

2010 law protects British docs, nurses against helping with abortion

MANCHESTER, England - A 2010 law is providing conscience protections for health care professionals in England who believe in "the sanctity of life from conception onward," regardless of their religious beliefs.

The Thomas More Legal Centre, which specializes in religious discrimination law, recently successfully defended two Catholic nurses who had asked not to be assigned to care for women at a central London hospital who were undergoing chemically induced abortions.

It was the first time that the belief in the "sanctity of life from conception onward" has been presented as a "philosophical belief" protected by law.

"This particular use of the Equality Act has never, to my knowledge, been argued before," Neil Addison, the Catholic lawyer who runs the center, told Catholic News Service in an email interview. "However, since the courts have accepted that belief in global warming is protected under the Equality Act, I saw no reason why a pro-life belief should not be equally protected.

"The use of the Equality Act is, I believe, very significant for doctors and nurses who are increasingly being pressured to participate in abortion, in particular these new forms of abortions induced through pills," he added.

"It is important to understand that the Equality Act does not require that the belief in the sanctity of life is religiously based," he said. "Even a humanist or atheist who believes that human life begins at conception will be protected by this new interpretation of the law."

Two Catholic nurses working at a busy central London hospital found themselves in a crisis of conscience when they were placed on duty at a weekly abortion clinic. They had been asked to care for women admitted to the hospital to take two courses

of pills – mifepristone and misoprostol – in the first trimester of their pregnancies.

When the nurses complained to a manager that they did not want to be “morally complicit,” they were told to continue in their work with the rebuttal: “What would happen if we allowed all the Christian nurses to refuse?”

The nurses, who do not wish to be identified, turned to the hospital’s Catholic chaplain, and he referred them to the Thomas More Legal Centre.

Addison wrote to the hospital to say that under Section Four of the 1967 Abortion Act, the nurses had the right to conscientiously object to participation in abortions. He also said that under the Equality Act, they were additionally protected from any harassment, victimization and discrimination they might suffer in their workplace as a result of their beliefs.

The hospital accepted his arguments, and in late July it reallocated the nurses to alternative duties.

In Britain, the Catholic Church operates very few hospitals, and those it does are small, private and protected by charitable statutes to operate within the boundaries of the Catholic faith.

Health care is not covered by insurance but is free at the point of delivery through the taxpayer-funded National Health Service.

Dr. Peter Saunders, chief executive of the Christian Medical Fellowship, an association of about 5,000 doctors and medical students in Britain and Ireland, said the effect of the conscience clause on the National Health Service was to create a shortage of physicians willing to perform abortions.

As a result, more than half of the 200,000 annual abortions in the United Kingdom are now sub-contracted by the government to private clinics such as Marie Stopes International and the British Pregnancy Advisory Service.

He said although the 1967 Abortion Act allows conscience protection for doctors who do not want to be involved directly in abortion, “there is a gray area” on referrals and pre-abortion assessments.

The limits of the conscience clause were laid bare in 1988 when Barbara Janaway, a Catholic medical secretary from Manchester, was fired for gross misconduct when she refused to type up a referral for abortion. She appealed and lost.

In 1996, Stephen Clarke, a Catholic scientist from the same city, was fired after he refused to monitor emissions from hospital incinerators used to burn aborted fetuses. He later lost his case at an industrial tribunal.

It is likely, therefore, that Catholics in future cases will rely heavily on the provisions of the Equality Act, which forbids discrimination in the workplace, to protect the exercise of their consciences.

One case already pending involves Margaret Forrester, a London mental health worker who claims she was “bullied out of a job” in May by the Central and North West London NHS Trust after she showed pro-life literature to a colleague.

Forrester, who is represented by the Thomas More Legal Centre, is arguing that her belief in human life beginning at conception is protected by the Act and, in legal papers seen by CNS, the NHS lawyers have already conceded the point.