



# Employments Bill | Policy Brief





1. The Employment Rights Bill 2024-25<sup>1</sup>, introduced in the House of Commons on 10th October 2024, seeks to enhance worker protections and regulate employment practices. However, several provisions within the Bill, including Clauses 17, 18, 19, and 21-24, raise significant concerns for British Muslims and marginalised communities. While these clauses aim to strengthen workplace protections against harassment and unfair dismissal, they fail to adequately address the rise of Islamophobia in professional settings. The broad and uneven application of these measures could exacerbate workplace inequalities, particularly in cases of third-party abuse and employer liability. Without amendments, the Bill risks embedding structural discrimination into employment law, disproportionately impacting already vulnerable communities.

## **2. Clauses with Negative Implications for British Muslims and Marginalised Communities.**

While the Bill introduces several positive reforms, certain clauses may disproportionately impact British Muslims and other marginalised communities by failing to provide adequate protections or by reinforcing existing inequalities:

**3. Clause 17 and 19: Duty to Prevent Sexual Harassment** - This clause imposes stronger obligations on employers to prevent sexual harassment than it does for other forms of harassment, including religious harassment. Given the rising incidents of Islamophobia in the workplace, the lack of equivalent protections for religious harassment creates a disparity that may violate the UK's obligations under the Equality Act 2010<sup>2</sup> and Article 14 of the European Convention on Human Rights (ECHR)<sup>2</sup>.

**4. Clause 18: Third-Party Harassment Protections** - While this clause reinstates employer liability for third-party harassment, the scope of the protection requires clarity i.e. is it capable of protecting Muslim employees from Islamophobic campaigns led by external groups and relating to the expression of the religious belief outside of the workplace. Employers could exploit loopholes to avoid liability, particularly in sectors such as healthcare, retail, and transport, where British Muslims have faced targeted abuse. Additionally, the government must clarify how these protections interact with Article 10 (freedom of expression) and Article 8 (right to private life) under the ECHR, ensuring a fair balance between protecting workers and upholding broader rights. Continually, some employers have faced external pressure from lobbying groups seeking to have Muslim employees dismissed for expressing religious or political belief. Some regulators have pursued disciplinary action against Muslim professionals following third-party complaints about their legitimate political expression. To ensure workplace protections are applied fairly, the Bill must account for these pressures and ensure employers are not complicit in discriminatory targeting of employees for their lawful political or religious expression. These expressions should also be extended to regulators to prevent disciplinary action against professionals based on legitimate political expression.

**5. Clauses 21-24: Protections Against Unfair Dismissal** - These provisions improve protections for many workers but fail to address the specific issue of British Muslims being disproportionately dismissed for expressing pro-Palestinian views. Recent cases have demonstrated that reputational damage arguments have been used to justify dismissals of Muslim employees based on their political or religious expressions, raising concerns about freedom of expression under Article 10 of the ECHR. For example, the recent Court of Appeal case *Higgs v Farmor's School* confirmed that dismissal for expressing personal views must be proportionate and justified. The *Miller* case further protects anti-Zionist opinions as a philosophical belief under the Equality Act 2010, but this may not extend to all Muslims expressing pro-Palestinian sentiments. Given ongoing Employment Appeal Tribunal proceedings in *Miller*, further amendments should clarify protections for employees expressing legitimate political or religious views.

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<sup>1</sup> UK Parliament (2024). Employment Rights Bill - Parliamentary Bills - UK Parliament. [online] Parliament.uk. Available at: <https://bills.parliament.uk/bills/3737>.

<sup>2</sup> UK Government (2010). Equality Act 2010. [online] Legislation.gov.uk. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

<sup>3</sup> Council of Europe (1950). European Convention on Human Rights. [online] European Convention on Human Rights. Council of Europe. Available at: [https://www.echr.coe.int/documents/d/echr/Convention\\_ENG](https://www.echr.coe.int/documents/d/echr/Convention_ENG).

## 6. RECOMMENDATIONS

7. Mlegal recommends the following amendments to ensure the Bill fully supports British Muslims and marginalised communities:
8. **Equal Protection from Harassment (Clause 17 & 19):** Amend Clause 17/19 to provide equal protection for religious harassment and Islamophobia, ensuring that employer obligations to prevent harassment extend beyond sexual harassment. This would align employer duties with the UK's human rights obligations under the Equality Act 2010 and Article 14 of the ECHR.
9. **Strengthened Third-Party Harassment Protections (Clause 18):**
  - a. Ensure Clause 18 explicitly includes Islamophobic abuse within the scope of third-party harassment protections, including lobbying groups and external campaigns targeting their religious or political beliefs.
  - b. Employers must be held liable for failing to prevent Islamophobic harassment, ensuring that protections extend to cases where external groups or individuals target Muslim employees for expressing their religious beliefs or political views. The clause should also clarify that employers must not be complicit in external efforts to pressure them into disciplining or dismissing Muslim employees for their political or religious views, as this should be considered unlawful discrimination.
  - c. Extend Clause 18 to apply across all sections in Part 5 of the Equality Act 2010, ensuring protections extend to professionals in regulated sectors, including partnerships, barristers, and qualification bodies such as the GMC, SRA and BSB.
  - d. Extend employer and regulator liability to ensure that disciplinary proceedings brought in response to third-party pressure or complaints are treated as a form of harassment/third party harassment and discrimination where they target legitimate political or religious expression.
10. **Freedom of Expression Protections (Clauses 21-24):** Introduce safeguards to prevent unfair dismissals based on political or religious expressions such as pro-Palestinian views. The Bill should ensure consistency with *Higgs v Farmor's School* and *Miller*<sup>4</sup>, confirming that expressing legitimate political or religious views does not constitute reputational damage.
11. **Aggravated Harassment Penalties:** Introduce provisions for stricter penalties where discrimination is based on religion or combined with other protected characteristics.

### About Mlegal

Mlegal is a UK-based non-profit organisation dedicated to protecting and advancing the rights of Muslims through policy work and advocacy. We work to address systemic issues that disproportionately impact Muslim communities, striving to uphold fundamental human rights and promote a more just and inclusive society. We advocate for equality, freedom of expression, and protection from discrimination, challenging policies that threaten civil liberties and undermine human rights.

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<sup>4</sup> Supreme Court (2025). *Higgs (Respondent) v Farmor's School (Appellant)* - UK Supreme Court. [online] Supremecourt.uk. Available at: <https://www.supremecourt.uk/cases/uksc-2025-0040>

