

LUX EDMUNDI: REFLECTION: SEPTEMBER, 2017

A case (DEC-E2017-057) recently posted on the website of the Workplace Relations Commission concerned a teacher, a humanist, who had complained to the WRC that a Central Technical Institute had discriminated against him on grounds of religion by erecting a May altar in a prominent position in what was his place of work. The WRC did not uphold this complaint.

Any decision of the WRC is, of course, subject to appeal and, in any event, it falls to those with the requisite legal expertise to determine what, if any, implications this decision might have for others. That, however, need not preclude some lay observations on matters arising.

It may be noted, first, that the Institute in question is an ETB school. It is a post-primary school which also provides a wide range of PLC, FE and Adult and Community Education Courses. It has what it described to the WRC as a “primarily but not an exclusively Christian ethos” and insists that it is by way of expressing its ethos as thus defined that it has, *inter alia*, erected a May altar annually “for a period of decades rather than of years”. The WRC seems to have found this defence of its May altar acceptable. May we not conclude that, if a religious display of the kind in question was deemed acceptable in an ETB school with a “characteristic spirit” which, it seems, was, not just multi-denominational, but multi-religious and, indeed, multi-cultural, it would, *a fortiori*, be deemed acceptable in any recognised school in the Republic under Catholic patronage?

It may be noted, secondly, that it was not the Board of Management of the school but the ETB which responded to this complaint. This was probably because, under the relevant legislation, it is the ETB which is the employer of all personnel in any ETB school and the body, therefore, against which any complaint like that in question here would be made. It is, though, a fact that, rather than settling the issue in some other way, this ETB decided to defend the case; decided, in effect, to defend the right of one of its schools to have a May Altar – and, for that matter, as the evidence given attests, to celebrate Holy Mass to mark certain school occasions and to facilitate the celebration of the Sacrament of Reconciliation in the school for those who wished to go to Confession - in accordance with that school’s ethos and tradition. There is here, surely, a reminder to us all that, though the law can sometimes be an ass, litigation always exorbitantly costly, the protection of the ethos of any given school may, on occasion, necessitate recourse to the courts and those involved in the governance and management of schools, including faith-based schools, in general, Catholic schools, in particular, must not baulk at going to law to guard their ethos, their characteristic spirit, if that is what it takes and they have recourse to no other remedy in the circumstances.

It may be noted, finally, that this case serves as a very useful – and, it may be, a very necessary - reminder that the religious has rights as well as the secular. In Ireland today, it seems to be taken as given that, in any case involving the Catholic Church, the latter simply must be in the wrong. It seems to some either inconceivable or inadmissible that any Catholic institution could possibly have any rights at all. This is not how things are seen in international legislation and the various courts of human rights have, in effect, vindicated time and again the right of faith-based people and bodies to be, precisely, faith-based. Those of us involved in Catholic education in Ireland simply must not settle for less. Fear of backlash, or of offending, or of losing favour, must never induce or intimidate us into betraying our ethos. We will not interfere with their convictions but, first, last and always, we must be absolutely clear with staff, parents and students and with all to whom it may concern, that ours is an expressly Catholic school, providing an expressly Catholic education to all who want it.