

Christian Demoted Over Facebook Comments Loses Human Rights Argument

A judge has stopped a Christian from using human rights arguments in his legal case against his employer who demoted him because of his moderate comments about gay weddings in churches.

The ruling was handed down last week by District Judge Charles Khan at Manchester County Court.

Adrian Smith will continue his legal action, claiming breach of contract, but the judge's ruling will fuel concerns that the rights of Christians are being relegated.

The ruling also comes amid deep national controversy surrounding the government's plans to **redefine marriage**.

Critics of the plans are concerned that people who believe in traditional marriage could find themselves on the wrong side of the law if the legal meaning of marriage is changed.

Smith's legal case against his employer can still proceed, but the judge's ruling means that he cannot rely on his **human rights**. He will continue to argue that his employer is in breach of contract. The case is likely to be heard in the summer.

Smith was a housing manager at Trafford Housing Trust (THT) when, on Feb. 13, 2011, he posted a link on his personal Facebook page to a BBC news story entitled "Gay church marriages get go ahead" and added his own comment: "an equality too far."

The comment was made on his personal Facebook page, in his own personal time, and was only visible to his Facebook friends

and their friends.

Two colleagues read his Facebook comment. One of them posted a response asking Smith: "Does this mean you don't approve?"

On the evening of Feb. 14, Smith posted: "I don't understand why people who have no faith and don't **believe in Christ** would want to get hitched in church. The Bible is quite specific that marriage is for men and women. If the state wants to offer civil marriage to the same sex then that is up to the state; but the state shouldn't impose its rules on places of faith and conscience".

The comments were brought to the attention of Smith's employer, and he was disciplined. He was demoted from his position as housing manager and his salary was reduced by 40 percent. He unsuccessfully appealed against the decision.

Smith's situation hit the headlines in October last year. The government's Housing Minister, Grant Shapps, said THT's actions were "excessive and disproportionate." Gay rights campaigner Peter Tatchell agreed and has offered to appear as a witness in Smith's defense.

Smith is taking legal action against THT. Public bodies are bound by the Human Rights Act in all of their activities, including their employment practices. THT provides social housing for Trafford Council and is a hybrid body—both public and private.

Lawyers for Smith said its employment practices were part of its public function, and therefore the Human Rights Act applies. Smith's lawyers pointed out that THT disciplined him because it was worried about its reputation in relation to its public function of providing social housing.

But lawyers for THT say its employment practices are part of its private functions. The judge agreed with THT and struck out that aspect of Smith's case.

Smith's legal case will proceed without the human rights arguments. It is being financed by **The Christian Institute**, a national charity that defends the religious liberty of Christians.

A spokesman said: "This ruling, while not fatal to Smith's case, is deeply concerning. It reinforces the widely held perception that Christians are not afforded the same human rights as others. If the shoe were on the other foot, if an employee had been disciplined for advocating gay marriage, it is inconceivable that human rights arguments wouldn't apply. This ruling is particularly relevant at the present time, as the government is planning to redefine marriage. Many people who believe in traditional marriage are worried that they will be penalized for their beliefs."