

Alasdair Henderson

discusses what the law and professional guidance says about sharing your faith in the workplace



FAITH AT WORK

key points

- Christians still have a lot of freedom under the law to speak about Jesus in the workplace. An employer cannot simply restrict all religious speech.
- So long as you seek to share your faith in a biblical way – clearly and openly, in love and with gentleness and respect, and with wisdom and discernment – the law and professional guidance is largely on your side.

If you have been following the news over the past couple of years you may have got the impression that it is becoming harder for Christians to share their faith openly in the workplace. There has been high-profile reporting of several cases in which Christians have been disciplined, or even lost their jobs, for trying to say something about the gospel at work. A few of these cases have been in the NHS, and it can sometimes seem that the public sector, and the healthcare field in particular, is one of the more hostile spaces in which to try to talk about your beliefs.

If that is the impression you have got from the media, please do not get scared! Yes, there have been some Christians who have faced disciplinary action for evangelism in the workplace, but these cases are few and far between, and the specific facts are often more complex than newspaper reports would lead you to believe. Christians should affirm the work of organisations that defend people suffering injustices because of their witness. However, the reality is that, at least in terms of the

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law, Christians still have a lot of freedom to speak about Jesus in the workplace. Sadly what the law requires is not always fully appreciated by employers and fellow employees or put into practice as it should. Even when Christians adhere to what the law requires, following Jesus and faithfully proclaiming the gospel might mean persecution; there is a cost of discipleship. And the Bible does not promise that Christians will not suffer for their faith, just the opposite. But it is still important for Christians to understand their legal rights and stand up for both themselves and others when they face

any unlawful intimidation or marginalisation in the workplace as a result of sharing their faith.

The danger is that excessive focus on stories about the rare cases where things have gone wrong leads to a 'chilling effect', causing many Christians to become unduly nervous about exercising their legal freedoms. This chilling effect is a serious problem as it hinders and restricts proclamation of the gospel. Somewhat ironically, it also raises the risk that our freedoms might be more curtailed in future. If we do not exercise our rights then we may actually lose them. If our employers and colleagues get the idea that most Christians do not really want or need to be able to be open about their faith at work, then those Christians who are still bold enough to speak up will be perceived as more extreme and limits on their freedom will begin to seem more reasonable.

The important and reassuring truth is that in the UK, so long as you seek to share your faith in a biblical way – clearly and openly, in love,¹ and with gentleness and respect,² and with wisdom and discernment³ – the law and professional guidance is largely on your side.⁴

The two major pieces of law that apply to all workplaces are the European Convention on Human Rights (ECHR) and the Equality Act 2010. The ECHR gives everyone the right to freedom of conscience, thought and belief, and freedom of expression. These freedoms apply in the context of employment, as anywhere else. The rights are 'qualified', which means they can be limited in certain circumstances. However, the European Court of Human Rights has recently affirmed the importance of the freedom to be able to speak about faith in the workplace, so an employer cannot simply restrict all religious speech.

The Equality Act 2010 prohibits discrimination against employees on the grounds of various 'protected characteristics'. One of the protected characteristics is religion. Thus if a Christian doctor, nurse or other healthcare professional is treated differently, either directly or indirectly, because of his or her faith, that is unlawful. Similarly, if a Christian is harassed, ie subjected to unwanted conduct related to his or her faith that violates dignity or creates an intimidating, hostile or offensive working environment, that is unlawful.

Of course, the provisions of the ECHR and Equality Act 2010 also protect employees with other religious beliefs and employees who identify as homosexual, bisexual or transgender, amongst others. This could lead to a 'clash of rights' if, for instance, a gay employee takes offence at a Christian employee's opinion that marriage is solely between a man and a woman.

However, even on such controversial topics where people differ greatly in their views, Christians will generally be protected by the law if they share their beliefs, provided some basic principles are followed. All of these principles are actually both biblical and grounded in common sense.

1. **Pray.** It is always wise to ask God for good opportunities, wisdom and the right words to say. It is also usually appropriate to ask someone if you can pray for them (although more care must be taken with patients – see further below).
2. **Choose the most appropriate time and place.** Remember you are at work to work. We should work hard, in a manner pleasing to God and honouring to our employer.⁵ This is an important part of our Christian witness, as well as actually speaking about the gospel. So look and pray for opportunities to speak of Jesus, but when they arise try to follow them up outside working hours or outside the workplace if possible. The more removed a conversation is from the workplace itself, the less concern it is for an employer, and the more relaxed and engaged the person you are talking to is likely to be.
3. **Be explicitly Christian.** Religious beliefs have greater protection in law than other beliefs. So do not be shy about saying how your faith informs your opinions. If you say 'as a Christian, I believe that...' or 'the Bible says that...' it is much more difficult for an employer to complain than if you simply express your view without making it clear it is based on your faith.
4. **Don't abuse your authority.** Abusing power in the workplace is wrong.⁶ In general the law strongly protects your freedom to express your beliefs at work towards peers or those higher up in the organisation, but allows employers more scope to restrict such freedom in relation to subordinates or people who are vulnerable to pressure. So if you manage or supervise a colleague, be careful not to give any impression whatsoever that you are abusing your authority. For healthcare professionals, it is also very important always to be aware that patients are in a vulnerable position.
5. **Be gentle.** Even an employer who is personally antagonistic to Christianity will find it difficult to criticise a message delivered in reasonable language and a moderate tone. Dialogue is better than a lecture. Asking questions is better than only expressing your own opinion. Personal testimony is more persuasive than abstract truths. Ongoing discussions are better than isolated one-off conversations. We want to win souls for Christ, not just win arguments.
6. **Respect people's wishes.** The model of both Jesus and the disciples was to give everyone the opportunity to hear the gospel, but if people showed they were not open to the message, to move on elsewhere.⁷ If a colleague or patient makes it clear that faith discussions are unwelcome, they should not be pursued.



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resources

The Evangelical Alliance and Lawyers' Christian Fellowship have recently published a resource called *Speak Up* which deals with many of these issues in much more detail. It's written in accessible language, not legal jargon, and is available to download for free as both a 70-page booklet and a 16-page summary leaflet here: bit.ly/2ofVaCN

The Saline Solution is:

- a practical tool
- designed specifically for healthcare workers
- teaches how to share the love of Jesus with patients and colleagues with permission, sensitivity and respect
- delivered by healthcare workers
- one day course format
- encouraging, inspiring interaction with others in the healthcare field

See the CMF website for upcoming courses.



There are of course particular concerns that arise in the context of the doctor-patient relationship. However, the GMC has helpfully issued guidance which makes it very clear that doctors are able to talk about religious beliefs with patients, and indeed must take into account a patient's beliefs, so long as care is taken not to abuse the doctor's professional status.

The main code of conduct for doctors, *Good Medical Practice* (2013),⁸ contains the following relevant principles:

- When assessing, diagnosing or treating a patient, a doctor must take account of the patient's full history, including spiritual factors, their views and values (paragraph 15).
- Doctors must treat patients fairly and with respect whatever their life choices and beliefs (paragraph 48).
- If a doctor has a conscientious objection to a particular procedure he or she must explain this to a patient, tell them about their right to see another doctor (and ensure they can exercise it), and avoid implying or expressing disapproval of the patient's lifestyle, choices and beliefs (paragraph 52).
- A doctor must not express his or her personal beliefs (including political, religious and moral beliefs) to patients in ways that exploit their vulnerability or are likely to cause them distress (paragraph 54).
- A doctor must not refuse or delay treatment because he or she believes that a patient's actions or lifestyle have contributed to their condition (paragraph 57).
- Doctors must not unfairly discriminate against patients or colleagues by allowing their personal views to affect professional relationships or the treatment provided or arranged (paragraph 59).

The GMC has also provided more detailed *Guidance on Personal Beliefs and Medical Practice* (2013). In this the GMC emphasise that they do not wish to prevent doctors from practising in line with their beliefs and values, as long as they also follow the guidance in *Good Medical Practice*. Neither does the GMC wish to prevent patients from receiving care that is consistent with, or meets the requirements of, their beliefs and values (paragraph 3). The key thing is to ensure that patients are not treated unfairly, in a way that causes them distress or in a manner which denies them access to appropriate medical treatment or services (paragraph 4). In terms of talking to patients about personal beliefs, paragraphs 29-31 explain that in taking a history it may be appropriate to ask a patient about their personal beliefs. However, a doctor must not put pressure on a patient to discuss or justify their beliefs, or the absence of them. During a consultation, doctors should keep the discussion relevant to the patient's care and treatment. If a doctor does disclose any personal information to a patient,

including talking to a patient about personal beliefs, he or she must be very careful not to breach the professional boundary that exists, which is essential to maintaining a relationship of trust between a doctor and a patient. Thus, a doctor may talk about his or her own personal beliefs only if a patient asks directly about them, or indicates they would welcome such a discussion. At no time should a doctor impose their beliefs and values on patients, or cause distress by the inappropriate or insensitive expression of them.

The same broad principles will apply to nurses. The NMC Code requires nurses and midwives to 'make sure you do not express your personal beliefs (including political, religious or moral beliefs) to people in an inappropriate way' (paragraph 20.7). Unlike the GMC, the NMC has not provided any further specific guidance, but it is important to note that the Code does not prohibit expression of personal beliefs in the course of carrying out nursing or midwifery duties; it simply requires that such expression is done appropriately. It also requires nurses and midwives to respect patients' choices (paragraph 1.3), and make sure that a patient's social and psychological needs are assessed and responded to (paragraph 3). This latter duty will require being attentive to any religious or spiritual needs.

However, one specific point which nurses and midwives should be aware of is that the NMC has produced Social Media Guidance which cautions against posting anything on social media that 'may be viewed as discriminatory' or 'does not recognise individual choice'. This is worded so vaguely that a nurse or midwife may be criticised for posting content on social media about controversial topics, for instance Christian views on same-sex sexual activity, even if these are expressed carefully and lovingly.

As long as healthcare professionals are sensible, compassionate and put patients' interests first, the law and professional guidance is clear that sharing your faith at work is entirely appropriate. If you have been worried by media reports to the contrary, then be reassured. And if you or a colleague face any pressure from managers as a result of exercising your freedoms, then gently but firmly draw the relevant legal principles to their attention.

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references

1. 2 Corinthians 4:2, 5:14
2. 1 Peter 3:15
3. Matthew 10:16
4. Lawyers' Christian Fellowship and Evangelical Alliance. *Speak Up: a brief guide to the law and your gospel freedoms* bit.ly/2kCzU66
5. Colossians 3:22-25
6. Colossians 4:1
7. Luke 9:4-5
8. General Medical Council. *Good Medical Practice*. GMC; 2013