

# EU commissioner questions Polish-church bar on gay teachers

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Warsaw, November 18 (ENInews)--A European Union commissioner has rejected claims

by a Polish government minister that her country's Roman Catholic schools can refuse to employ gay and lesbian teachers.

"The commission fails to see how a teacher's sexual orientation could reasonably constitute a genuine and determining occupational requirement," said Viviane Reding, who is the EU's justice commissioner, and comes from Luxembourg.

"Organizations whose ethos is based on religion or belief are allowed to take a person's religion or belief into account, where necessary, when recruiting personnel, and to require their personnel to show loyalty to that ethos," said Reding. "It is made clear, however, that any difference in treatment should not justify discrimination on grounds other than of religion or belief."

Reding was responding to parliamentary questions for a ruling on employment at religious schools from Michael Cashman, a lawmaker representing Britain's Labour Party, and Raul Romeva i Rueda, who represents Spain's Green Party. This move came after Elzbieta Radziszewska, a senior Polish official dealing with Issues of Equal Treatment, said that her country's Catholic schools are entitled to bar gay or lesbian staffers.

In a 26 October written statement, Reding said that the European Court of Justice had not yet tested the issue but noted that the EU's anti-discrimination directive rules that, "religion or belief, sexual orientation, age or disability" is to be taken into account by employers only when, "legitimate and proportionate" and, "essential for the job in question".

Radziszewska rejected the commissioner's ruling, and said she believed that "different treatment" was justified in the case of Catholic schools.

"It is clearly stated that the directive does not affect the rights of churches and other public or private organizations, whose ethics draw on religion or convictions, to demand that employees act in good faith and are loyal to the organization's ethics," Radziszewska said in a 28 October statement. "If someone does not fulfil these ethical requirements, and wishes at the same time to be employed in institutions where these requirements are indispensable and essential for a given job, they must reckon that the principle of equal treatment need not be applied in their case."

Gay and lesbian groups have often complained of discrimination against them in Poland, where the predominant Catholic Church opposed clauses in the 1997 constitution that bar discrimination on grounds of, "sexual orientation", and it has rejected requests for a pastoral service for homosexuals.

In a September interview with the Polish Catholic *Gosc Niedzielny* newspaper, Radziszewska said church-owned schools and colleges could refuse jobs to declared homosexual staffers, and sack those already employed, "in line with their [the church's institutions'] values and principles".

Poland's Helsinki Foundation for Human Rights has criticised this claim, and the head of the country's Anti-Discrimination Rights Association, Krzysztof Smiszek, has also rejected it. He said the minister's, "hurtful statements" conflict with European Union norms, and risk creating, "a climate allowing homophobia in workplaces"