances, under the Equality Act, the vegan employee can ask the employer to provide a suitable alternative. However, the employer may decide that a cover is not required and that providing an alternative would be an unnecessary expense. If the cover is deemed to be essential, and since they are often purchased separately anyway, a request for replacement would not be unreasonable under the terms of the Equality Act. Again, the question is about what is reasonable and proportionate and if there is an alternative way of achieving the aim. In this case, since the legitimate aim of protecting the ipad screen can be met through the use of a vegan friendly cover, then it is arguably a reasonable and proportionate way of resolving the problem.

Q : “I need to hire a car. Does the car hire company have an obligation to provide to me a vehicle with upholstery interior and not animal skin one?”

A : The hire company does not have an obligation to provide you with a car that meets your vegan requirements. In the provision of these goods and services, the hire company is only under a duty not to discriminate against you, either directly or indirectly. You can ask the hire company if it has a car that suits you, but if it does not, it is unlikely that discrimination has taken place. They did not say that they would not supply you with a car because you are vegan (direct discrimination) and they probably do not have a practice rule or policy that has caused indirect discrimination.

Q: “While in an NHS hospital, am I entitled to appropriate food for vegans and medicines? Does the hospital have an obligation to provide vegan-friendly medicines and food to me?”

A : The NHS is a government institution. As such, it must not act in contravention of your rights under the European Convention of Human Rights, and must respect and have due regard for your needs. You are entitled to request a suitable diet and the hospital is under an obligation to respect your needs. However, with regard to medicines, there may not be

vegan friendly alternatives available and, if there are, the costs may be prohibitive. Costs alone would not be a justifiable reason for discrimination, but may feature in a defence if it could be proven that the discrimination was a proportionate means to achieve the overall aim of good health in line with a current business model that was cost efficient. Any discrimination deemed to have taken place must be proven to be proportionate, appropriate and necessary.

Q : *"At a conference, drinks and food will be provided. Should the conference organizers provide appropriate food and drinks for vegans? Are they obliged to do so?"*

A : If the conference is organised by your employers, then they are under a duty to ensure that the service providers do not discriminate against you by failing to provide for your needs. In circumstances such as this, service providers need a period of notice in order to provide the service required. Service providers are not under a legal duty to be able to provide for vegans without notice. They are merely under a duty not to discriminate.

Q : *"My friends and I, want to go to a restaurant for a meal. Should I expect the restaurant to provide vegan meals? Are they obliged by law? Should I give them notice of my requirements? Can they refuse to serve or to accept the*

booking?”

A : The restaurant is under a duty not to refuse to accommodate you on the basis that you are vegan. Such behaviour would constitute direct discrimination. This would not be the case, however, if their service was a specialist cuisine that could not be adapted to a vegan diet, such as a “sea-food restaurant”. A typical, non-specialist restaurant is obliged by law to provide equal service to you as vegans, but you should always give notice of a vegan booking. There may be circumstances in which they would refuse the booking, but the reason for it would have to be proven to be reasonable, appropriate and necessary in the circumstances.

Q : *“My company provides kitchen facilities to all employees. However, they only provide one microwave and one fridge, which are facilities used by non-vegans. Am I entitled to separate fridge/microwave and utensils as this would make sure that my food is not contaminated with non-vegan products? Is my employer obliged by law to provide this?”*

A : This company has practices or policies that are apparently neutral. However, the practice or policy has an inadvertent impact on vegans who could argue that they are at a disadvantage to others in the workplace. The

Equality and Human Rights Commission commented on these circumstances in one of their Draft Codes of Practice. It gave an example of how to resolve such a problem to employers stating that they could provide separate kitchen facilities and equipment, if the costs were not prohibitive, or, if they were a small company, to allocate designated facilities, space and items for vegans. In all circumstances, the arrangements must be worked out amicably, proportionally and reasonably, with due regard for responsibilities and duties under human rights and equality law. The vegan must not be made to feel bad for making requests under Equality provisions. If your company is a state employer then it has additional duties to not contravene your Convention rights and to monitor the way it accommodates your needs.

Q : *"My 12-year-old son was made to feel embarrassed and humiliated in class when he gave a presentation about veganism at school. Even the teacher was laughing and joking. Afterwards, he was required to join in with feeding captive fish in a tank. Is this kind of thing covered by law?"*

A : Yes, it is. It would appear that the pupil may have suffered harassment under the Equality Act. As we saw earlier, this is the provision that outlaws any unwanted and unwelcome behaviour that is directed at our personal, ethical convictions. It is harassment in relation to the protected characteristic of

religion and belief. We also discussed earlier that the school (assuming it is a state school) is a public authority and is also, therefore, regulated by the Human Rights Act 1998. It could be argued that the pupil was coerced into an unethical activity, not of his choosing, by the state authority and his Article 9 rights under the Human Rights Act (which are derived from the European Convention on Human Rights) to be free to live according to his conviction without state interference, have been unlawfully violated. There may also be other considerations, outside of human rights and equality law, that come into play in situations where children are concerned.

Q : *"I work for a public authority and have asked repeatedly for suitable uniform items. My employer has not responded but has recently spent a lot of money building a prayer room for a colleague. What does the law say about this?"*

A : Your employer is a public authority and this brings into play the Human Rights Act of 1998. As a public authority, your employer is under a duty to not contravene your Convention rights. If your employer is repeatedly ignoring your request to have your legitimate and qualifying belief taken into consideration in the provision of essential workwear, then there is a possibility that they are acting unlawfully in the context of your Article 9 rights. You must first determine

that suitable workware is available for purchase. There may be certain safety standards required of the materials, that synthetic alternatives do not meet. This also applies when considering the Equality Act. Before a case can be made, you must be sure that the items you need are actually available. Keep in mind that a defence for indirect discrimination is that the discrimination is a reasonable and proportionate means of achieving a legitimate aim. It must be proportionate and there must be no alternative way of achieving the aim. Regarding the fact that a colleague has had their Article 9 rights met by this employer, this is also significant. An employer must not show a preference for accommodating one belief and ignoring another. However, it is fairly common to see a religious need being met more readily than those of others, who have non-religious beliefs.

Q : *"My department gives out wine at the end of the year. Since I was not in the office, a bottle was left for me on the desk. Upon my return, I was reprimanded for having alcohol on my desk in front of a Muslim colleague. I was told to hide the wine out of respect for this colleague's beliefs. Every day people eat dead animals at their desks and do other things that offend me. What law deals with this?"*

A : This question represents the complexities involved in providing for a wide range of needs under the Equality

Act. Again, we see a religious belief, quite rightly being taken very seriously in the office. Often, policies and practices are developed in good faith and your department has clearly entered into the spirit of equality law by ensuring that there is departmental respect for a person of religious faith. In view of the fact that we live in a society with a dominant belief in the appropriation and consumption of the bodies of non-humans, it is unlikely that any thought would be given to the practice of eating what would be considered a “normal” lunch, in front of a vegan. There is evidence that HR departments and senior managers either do not know that veganism is a protected characteristic or simply dismiss it. It would be lovely to say that all employers will develop office policies that are vegan friendly, but in reality we may have some way to go yet. This is an important point though and concerns a lot of similar questions I have received previously. In these circumstances, the development of reasonable policies is the answer. If the department develops a policy for one protected characteristic, it must not show favouritism and rule out developing policies for another. Perhaps in the end, all we can hope for is that you will keep your gift of wine on your desk and not be required to move it and others can eat their offensive lunch at theirs. Where there seems to be an impossible difficulty in the development of fair policies and practices, perhaps the fair treatment of all requires that there is no policy or imposed practice at all!

Q : “My company organised a Christmas party and they arranged for food to be provided to staff. Are they obliged to provide vegan food for me, equal in quality and quantity to the food provided to the rest of the staff who are non-vegans?”

A : Many companies organise events as a thank you and a gesture of good will to their employees. As such, we can assume that this qualifies as a practice for the purposes of equality law. As we have seen, the employer is under a duty not to discriminate. This duty means that they cannot say you will have no food because you are vegan. The practice, which includes everybody, may put you at a disadvantage if they arrange to order only food that you do not eat and there could be a case of indirect discrimination. These days, it is very common to see a “dietary needs” policy implemented in the workplace to ensure all dietary needs are accommodated. The employer should then make the catering company aware of what is required and the catering company should then meet your needs. If the food is a sit down served meal and there are 3 courses, there should also be 3 courses for you. If it is a buffet, then there should be sufficient items for you to select from the buffet, just as your colleagues, who are non-vegans, would.

Q : “A colleague brought in cakes for her birthday. However, none of the cakes were suitable for vegans. Is that

discrimination?"

A : Employers are responsible (and sometimes an employee) for discrimination in the workplace. If the employer allows the practice, then they must ensure that the practice is fair. If the colleague bought cakes, including separate cakes for a gluten intolerant colleague, a diabetic colleague and another allergic to dairy, but didn't bring a cake for a vegan, then this may be within the scope of discrimination. In cases such as this, it is important to understand that not everyone knows about veganism or where to obtain suitable vegan food. They may also not understand very much about the ingredients to look out for. These situations are great for informing people about veganism and spreading the word.

Q : *"A colleague brought in cakes for his birthday. For me though, because I am vegan, he brought a carrot/lettuce/bird seeds ball. Does that constitute harassment?"*

A : Yes, it quite likely does, if the behaviour was unwelcome and unwanted and you personally feel that your dignity has been violated and you felt humiliated by the joke. The joke of bringing a ball of bird seed to work as a gift for a vegan, is covered by the Equality Act because although some people may share in the joke, it does not facilitate acceptance and respect for other people. Current equality law is in place

to help each and every one of us understand that respect for each other is a paramount value in our personal and social lives and in our places of employment.

Q : *"I was out with a few vegan friends in the cinema and when we asked about the ingredients in the popcorn, two of the cinema staff started acting as though they couldn't be bothered and tried to get us to accept the probability that the popcorn was ok. When we asked to see the ingredients or speak to someone else, they made us feel as if we were causing a huge fuss. Does law cover this situation?"*

A : In this situation you are a customer of goods. You are trying to buy something that suits your needs. Asking for the ingredients was not unreasonable in the circumstances and if you were made to feel bad in some way, then that is all that is required for a case of harassment. It is your personal and subjective feelings that matter and, as a customer, you should not be made to feel bad when asking the goods supplier if what they sell is suitable for you.

Part 4

Further information, help and advice.

This section explains the work of the Equality and Human Rights Commission and gives information about where you can get help and advice.

Does the Equality and Human Rights Commission in the United Kingdom recognise veganism?

The Equality and Human Rights Commission (EHRC) of the UK, has a statutory duty to oversee the observance of human rights and protect, enforce and promote equality of belief. It gives advice to wider society and employers about the human rights and equality law and keeps abreast of developments in judgements in court cases. Because veganism qualifies as a belief, the EHRC has made it clear, through press releases, that veganism must be taken seriously in wider society and in employment. You may have seen press reports in recent years that ridicule the EHRC for indicating that veganism is protected under human rights law and the Equality Act. This is simply ignorant and bad journalism that intends to discredit veganism and make a mockery out of important legislation.

In fact, a code of practice for employment accompanying the Equality Act, used veganism in examples explaining the

protected characteristic of religion and belief. Although the examples are no longer in the current published guide, it is evidence of the commitment to emphasise veganism as a protected belief by the Equality and Human Rights Commission. You can see a snapshot showing this, below.

The screenshot shows a dark blue header with navigation links: 'Your rights' (underlined), 'Private and public sector guidance', 'Legal and policy', and 'Publications'. Below the header, a breadcrumb trail reads: 'Your rights > What Are Human Rights? > The Human Rights Act > Freedom of thought, belief and religion'. To the right of the breadcrumb are icons for printing, email, Twitter, and Facebook. The main content area has a light grey background. A vertical sidebar on the left contains partially visible text: 'nably', 'ssion', 'ht,', 'ithout', and 'avery'. The main content starts with a bold heading 'Freedom of thought, belief and religion'. Below it, three paragraphs explain the right to freedom of religion: 'The Human Rights Act protects your right to have your own thoughts, beliefs and religion. This includes the right to change your religion or beliefs at any time.', 'You also have the right to put your thoughts and beliefs into action. For example, public authorities cannot stop you practising your religion, publicly or privately, without very good reason, as outlined in the restrictions.', and 'Importantly, this right protects a wide range of religious beliefs and other beliefs including veganism, pacifism, agnosticism and atheism.'

Where can I get help and advice about discrimination?

1. The Equality and Advisory Service

If you feel you are subjected to discrimination, the Equality and Human Rights Commission advise that you get help from the Equality Advisory Support Service. The contact details are:

Equality Advisory Support Service (EASS)

FREEPOST

Equality Advisory Support Service

FPN4431

Telephone: 0808 800 0082

Textphone: 0808 800 0084

Monday to Friday, 9am to 8pm

Saturday, 10am to 2pm

Website: www.equalityadvisoryservice.com

The screenshot shows the homepage of the Equality Advisory & Support Service (EASS) website. At the top, there is a navigation bar with links for HOME, ABOUT US, ADVICE & SUPPORT, RESOURCES, CONTACT US, SITE MAP, and LET US KNOW. Below the navigation bar, there is a search bar with a magnifying glass icon and a 'Search' button. To the right of the search bar are 'TEXT SIZE' and 'CONTRAST OPTIONS' buttons. Further right are icons for 'WORKING TOGETHER' and 'ACHIEVING EQUALITY'. At the bottom of the page, there is a green footer bar with a 'YOU ARE HERE' breadcrumb trail (HOME > CONTACT US) and a 'LIVE CHAT' button.

Contact Details/Opening Times

The EASS helpline is open Monday to Friday 9am to 8pm and Saturday 10am to 2pm. We can be contacted in one of the following ways:

- Freephone Telephone **0808 800 0082**
- Text phone **0808 800 0084**
- Email us using the form below
- **Live Chat** We have experts available to advise you now

Our freepost address: FREEPOST EQUALITY ADVISORY SUPPORT SERVICE FPN4431

If you are contacting us by post about an issue for the first time, please do not send any documents with your letter. We will come back to you to let you know what documents we will need to see.

We are pleased to offer free calls from landlines and most mobiles - 3, EE, O2, Orange, T-Mobile, Virgin

Find us on Twitter

Twitter

Find us on Facebook

Facebook

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2. The Vegan Society

You can also contact the Vegan Society. Take a look at the Advocacy page at:

<https://www.vegansociety.com/take-action/speak-out/were-here-help>

The screenshot shows the homepage of The Vegan Society. At the top is the logo 'The Vegan Society' with the tagline 'One world. Many lives. Our choice.' Below the logo is a navigation bar with links: WHAT'S NEW?, TRY VEGAN, TAKE ACTION, RESOURCES, YOUR BUSINESS, THE SOCIETY, SHOP, MY ACCOUNT, and a search icon.

The main banner features a sunset background with silhouettes of birds in flight. The text 'We're here to help' is prominently displayed in white. Below the banner, there's a breadcrumb trail: Home > Take action > Join us > We're here to help.

A section titled 'Veganism is a human right.' includes a sub-section about the Human Rights Act protecting veganism as a belief. It also features a photo of three people in chef hats.

The 'How we help' section includes a link to 'Speaking up on your behalf'.

On the right, a sidebar titled 'Take action' contains links to 'Join us', 'Become a member', 'We make it happen', 'We set the standard', and 'We're here to help' (which is highlighted with a grey background).

3. The Citizens Advice Bureau

You can also speak to advisors at the Citizens Advice Bureau. They have an online chat facility too. See the website at:

<https://www.citizensadvice.org.uk/discrimination/about-discrimination/equality-act-2010-discrimination-and-your-rights/>

The screenshot shows the Citizens Advice website's navigation bar with links for Benefits, Work, Debt and money, Consumer, Relationships, Housing, Law and rights, Discrimination, Tax, Healthcare, Education, and More from us. Below this, a breadcrumb trail shows the user is in the 'England' section under 'Discrimination' > 'About discrimination' > 'Equality Act 2010 - discrimination and your rights'. A sidebar on the left is titled 'Discrimination' and lists links for 'About discrimination', 'Equality Act 2010 - discrimination and your rights', 'Equality Advisory Support Service discrimination helpline', 'Equality Act 2010 - spotting discrimination - chart', and 'Sources of help with discrimination problems - chart'. The main content area is titled 'Equality Act 2010 - discrimination and your rights' and contains a sub-section titled 'When are you protected from discrimination?'. It explains that discrimination means treating someone unfairly because of who they are, and the Equality Act 2010 protects them from discrimination by employers, businesses, health and care providers, schools, transport services, and public bodies. It also mentions 'protected characteristics' and how the Act protects everyone from discrimination if they are treated unfairly because of their characteristics.

Afterword

Veganism has been discussed by the Commission of the European Court of Human Rights and the Government of the United Kingdom. The criteria for the court to accept a belief as qualifying in human rights law, is that it has to be cogent, serious, worthy of respect in a democracy, cohesive, a substantial and weighty aspect of human behaviour and that it does not compromise the integrity of the person or human dignity. As such, veganism is promoted by the Equality and Human Rights Commission as a protected belief in human rights law. This protection is also acknowledged in equality law.

Just as we understand the colour black because we know the colour white, to understand veganism as a belief, there must be an opposing belief. This opposing belief, whether we call it speciesism or what Melanie Joy⁶ has called carnism, is a belief in the appropriation and exploitation of other sentient beings. It is a belief in the appropriation and exploitation of their living and dead bodies, that knows no limits. It is also, however, a belief which has never been tested against the criteria for legitimate and valid belief to be acceptable to human rights law. When we think about the abuses; with horrors of the practices we know as intrinsic to this belief, we have to ask, is it cogent? Is it really worthy of respect in a democracy? Or, does it compromise human integrity and the dignity of humanity?

Claiming vegan rights, speaks against the false assumption that this opposing belief is the accepted and acceptable standard from which all others should be judged. Vegan rights illuminate the moral standing of non-human others in stark contrast to the speciesist assumptions of much legal reasoning and, indeed, contemporary life.

Notes

1. Cole, M. & Morgan, K. (2009). A faddish fanatical diet cult: anti-vegan bias in UK newspapers. *The Vegan*, summer 2009: 9–10 and Cole, M. & Morgan, K. (2011). Vegaphobia: derogatory discourse of veganism and the reproduction of speciesism in UK national newspapers. *The British Journal of Sociology*, 62(1), 134–153.
2. A small survey on veganism and equality can be found here: http://www.theivra.com/Downloads/Vegan_Equality_Survey.pdf
3. These characteristics emerged in the equality survey. Most vegans wanted to stress their inner peace and contentment.
4. More information about the Church of the Flying Spaghetti Monster can be found by searching this title on the internet.
5. United Kingdom legislation covers England, Scotland Wales and Northern Ireland. Legislation applicable to Great Britain is not applicable to Northern Ireland.
6. Joy Melanie, *Why we Love Dogs, Eat Pigs, Wear Cows: An Introduction to Carnism the Belief System That Enables us to Eat Some Animals and not Others* (Conari Press 2010).

About the Author



Jeanette K. Rowley is currently writing up a PhD about veganism and human rights law. She is a Fellow of the Higher Education Academy. She is the United Kingdom representative of the International Vegan Rights Alliance and a member of the Academic Research Committee of the Vegan Society of the United Kingdom. She has given numerous presentations on vegan human rights in the UK, Europe and Australia.

About the Publisher



The International Vegan Rights Alliance was formed in October 2012 and its purpose is to raise awareness of vegan rights, with a view to eliminate instances of vegans being treated unfairly, whether it is at the workplace, restaurants, hospitals or anywhere else. It has representatives in a number of countries around the world and it is a network in development. For more information about the International Vegan Rights Alliance please visit <http://www.theivra.com>