




Non-religious Teachers in Schools with a Religious Ethos in the Republic of Ireland and Northern Ireland: Experiences of Recruitment and Promotion Processes

Dr James Nelson

Dr Catherine Stapleton





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James Nelson and Catherine Stapleton
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CONTENTS

Summary	2
Findings	2
Recommendations	3
Abbreviations	4
Introduction	5
Context	6
Review of Literature	8
Employment Equality in Schools in Ireland	9
Fair Employment in Northern Ireland	10
Religious Schools	10
When is a School Not Religious?	11
Political & Societal Changes	13
Religious affiliation – the rise of the ‘nones’	14
Types of non-belief	14
Teachers, religious identity and employment	15
Methodology	17
Table 1 Participant Profile	19
Data Analysis	20
Findings	21
Religious factors in Teacher Employment	22
Religious profiling in application forms and interviews	22
Religious factors beyond Catholic schools	23
The significance of the job market	24
Managing Expectations	26
School Expectations	26
Conformity and Dissonance	27
Ethical Conflicts	28
Challenging the Schools’ Religious Norms and Practices	29
Career Progression	32
Benefits	32
Relations with Peers	32
Relations with senior Leaders/Managers	33
Teacher-Pupil Relationships	34
Promotion Opportunities	35
Another Way	37
A Culture of Openness	37
Respect for Difference	37
Inclusive school events	38
Positive efforts to recruit a diverse workforce	39
Legislative Change	40
Discussion and Conclusions	42
Religious factors in employment and promotion processes	43
Barrier or Formal Exclusion?	43
School Ethos and Employment	44
How non-religious teachers experience and manage employment and promotion processes	45
Experiencing	45
Managing	46
Recommendations	49
References	50
Appendix 1 – Employment Equality Act, 1998 [Section 37]	58
Appendix 2 – The Fair Employment and Treatment (Northern Ireland) Order 1998 [Section 71]	59
Appendix 3 – European Council Directive establishing a general framework for equal treatment in employment and occupation 2000/78/EC (Article 4)	60

SUMMARY

In both the Republic of Ireland (RoI) and Northern Ireland (NI) schools are exempt from equality legislation when employing teachers. Historically this has been justified on religious grounds and the right of religious schools to appoint teachers who share their beliefs. Over time, populations on both sides of the border have become more religiously diverse and there has been a significant rise in the number of people with no religious belief, yet the majority of schools retain a religious ethos and the right to discriminate against candidates on the basis of belief. A review of literature also highlighted two related issues of significance in both polities: there is uncertainty around what counts as a religious school and the use of exemptions from equality legislation is overly generous in comparison to other European states. There is a need, therefore, to understand the lived experiences of teachers who have participated in appointments and promotion processes to understand the role religion plays. In particular, this research has chosen to investigate two key questions:

1. To what extent is religion or belief a factor in the appointment or promotion of non-religious teachers in Post-Primary schools with a religious ethos?
2. How do non-religious teachers experience and manage religious expectations regarding appointments and promotions in Post-Primary schools with a religious ethos?

Findings

Qualitative interviews were undertaken with fifteen teachers from across the island. These were analysed thematically, and several significant observations were made regarding the experiences of these teachers which respond to our two research questions:

1. Religion or belief has undoubtedly been a factor in appointments and promotions of teachers in our sample.
 - a. In schools managed by Catholic authorities, candidates' beliefs were explicitly taken into consideration, though to varying degrees.
 - b. Implicit, but no less real, religious influences are at play in teacher appointments across other school types which hold religious values, on both parts of the island.
 - c. Temporary contracts and probation periods mean teachers are subjected to a protracted assessment of their suitability for posts, including their 'fit' with the religious ethos of schools.
2. Our non-religious teachers felt unprepared for the religious expectations they encountered in schools and the assumption that they would conform to the religious culture. This caused a range of ethical and professional dilemmas.
 - a. On the whole the non-religious teachers lacked confidence in owning or expressing their non-religious identity. As a result, the majority managed their situation by hiding or suppressing their identity, including feigning belief; cultivating anonymity; or limiting openness to a small group of trusted colleagues. Only a minority of the sample felt they could be confident about expressing their non-religious identity.

- b. The religious climate of schools permeated much of their professional experience including relationships with peers, students and senior staff. Many examples were given of how suppressing their non-religious identity blocked the natural development of these relationships.
- c. Trying to gain or maintain employment/promotion as a non-religious teacher in a religious school caused the majority of our participants to experience identity dissonance and personal ethical conflicts
- d. When considering promotions, the teachers experienced a 'chill factor' which, when combined with a lack of confidence about expressing their non-religious identity, created a strong sense of a glass-ceiling which restricted their opportunities for promotion.

Recommendations

In considering European directives focusing on proportionality and genuine occupational requirement (European Council 2000), alongside the European Convention guidance on religious freedom (article 9) (ECHR 2021) in tandem with the United Nations Human Rights comment 22 (UNHRC 1993) on mutual respect, the following actions are recommended:

1. A change in the law in both jurisdictions to bring schools in both parts of the island under fair employment legislation. This would mean the removal of any practices used in recruitment and selection that allow religious profiling of candidates, unless this is a genuine occupational requirement for a post and advertised as such.
2. The creation of clearly defined designations for schools which give explicit expression to the role of religion within the school. Current designations such as multid denominational, interdenominational and nondenominational are poorly defined and blur the distinction between religious and secular education. In turn this allows religious exceptions to equality law to be extended into contexts which are not expressly religious.
3. Any exceptions to employment law should align with the European directive regarding proof of a genuine occupational requirement and be context specific. The exemptions at post-primary level, for example, may be different from primary or specific posts may be reserved for co-religionists in faith schools but not in other schools.
4. An opt-out from religious activities on the grounds of conscience should be available for teachers in all school-types in order to allow for plurality and proportionality within the system.
5. Governments should seek to proactively recruit a diverse teaching workforce that reflects the changing beliefs on the island of Ireland. This should include efforts to widen the diversity of students recruited to Initial Teacher Education programmes. The continued practise of 'cultural encapsulation' in respect of religious belief is unworkable due to the rapidly changing societal and political context.
6. Finally, all schools should be expected to set high standards in employment practices and create a shared and inclusive working culture where non-religious teachers along with non-co-religionists can have their identity affirmed and valued in a way which allows them to take part fully and positively in all aspects of school life without fear of negative consequences for their employment or promotion prospects.

Abbreviations

BOM	Board of Management
CCMS	Council for Catholic Maintained Schools
CSSC	Controlled Schools Support Council
DE	Department of Education (N. Ireland)
DES	Department of Education and Skills (Ireland)
ECNI	Equality Commission Northern Ireland
ERST	Edmund Rice Schools Trust
ETB	Education and Training Board
FETO	Fair Employment and Treatment Order
GOR	Genuine Occupational Requirement
GTCNI	General Teaching Council, Northern Ireland
IHREC	Irish Human Rights and Equality Commission
NI	Northern Ireland
NICIE	Northern Ireland Council for Integrated Education
RoI	Republic of Ireland
TC	Teaching Council (Ireland)
UNHRC	United Nations Human Rights Committee



INTRODUCTION

This project has arisen out of an interest in the role religion plays in teacher appointments and promotions in the Republic of Ireland (RoI) and Northern Ireland (NI). In both jurisdictions, schools remain exempt from employment equality legislation in relation to religion (NI Fair Employment and Treatment Order 1998; Irish Employment Equality Act 1998-2011 Section 37 (1)). As a result, schools are free to make a judgment on a candidates' suitability for a teaching post on the basis of their religion. In theory this means evidence of religious affiliation could be part of selection criteria, candidates could be assessed at interview in relation to their beliefs and whether they practice their faith, or how they could contribute to the religious values and/or practices of the school. Yet, in both regions, it is unclear how the exemptions are understood and practised at school level. One Catholic school authority in NI claims not to use the exemption. The Chair of the Council for Catholic Maintained Schools (CCMS) in NI has said that: '...despite the fact that the exemption has been in legislation, we have never sought to use it. We have never used it, and we have no intention of ever using it' (Hansard, 2013). By contrast, there is some evidence that schools ask about religion during the recruitment process (Milliken 2018). In addition, certain schools set an expectation in their literature that teachers should participate in the religious life of a school. The Edmund Rice Schools Trust in its Charter (ERST 2013, p. 23), for example, states that all staff are expected to 'promote and exemplify spiritual and moral values and ensure that the school operates according to the religious and educational philosophy outlined in the Charter'. There are concerns though that even where schools do not make religious criteria explicit, the lack of equality protection creates a 'chill factor' (ECNI, 2004) and discourages teachers who do not share the religious background of the school from applying for jobs and/or promotion. The evidence base, however, is not extensive.

Alongside the persistence of the equality exemption, there has been a growing change in the beliefs and attitudes of entrants to the profession (Heinz et al., 2018; Keane & Heinz, 2015; Kieran et al., 2020), not to mention changing beliefs and attitudes to religion in the wider society. While there is limited statistical evidence on the beliefs of teachers in either jurisdiction, there is an indication from Keane & Heinz (2015) and Kieran et al. (2020), that there are an increasing number of teachers entering the profession who are designating as non-religious on the island, which reflects the increase of such people in the populations generally (RoI Census 2016; NI Census 2011). Hence, it is worth considering them as a particular case when it comes to applying for jobs or promotions in religious schools. Indeed, supporting a religious ethos may be particularly challenging for a non-religious teacher and it may be that this group experience particular difficulties in undertaking recruitment and promotion processes in religious schools. In denominational Primary schools on the island teacher applicants are expected to possess a denominational religious certificate but no such expectation is made of Post-Primary teachers, and so the extent to which religion is a feature of Post-Primary recruitment is less clear and less well-known. The focus of this research is therefore ringfenced around Post-Primary non-religious teachers' experiences.

Context

The Post-Primary education sector in the RoI operates a patronage model, the patron body establishes and operates the school, appoints the Board of Management and are responsible for the school's characteristic spirit and ethos. The patron responsibilities are set out in law under the 1998 Education Act. All schools deliver the Post-Primary curriculum determined by the Minister for Education supported by syllabuses, guidelines for teachers, circulars to schools and prescribed material for the examinations. The second level school models are as follows:

Community Colleges are established by the local Education and Training Board (ETB) which is also the sole patron of the school. They are funded by the Department of Education through the ETBs.

Community Schools are established either by one or more private or religious patrons coming together with an ETB patron or as the result of the amalgamation of voluntary secondary and ETB schools. They are funded by the Department of Education.

Voluntary Secondary Schools are privately owned and managed Post-Primary schools, usually under the patronage of an individual body such as a religious community, a charitable trust or a private charitable company. They are funded by the Department of Education. These schools can be fee-paying or non-fee-paying. (Department of Education, 2021a).

The patronage model supports a diversity of characteristic spirit/ethos. However, understanding the lived ethos of a school is complicated due to its fluidity, shared patronage and amalgamations. Traditionally the ETB sector had a Catholic ethos and research suggests the sector is struggling to adapt its ethos/characteristic spirit to the needs of an increasingly religiously plural context (McCormack, O’Flaherty, O’Reilly & Liston 2019). While each school has its individual ethos/characteristic spirit, in order to provide clarity an overall view of Post-Primary schools’ ethos/religion is provided by the Department of Education and Skills. The Department’s 2020/2021 report based on each school’s October returns found that there are currently 730 Post-Primary schools in the RoI. The breakdown of the school’s ethos/religion is as follows: Catholic 344, Multidenominational 210, Interdenominational 149, Church of Ireland 22, Quaker 2, Presbyterian 1, Methodist 1, Jewish 1. Hence, 71% of post-primary schools in the RoI are managed by a religious patron or by a religious patron in partnership with the ETB. (Department of Education 2021b).

In NI, 47% of Post-primary schools are Catholic Maintained or Catholic Voluntary Grammar Schools, 44% are Controlled or Voluntary Grammar, and 9% are Integrated (DE 2019). Controlled schools are described by their sectoral body as broadly ‘nondenominational’ Protestant schools catering for a variety of faiths and none (McMenemy 2017). Protestant churches have reserved positions on the Boards of Governors of these schools and the majority maintain links with Protestant churches through their Assemblies, Prize days and Carol Services. While not ‘faith schools’ in the way Catholic schools are, they can be described as ‘faith-informed’ (Nelson, 2019). Integrated schools define themselves as a sector with a Christian character which deliberately brings together Catholic and Protestant children, and those of other beliefs and cultures to learn together and build reconciliation (NICIE 2010). So, similar to the RoI, the majority of schools in NI sustain a Christian ethos to varying degrees.

In this context of religious schooling there is an absence of research into the experience of non-religious teachers in NI or the RoI when applying for jobs in schools with a religious ethos. This research seeks to address that gap and sets out to hear the narrative accounts of a sample of such non-religious teachers on both sides of the border on the island of Ireland in an effort to answer two key questions:

1. To what extent is religion or belief a factor in the appointment or promotion of non-religious teachers in Post-Primary schools with a religious ethos?
2. How do non-religious teachers experience and manage religious expectations regarding appointments and promotions in Post-Primary schools with a religious ethos?



REVIEW OF LITERATURE

To better understand the experience of non-religious teachers in schools with a religious ethos it is essential to begin by looking closely at equality legislation in the historical context of the island. We highlight some fundamental issues around the construction of the exemptions to equality legislation for schools and this leads us to a consideration of wider literature on the role of religion in schools. We also consider what is known about changing belief patterns and consider what it means to be 'non-religious' in our social context as well as looking at what recent research can tell us about teachers' beliefs, within the changing social and cultural context on the island of Ireland.

Employment Equality in Schools in Ireland

To understand the role of religion in education in contemporary Ireland, it is important to mention how mass education emerged from a context of religious tensions. In the 17th Century Post-Primary schools were established in Ireland by the British Government. The purpose of these schools was to foster the English language, culture and the Anglican religion (Coolahan, 1981, p.52). The Penal laws (1702-1782) prohibited Catholic education while also fuelling oppositional voices. This imposition on a majority Catholic population resulted in rising tensions, which culminated in the 1778 rising. The Government responded by passing the Catholic Relief Act (1782) and attempting to create a multi-denominational school system. However, this was opposed by both Catholic and Protestant clergy. The Synod of Thurles (1850) condemned the state system of mixed education and warned that Catholic students should be educated separately. Furthermore, teachers were to be trained in denominational training colleges (Hyland and Milne 1992 p. 326ff). Catholic influence over Irish education was further strengthened in 1922 with Irish independence from the United Kingdom and the establishment of the Irish Free State. While the new State provided teachers' salaries, they continued to depend on the Catholic Church to provide financial support for schools in which students were educated through Catholic values (O'Flaherty 1992). In tandem the Protestant churches managed their much smaller number of schools with similar State assistance (Peck 1967). The resulting separation on religious lines still impacts today as evidenced by the statistics on current school patronage mentioned in the introduction.

Current employment law allows religious employers, churches and other public or private organisations whose ethos is based on religion or belief to accord preferential treatment to co-religionists. In the case of schools with a religious ethos, it permits preference to be given to co-religionist teachers at interview and allows dismissal if teachers undermine the schools' ethos (Employment Equality Act, 1998-2011 section 37, shown in Appendix 1 below). This exemption has, for example, allowed Catholic Bishops to nominate and have the trustees appoint a cleric or member of a religious order to the post of principal or teacher without a competitive interview in Catholic Post-Primary schools. While the Department of Education have challenged the entitlement of Bishop's to avoid a competitive appointments process (RTE News, 2017), the right to discriminate on the basis of religion remains. Dunne (2015), in reviewing European and Irish employment law, suggests that section 37 affords overly broad exemptions to religious organisations which insulate these organisations from the generally applicable EU grounds of non-discrimination. Furthermore, it is argued that this overly broad interpretation is at odds with the State's own self-professed commitment to equality and freedom of religion in its constitutional provisions and case-law (Dunne 2015). The broad and vague nature of section 37 is partly due to the use of the word ethos in section 37, and this situation has become more confused when The Education Act (1998) introduced the term characteristic spirit rather than ethos. It is understood that characteristic spirit shares many aspects with ethos such as moral, religious, and spiritual values but extends it to include cultural, educational, linguistic, social values and traditions (Section 15 (2) (b) of the Education Act Government of Ireland 1998a). The breadth of both terms leaves them open to wide interpretation and, therefore, potential confusion.

The Irish Human Rights and Equality Commission (IHREC 2014, p. 81) has also recommended that section 37 of the Employment Equality Acts 1998-2012 be amended to protect the rights of access to employment and promotion in the fields of education and health. In the same year, the UN Human Rights Committee criticized section 37(1) at Ireland's fourth periodic examination (UNHRC 2014) and recommended new wording that complies with Article 4 of the European Union Framework Directive (see Appendix 3). Empirical evidence in relation to teachers' experiences of appointments, promotions and the impact of section 37 of the Employment Equality Act is, however, scarce and despite these recommendations there has been no change.

Fair Employment in Northern Ireland

The separation of school teachers by religion, as well as pupils, has been a feature of education in NI from the beginning of the post-partition education system (Akenson, 1973). Following the establishment of the new state in 1921, Catholic authorities reserved the right to control their schools and the Protestant churches won concessions from the newly formed Unionist government which required teachers in state-controlled primary schools to provide a Protestant form of religious education. A conscience clause was subsequently introduced in 1938 that allowed teachers in Controlled schools to exempt themselves from 'Bible-instruction' but separation had already become entrenched. During the era of Civil Rights in the late 1960s, protests against discrimination in employment on the basis of religion was a key part of the campaign, yet when an equality act was achieved for workers, an exception was made for schools (NI Fair Employment Act 1976). The exception was continued in the Fair Employment and Treatment Order (FETO) of 1998 and again as part of European legislation (Council Directive 2000/78/EC). A subsequent tribunal case in 2007 confirmed the right of schools to discriminate in recruitment and promotions on the basis of religion (Debast and Flynn v Dr Malcolmson, Laurelhill Community College and SEELB). For some time, however, there has been an unease regarding the 'teacher exception' to equality legislation (Morgan, 2002) and critics have repeatedly challenged the rationale for the legislation. It has also been the subject of significant political debate (NIACE 2013; Northern Ireland Assembly Private Members' motion 2015), as well as investigation by the Equality Commission (Dunn & Gallagher, 2002; Equality Commission Northern Ireland (ECNI), 2004). Furthermore, when a religious discrimination case was taken against a school in 2010, a fair employment tribunal (Brudell v Board of Governors, Ballykelly Primary School & WELB, 9.i) found in favour of a teacher who was nominated for redundancy on the grounds of her religion. In the report, it pointed out that following an amendment in 2003 the exemption from equality legislation only applies to the 'recruitment' and 'employment' of a teacher and not to a redundancy decision. In short, the narrowing of the legislation in 2003 has created further incongruities in the system.

Religious Schools

The place of religious-foundation schools in education systems is common-place throughout Europe (Franken, 2021) and beyond. The case for religious schools is grounded in arguments around legitimacy, coherence and social benefit. For their advocates, they are seen as a legitimate expression of parental rights (Halstead & McLaughlin, 2005); they provide an internally coherent education as part of an overarching tradition (MacIntyre, 1987); and it is argued they have a track record of producing high-achieving students who contribute positively to their communities (Annette, 2005; Morris 2005).

It follows that if religious schools exist then they can be expected to cultivate an ethos that supports and promotes their particular religious values. This may involve religious assemblies or prayers and

can also include the ability for schools to appoint teachers on the grounds of their religious beliefs, although this is subject to caveats from state to state (Russo, 2009; Vickers, 2009). Meehan (2019) reports that schools with a Catholic ethos, have a right and a responsibility to provide RE in the Christian tradition inclusive of faith formation. Likewise, the Catholic Schools partnership (2014, p.25-26), state that “Catholic schools must provide opportunities for catechesis, for formation in faith in the living God revealed in the person of Jesus Christ”. While Mullaly (2010 p.10) reports that denominational schools should teach the RE syllabus “through the lens of their own religious tradition”. However, as society becomes more pluralist and religious beliefs more diverse, schools may struggle to maintain this cultural encapsulation. Indeed, despite the freedom for religious schools to operate in many countries, they exist within contexts where their arguments for legitimacy, coherence and social benefit are challenged by arguments around plurality, social cohesion, fairness and the common good. One way that these competing interests is balanced is through the principle of proportionality (Vickers, 2009) whereby some favouritism for the school’s religion is permitted so long as these are made proportionate to the context. Factors which should influence judgments around proportionality according to Vickers (2009, p. 156) include ‘the nature of the job and the extent to which religious belief is a defining element, the size of the undertaking, the impact of the requirement on the job opportunities for other workers, the extent to which other employment opportunities are available to potential applicants, and many other contextual factors.’

Perhaps the best-known example of proportionality in practice is the use of the ‘genuine occupational requirement’ (GOR) criteria. The European Directive on employment equality Article 4(1), for example, specifies that any discrimination on the basis of religion should only be admitted for ‘a genuine, legitimate, and justified occupational requirement’. Thus, teaching in a religious school does not necessarily qualify under GOR criteria. In a Scottish case (Glasgow City Council v. McNab), for example, an atheist teacher’s claim of discrimination was upheld when he was not offered an interview for a Pastoral Care role within a Catholic school. The Tribunal found that being a Catholic was not a GOR for the post. Under the EU directive it is necessary to show that a person’s religion is a determining factor in her actual ability to discharge specific duties of her job. In England and Wales, the GOR criteria is applied to a small number of posts in religious schools for ‘reserved teachers’ (School Standards and Framework Act 1998, section 58) but by contrast in the RoI, section 37 allows employers to claim a GOR where ‘it is reasonable to do so in order to maintain the religious ethos of the institution’. Dunne (2015 p.36) notes ‘this standard is far less rigorous’ than the European Directive and leaves non-co-religionist teachers more vulnerable to discriminatory practices.

When is a School Not Religious?

The discussion so far around schools, employment and the rights of teachers assumes a generally agreed notion of a religious school. However, like definitions of religious and non-religious people, the designation of a school as religious or non-religious is complex. As noted in our introduction, almost all schools on the island have a religious influence, but the degree of this can vary significantly. So, this raises a question about whether legislation that applies to schools on the grounds they are religious should distinguish between the degree to which they are religious. As it stands, where there is confusion around the designation of a school’s status there is potential difficulty with how to interpret legislation. Arguably this is the case in both NI and the ROI, particularly in respect of Controlled and ETB schools.

In the ROI the confusion regarding the ethos of ETB schools arises from the legacy of church influence as well as the fact that some are run by the ETB in partnership with religious patrons (McCormack et

al 2019). While ETB schools have in the past number of years been described as inter-denominational or multidenominational, the lived ethos in these schools varies. Traditionally, ETB schools formerly known as Vocational schools had a Catholic ethos and Catholic practises were the norm. In some ETB schools, Catholic practises remain the norm, for example, graduation services which include a Catholic religious service and dominant Catholic iconography (Stapleton 2018). Similarly, research by McCormack et al. (2019) found that Catholic practices were normalised and unquestioned in both ETB designated and undesignated schools, however there were a few exceptions which may indicate some change within the system. Liddy et al. (2019) also reported that over half of teacher respondents in ETB schools were uncertain around the meaning of characteristic spirit / ethos in relation to their sector. Furthermore, teachers frequently found it difficult to articulate their understanding and questioned its relevance and applicability to the ETB sector. The research concluded that the ETB sector does not have a general articulation of its characteristic spirit, which has resulted in many schools forming their own school-specific values and traditions.

In NI, Controlled schools are non-denominational schools with a Protestant Christian heritage espousing 'Christian values and principles' (CSSC 2019). Like ETB schools, the influence of this heritage varies from school to school and can be dependent on the pupil populations and the approach adopted by senior staff. And, like ETB schools, the school assemblies, Christmas services and prize-giving events often have religious aspects and can involve church clergy, usually from Protestant denominations. Unlike Church schools (whether Catholic, Methodist, Church of Ireland or other), Controlled schools have little if any involvement of Churches in their day to day running and do not seek to nurture pupils in Christianity (Barnes 2021). It is possible to say they are religiously influenced schools as a result of their legacy but the presence of religion in these schools is qualitatively different from Church or Faith schools (Armstrong, 2016).

What we have tried to outline is that these school-types are neither fully religious nor fully secular. As such, they are not unlike many other schools in Europe where new social patterns, including plurality and secularising trends, meet traditional religious practices (Bråten 2014). At this interface between the new and old, formally religious schools can be *de facto* secular and public schools can sustain religious characteristics. Using the example of religious education, Berglund (2014) notes that even in countries such as Norway and Sweden which aim to be explicitly non-confessional, the curriculum remains 'marinated' in the dominant Christian tradition. In Controlled schools and ETB schools, religion and education remain inter-twined. Franken (2021) believes that in such contexts the unravelling of religion from schools in countries where the Church has had long-standing associations with education is extremely difficult. Inevitably, these entanglements of religion through education produce significant challenges for policy and law makers. One pragmatic solution involves making clear legal distinctions between school-types. In England, for example, specific schools are identified in law as having a 'religious character'¹ and this allows certain exemptions from equality legislation in the employment of teachers. In our Irish contexts there is no clear articulation of what counts as a religious school, and so the equality exemptions are applied widely, to the extent that they cover almost all schools on the island.

Having considered the role of religion in education in relation to the legal status of teachers and schools on the island, we now turn our focus to the wider social context of religion, belief and non-belief before landing on our research questions regarding teachers, beliefs and employment.

¹ The Designation of Schools Having a Religious Character (England) Order 2019



POLITICAL & SOCIETAL CHANGES

While Post-Primary education remains predominantly denominational, wider societal developments show a liberalising of values and a decoupling of church and state in each jurisdiction to some degree. This is evidenced by constitutional changes in the RoI in relation to the Marriage Equality act (2015), Termination of Pregnancy act (2018) and Dissolution of Marriage act (2019). The public outcry over the proposal to site a new National Maternity hospital in Dublin on the land owned by a religious order² is also indicative of a desire to see a clear state-church divide in respect of future public projects. In NI same sex marriage was legalised in January 2020 and abortion legislation introduced in 2019.

Together these examples paint a picture of secularisation (Bruce, 2002) where the formal influence and legal power of religion, especially in relation to health and marriage, is being weakened or removed. Indeed, the Archbishop of the Catholic Church in Dublin has acknowledged that Christian belief in Ireland has 'for all intents and purposes vanished' (McGarry 2021). It is not surprising, therefore, that some commentators have argued that the next major change regarding the role of religion in public life should be in education (Graham 2021; Lichten 2020) and, arguably, such change has already begun. For example, parental pressure resulted in legislative changes to the Admissions to Schools bill (2018), whereby the 'Baptismal Barrier' which permitted schools in the Republic to give enrolment priority to co-religionist students, was removed³. And relevant to this study on teacher employment, in 2015 the DÁIL passed a Bill that made changes to Section 37 of the Employment Equality Act which made it illegal for religious-run schools to discriminate against LGBT+ teachers on grounds of their sexuality.

Within this section we discuss further evidence of these changes as well as exploring literature on the identity of non-religious people and teacher identity more generally.

Religious affiliation – the rise of the 'nones'

As well as liberalising and secularising trends, there is a notable change in religious affiliation on the island. The last NI census in 2011 showed 10.6% of the population designated themselves as 'none' when asked about religion – a 7% rise from 1991. Since then, in 2018, 17% of respondents to the NI Life and Times Survey stated they had 'no religion' (<https://www.ark.ac.uk/nilt/2018/Background/RELIGION.html>), and when the results are looked at by age, those in the 18-24 category, are the most likely to have no religion.

In the RoI, the Census of 2016, reported 10% of participants identified as No-religion, 9% were of Minority Faith and 3% were Not stated. However, research with 16-29-year-olds in Ireland found 54% self-identified as Catholic, 39% not religious, 5% other religions and 2% Protestant (Bullivant 2018). Likewise, a large-scale European study of 18- to 34-year-olds found, 80% of Irish participants reported they could be happy without a religious belief (Stevin et al. 2017).

Types of non-belief

Looking at the statistics above it may be tempting to see those who identify as 'nones' as a single group but even if they can be broadly categorised as not believing in God or an afterlife and not likely to attend places of worship (Singleton, 2015), drawing conclusions from statistical representations of non-belief is not straightforward. Non-belief can, for example, be masked in statistics by those who designate as religious simply to indicate their religious upbringing, or as a cultural marker (Lee, 2014). Day (2010, p.28), for example, uses the term 'Performative Catholics' to describe those who retain their Catholic identity in order to benefit in some way, or who believe it will give them social advantage or capital. Inglis (2014) identifies 'the disenchanteds' to be people who identify as Catholic yet actively oppose the

² Public lobbying want the Sisters of Charity to transfer ownership to the state, to ensure the state will provide a full range of gynaecological and related services at the hospital without religious, ethnic or other distinction (Ryan 2021)

³ However, minority faith schools were exempted and are allowed to prioritise members of their religion in order to protect their ethos in cases where they are over-subscribed.

Church. Thus, there are those who belong but don't believe (Hayes and McKinnon 2018), and those who sometimes believe but on other occasions describe themselves as having no religion (Hackett, 2014).

Silver et al (2014) argue that non-belief should be seen as a 'cultural fact' in the same way as religion, and not requiring any juxtaposition against other cultural elements to define its existence; 'decentring' atheism from religion allows non-religious people to be non-religious in their own right and on their own terms. It also challenges stereotypes of non-believers as aggressive and confrontational anti-religionists. Indeed, with women over-represented in the teaching profession it is noteworthy that in a study with 20 self-identified atheist women from the UK (England and Scotland), Australia, the US, and Poland, it was reported that female atheists may remain quiet about their views, not wanting to offend others. Trzebiatowska (2018 Art.2 p.9) believes "the atheist women's way of being-in-the-world is infused with empathy, relationality, and aversion to imposing their worldview on others". While this too is a stereotype if it is considered to apply to all female atheists, it is nonetheless an illustration that people express their non-belief in different ways. Therefore, for qualitative research projects, such as this one, which seek to learn more about people who are not religious it is essential that the language used is as inclusive as possible. For this reason, the broad term *non-religious* was employed throughout the project and adopted in this report but it is acknowledged that this is one of many possible terms⁴ and participants were given an opportunity to explain and outline their own narrative around how they self-identity.

Teachers, religious identity and employment

As a result of the school systems in both jurisdictions being significantly influenced by religious values and practices, teachers can find themselves, broadly speaking, in one of several situations:

1. The religious beliefs and values of the teacher correspond to the religious ethos of the school; these are **co-religionist teachers**.
2. The religious beliefs and values of the teacher are different to the religious ethos of the school; these are **non-co-religionist teachers**. (In NI where the population and schools are commonly characterised by a Catholic / Protestant divide, a non-co-religionist teacher has elsewhere been described as a 'cross-over' teacher (Milliken et al., 2019)).
3. The non-religious beliefs and values of the teacher contrast with the religious ethos of the school; these are **non-religious teachers**.

In NI the Department of Education do not produce statistical data in relation to religious affiliation of teachers, but a survey of over 1600 teachers carried out by The Equality Commission (2004) showed high levels of co-religionist teachers in schools. 85% of teachers in Controlled schools were Protestant and 98% of teachers in Catholic Maintained schools were Catholic. Milliken et al (2019) have proposed that the educational experience of many teachers could be described as 'cultural encapsulation'. This refers to the separation by religion that occurs in most Primary and Secondary levels of education and is extended into Third level for those who train to be teachers in institutions that are also religiously separated. These teachers then return to schools to teach in the sector of their upbringing. Such cultural encapsulation is also a significant feature of Catholic teachers in the RoI. Keane & Heinz (2015) found 95% of Post Primary student teachers are white Irish. While Devine (2005, p.53) reports "members of the teaching profession tend to be white, Catholic and sedentary, and therefore very much embedded in the life world of the dominant ethnic group in Irish society". Research by Kieran et al. 2020, among 900 Initial Teacher Education and social science students from a variety of secular and religious tertiary institutions in ROI and NI, reported high levels of religious self-identification among students (79%).

⁴ Silver et al (2014) identified six types of non-belief: Intellectual Atheist/Agnostic; Activist Atheist/Agnostic; Seeker-Agnostic; Anti-Theist; Non-Theist; Ritual Atheist/Agnostic.

The report also found students felt coerced to conceal or change their religious or belief perspective in third-level lectures or assessments to conform with the religious view or beliefs of lecturers in order to gain a good grade. In particular, students reported a high degree of discrimination and a level of hostility to the religious or belief 'other'. Atheists, Buddhists, Christians and Muslims, among others, were cited as perceived targets of discrimination. This indicates that student teachers recognise the need for religious conformity.

Turning to the religious identity of teachers in relation to employment there is some similar evidence of religious role-playing. Heinz et al (2018) found that Primary teachers in the RoI who are non-Catholic may feel a need to hide their beliefs or falsely represent their beliefs at interview in Catholic schools and throughout their working life in order to gain employment and have any chance of promotion. However, there is a lack of research on the Post-Primary teacher experience.

Hence, the focus of this particular research is on those Post-Primary teachers who do not fit within the 'cultural encapsulation' framework. Nor do they fit within a 'crossover' model which focuses on those who teach in a school sector which is different from the one in which they were raised. Those who are non-religious, whether from childhood, or because of losing their faith or resigning church membership, do not fit easily within either of these models and up to now their experiences have only been investigated in a limited way.



METHODOLOGY

To answer the research questions the researchers chose to gather qualitative data from a sample of teachers in both jurisdictions. As explored in the literature review, those Post-Primary teachers who are non-religious may lack formal protections against discrimination in employment on the basis of their beliefs.

The researchers recruited Post-Primary teachers who self-identified as non-religious and had experience working in a school with a religious ethos. Initially, a number of established humanist organisations and social network groups were contacted. However, it proved challenging to find participants and the researchers asked the organisations to re-advertise. Furthermore, the communications office in Mary Immaculate College, Limerick was also asked to advertise the research project on their platforms. Snowball sampling was utilised, whereby participants were asked at interview if they had colleagues who may be interested in participating in the research. This enabled a wider reach to participants who were not members of non-religious groups or social media followers. Where applicable, permission was sought from the organisation and/or network gatekeeper to share an invitation to become involved in the research. The research was advertised between June and August 2020. The criteria for selection shared in the invitation were: a non-religious worldview and experience of teaching in a Post-Primary school on the island of Ireland which had a religious ethos. In total, 15 participants were interviewed five from NI and ten from RoI. When interviewed, 14 were currently teaching and one had left the teaching profession. Due to the restrictions of Covid 19 video-call software was used to facilitate the interviews.

The project received ethical approval from the SSESW Ethics Committee of Queen's University Belfast.

Table 1 Participant Profile

Participant		School-types experienced	Non-religious descriptor	Subject
# 1	NI	Controlled; Catholic	Atheist / agnostic	English
# 2	NI	Voluntary Grammar; Catholic	Atheist	IT
# 3	NI	Voluntary Grammar; Catholic	Non-believer / non-religious	Mod Languages
# 4	NI	Controlled; Voluntary Grammar	Atheist	Technology & Design
# 5	NI	Catholic Voluntary Grammar	Non-religious, Non-practicing Catholic	Physics
# 6	Rol	ETB Inter-denominational (ETB+Catholic patron)	Pagan	Music
# 7	Rol	ETB Inter-denominational (ETB+Catholic patron)	Atheist	English
# 8	Rol	Voluntary secondary school (Church of Ireland patron); Community College (ETB+ Catholic patron)	Humanist	SPHE; English
# 9	Rol	ETB Inter-denominational (ETB+Catholic patron)	Atheist	Music; History
# 10	Rol	ETB Vocational School (ETB sole patron); Voluntary secondary school (Catholic patron)	Atheist / Humanist	Computer programming
# 11	Rol	Voluntary secondary school (Catholic patron)	Non-religious, Non-practicing Catholic	Business Studies
# 12	Rol	Voluntary Secondary school (Catholic patron)	Non-religious, Non-practicing Catholic	Modern Languages
# 13	Rol	Voluntary Secondary School (Catholic patron)	Non-religious, Non-practicing Catholic	Maths
# 14	Rol	Community College (ETB sole patron)	Atheist	Maths
# 15	Rol	Community College (ETB+ Catholic patron)	Atheist / Humanist	RE / Maths

Data Analysis

All interviews were recorded online and transcribed and then uploaded to NVIVO 12 computer software. Thematic analysis as described by Braun & Clarke (2006) was used to analyse the data. NVIVO 12 enabled a data trail to be completed.



FINDINGS

The findings are discussed below under four main themes. The first, **religious factors in teacher employment**, shows the significance of religious factors in the application and interview processes for standard teaching posts. The second, **managing expectations**, shows how non-religious teachers respond to these factors. In the early part of their careers our teachers were generally managing these expectations as temporary teachers who move between jobs and navigate short-term contracts. Our third heading is **career progression** where we report on the experience of non-religious teachers as they establish themselves or seek career advancement in religious schools through the promotion process. The final theme in our report is **another way**, where our participants shared their opinions on ways in which they would like to see the challenges faced by non-religious teachers in religious schools addressed.

Religious factors in Teacher Employment

A primary purpose of this research was to establish the extent to which religion or belief is a factor in the appointment of non-religious teachers in Post-Primary schools with a religious ethos. In this section we look at three sub-themes firstly: religious profiling in application forms and interviews; secondly, religious factors beyond Catholic schools; and thirdly the significance of the job market.

Religious profiling in application forms and interviews

From our sample it was clear that overt methods are used to profile candidates by religion or by their sympathy to a religious ethos by schools across the island. These methods are evident in job application forms and in the questions asked during the interview process. As previously noted, the legal basis allowing discrimination in appointments on the basis of religion is maintained in both parts of the island in separate equality exemptions, and the evidence presented below shows that it is usually Catholic schools which make most use of this freedom.

The requirement for explicit statements of acquiescence or conformity to religious values was mentioned by almost all our participants who had formally applied for posts in Catholic schools:

There was a box on the application form that was just a tick box that said, "Are you willing to uphold the catholic ethos of the school?" (P 1)

In another application, more was required.

...the application asked for a reference from a parish priest and it was, you know, you had to state the name of your parish priest, giving contact details and so on. So, I remember getting to that stage of the application form, setting it down and going, "Well, I can't go any further with this because, you know, if I could get a parish priest to lie for me, I would assume that's not much of a parish priest, and if I submit this without that, well I'm going to be ruled out". (P 1)

And several candidates noted how they had been asked to give the name of their Primary or Secondary schools on the application form or at interview, which they felt was an indirect way of checking their religious background.

I was asked about religion so there was actually a priest on the panel because he is on the board, so there were questions about religion, the school that I went to, what was the ethos of that secondary school. (P 12)

In addition, questions about the extent to which candidates would uphold the religious ethos were a common feature of interviews for Catholic schools:

*One school asked me would I be happy to lead prayer, that kind of thing, if it was in maybe assembly or something like that, and the other.. (Pause) I think it was would I be happy to teach like in the Catholic faith, with that kind of tradition in the school.
(P 11)*

These factors are known and have been reported previously. As one participant noted, they are an inevitable consequence of the position of authority Churches hold in relation to education in Ireland:

it's the system, it's 100% the system, our government, successive governments, our culture, our traditions have outsourced education and healthcare and a lot of other things to religious bodies and that gives them an awful lot of power, an awful lot of power, absolutely huge amount. (P 7)

What is interesting however were those situations where religious elements were at play in interviews in more hidden ways, although candidates sometimes only recognised them after looking back on the event sometime later. Interestingly these assumptions worked both for and against candidates.

One candidate admitted to doing a poor interview, even failing to answer a subject-related question correctly, but felt that in the end he was appointed to a Catholic Grammar school in NI because of his background profile which included a Catholic education:

I've been the recipient of unconscious bias, massively, you know. I walked into [school] for that interview, you know, you look at my application form and it says [Catholic school], right? Big tick. They do this, I mean, it's unconscious, but sure, they go, "Big tick," [Irish name], "Big tick," studied Irish, "Big tick," it fulfils almost like a tick box criterion. So, I know that I've availed of that, that is wrong, right? (P 5)

So, we can see from our participants that, in Catholic schools where religious factors are an explicit aspect of job applications and interviews, candidates are expected to demonstrate a commitment or sympathy to religious beliefs. The level of commitment seems to vary. At the highest level are those schools requesting clear examples of personal religiosity and active participation in parish life. At a slightly lower level are those schools which ask for applicants to consent to attendance at acts of religious devotion/ worship as part of school life. And at a basic level it is a tick box exercise where candidates declare acquiescence and support for the religious ethos of the school.

Religious factors beyond Catholic schools

By contrast to the Catholic schools, north and south, who often used explicit methods to gauge a candidate's religion or sympathy to religious values, job applicants in this study were not asked about religion in applications or interviews in other school types – ETB; Controlled; Church of Ireland; Voluntary Grammar. What is notable nonetheless, and less reported in previous literature, is that even in schools where there was no querying of religious affiliation or support for such in application forms or interview questions, the influence of religion remained significant for the employment prospects of teachers.

As noted in our literature review, the ownership and management of schools in both parts of Ireland is complex and shaped by religious influences. There are those schools which are undoubtedly faith schools as they are owned and managed by religious patrons. However, there are also those which are not religious-foundation schools yet have a religious culture as a result of an historical legacy or as a result of senior staff promoting a particular religious perspective as part of the contemporary culture of the school. The schools which fit into this category typically tend to be some ETB schools in the South and Controlled schools in the North. A number of participants noted that the lack of clarity around the role of religion in these schools allowed senior staff to impose a religious ethos on the school if they wished. One noted for example that some Community schools and ETB schools which are described as multi-denominational in the South have 'a Catholic ethos' and that this 'filters down from the principal and management'.

I find it very, you know, they describe themselves as being multidenominational with I think an overarching Catholic feeling..... Marching kids down to the church and the attitude of the religion department, as they've said before, is, 'Well, if we lose this that's it, it's gone'. This is the one time that they have to kind of, you know, continue on with the Catholic doctrine in the church. (P 9)

Similarly, both teachers who had experience of Controlled schools in NI spoke of the strong influence of Protestant evangelical Christianity in the school, although this was promoted indirectly by senior staff through, for example, inviting local churches to take assemblies, RE classes and after-school activities:

they brought in a lot of youth groups that would be quite fundamentalist and things like that, and they would have been involved in non-curriculum days and things like that. That in hindsight when I look back was more of a community thing. There was a very big church and it was just up the road, and they would have been very keen with their outreach. The school I think just sort of maybe took advantage of that (P 1)

Hence teachers employed in schools which are not nominally religious may also be impacted and expected to participate in religious practices if senior staff adopt and support a religious ethos.

The significance of the job market

In relation to the job market, the majority of beginning teachers start on temporary or probationary contracts, therefore their first months or years become a protracted form of job application in which they are under daily scrutiny regarding their suitability for a permanent post within a school. This characteristic of the job market has been known for some time in NI (Abbott et al., 2009) and formal confirmation in post (CID) is a 2-year process in Rol (Department of Education and Skills 2015), but the precarious nature of employment for early career teachers has not previously been linked to the exception of teachers from equality legislation in any evidential way.

Many of our participants were initially employed as substitute teachers or on a short-term contract where a formal application and interview process were not needed. Eleven of the fifteen participants interviewed described how they initially did substitute work, part-time, maternity cover or temporary contracts when starting their teaching careers.

I needed the job at the time, they needed someone to step in last minute (P 7)

As a result, the first months or years of their time in the school was like a protracted assessment of their suitability for any future post. And this assessment of their suitability inevitably included religious factors.

Thus, while applicants may find no religious barrier in the formal application or interview process in some schools, their subsequent experience of teaching in the school may reveal hidden assumptions, as Participant 1 found during her time in a Controlled school:

It's not overt on the application, I mean there was nothing particularly stood out there. But I have to say it was very much... I remember mentioning when I was on playground duty to a teacher I'd become friendly with that I was an atheist and he said, "Don't say that in here". (P 1)

And as a result of such assumptions and expectations, several participants explained that they did not apply to stay in the school but chose to move on. One interviewee, Participant 6, reflected on several experiences in an ETB school where, as a music teacher, she was asked to participate in a range of religious services and celebrations which made her deeply uncomfortable. Consequently, she decided not to take up the offer of a permanent position when it was offered. This also evidences what could be referred to as a 'chill factor' (Dunn & Gallagher, 2002). This phrase was used by Dunn and Gallagher to explain the reluctance of Protestant teachers to apply for Catholic Schools and vice versa for Catholic teachers in NI. Our evidence shows that the chill factor is not just experienced by those from the opposite side of the religious divide in NI but is felt by teachers across the island of Ireland who do not share the stated beliefs or values of the school which is recruiting. Further, the chill factor is not just experienced by those on the outside looking in, it can also develop during the time spent in a school on short-term contracts. Establishing this link between insecurity of employment and the role of religious factors in teacher recruitment is significant as it highlights how disadvantage can be increased as a result of the intersection of these two elements. Religious factors can play a sustained role in employment opportunities and not just in Catholic schools but also ETB (RoI), Controlled (NI) and Voluntary Grammar (NI) schools, even if they choose not to include questions about religion in application forms or interviews. As one participant noted:

'If you want to stay in Northern Ireland and you want to teach, you don't go into this blindly. You know, the employment situation is difficult. You're going to struggle to get a full-time job and you're aware there very much is Protestant and Catholic schools still, that's how it is, you know.' (P 1)

Clearly, there are significant barriers to be overcome when non-religious teachers seek employment in post-primary schools on the island of Ireland.

In summation, the evidence shows that religious factors are certainly at play across a range of school-types though with significant variation, particularly in expectations around religious commitment and the manner in which this information is garnered. The evidence shows that there are several ways in which candidates are screened or profiled in relation to their religious beliefs. Some are part of formal systems of application and interview while others are less obvious, but no less real, for teachers who feel they are judged by their lack of religious belief. Moreover, temporary and probationary employment contracts resulted in a protracted assessment period. During this period teachers reported experiencing a chill factor and a need to conform to the religious norms and practices within the school in order to secure a permanent contract.

We can say then that, despite claims by some that equality exemption is not exercised in school appointments, the effects of Section 37 (RoI) and the Teacher Exception clause (NI) are experienced by non-religious teachers in the appointments process. In the next section we look at how teachers manage these obstacles, especially for those who are in temporary posts, and the implications of these expectations on their identity and sense of agency.

Managing Expectations

The second theme addresses how after taking up a position in a school, teachers managed expectations. The theme is underpinned by five subthemes, namely: school expectations, conformity and dissonance, ethical conflicts and finally challenging the school's religious norms and practices.

School Expectations

Teachers reported there were expectations for participation in religious acts of worship or the promotion of certain beliefs and values in the curriculum. One participant in a Catholic school summarised her school's expectations: each teacher supervising their own class during school masses, saying a prayer at the start of class and participating in prayers or lighting candles during staff meetings. She found all of these uncomfortable but felt unable to opt-out from them. For some of the teachers these expectations were a surprise and they had not been prepared for them as a result of their initial teacher education either.

I think there's a lot of... well, lack of – ignorance really. I wouldn't have known, like when I applied for that job, I was just, "Oh great, here's a job". I would never have known all those little things that were attached to it, all those issues. I wouldn't in a million years have known what was to lie ahead. (P 3).

For one teacher,

'It was like I'd fallen through a hole in time back to the 1970s', a time when conformity to religious ideals was taken for granted. (P 10).

While another teacher spoke about how when she started working in the school she had been surprised by the predominant Catholic iconography and the expectation to engage with faith formation practices in her school.

When I went into the school first of all, there was actually an altar set up just inside the door. Now, as I said it is a Catholic school, but there are students from different religious or even non-religious backgrounds, so it is strange to still be seeing that in my opinion in 2020. (P 12)

Of course, any new teacher is likely to experience a period of disorientation and adjustment as they adapt to a new working environment and try to establish effective working and personal relationships with colleagues and students. For our participants, however, this period of adjustment into their new contexts were made more challenging. Finding themselves as non-religious people in a religious environment made the majority of them feel that they were outsiders and they worried about how that would be perceived. The common view was that if they did not conform it could undermine their chances of being re-hired or it may result in their job contract being terminated. This was summarised by one teacher simply as a need to maintain the status quo:

I think it's just falling in line with the done thing and what happens. And sometimes I think you don't have a choice but to maybe step in line and follow religion a little bit (P 11)

There was some confusion evident regarding the ethos in some schools, one teacher in an ETB Multi-denominational Community College described her school's ethos as follows:

Well, we are multi-denominational, with I think they call it a Christian ethos. So, they would celebrate lots of things, but there is very much a focus on Catholicism. They would celebrate other things as well, but I always felt the focus was very much we celebrate Christmas a lot more than the other celebrations, and we have a carol service and advent and there is a graduation mass. So, at the graduation mass there would be prayers and there would be representatives from other religions, but the focus would be quite Catholic. (P 14)

This sense that there was an expectation for teachers in religious schools to sustain the status quo was shared by the majority of our teachers; others, for example, spoke of the need to 'toe the party line'. (P 13) Going further in our analysis of the data we were able to see a range of responses to this pressure to assimilate. The responses included: conformity and feelings of ethical conflict. By contrast, as we will see later, there was a small minority who countered the pressure to assimilate and challenged the status quo.

Conformity and Dissonance

Faced with the day-to-day reality of being a non-religious person working in a religious environment the majority of teachers chose to conform, suppressing their personal views.

Some described how they managed expectations by acting or playing a role rather than being themselves. One participant described how difficult he found this as an educator. The connection made between hiding his alternative beliefs and educating is interesting and could be understood as out of step with current educational endeavours to develop students as critical thinkers, capable of embracing difference and making informed decisions.

I think I see it as playing a role, playing a game, you know, like an actor that's been asked to step outside their beliefs for a role type thing. But it is, it's awful because, again, I'm an educator and it's not in our nature, you know. (P 1)

Participant 3 described how she had played a role by praying in a Catholic Church, and similar to participant 1 she also experienced personal discord.

Yes, I sort of felt as if, "Oh my goodness this is sacrilege, how can I get up in a chapel and say a Hail Mary and I'm not a Catholic? And, yeah, I'm just playing a role". Yeah, it did sort of – there's a lot of existential questions in there, you know, like what am I actually doing? Who am I? (P 3)

The dissonance experienced by this participant was evident in a number of other participants' responses who articulated how the need to conform to religious expectations impacted on their personal identity, such as a participant who had worked as a music teacher in both Primary and Post-Primary schools with different patrons including the ETB and Voluntary sectors.

Well, I had to compromise my identity. I had to prepare children's music for mass, communion, confirmation, St Patrick's Day, all these things that really irk me, you know. (P 6).

Teachers also spoke about their attempts to hide their non-religious identity with other staff members and particularly school management. Some spoke about being fearful of negative consequences if their non-religious identity came to light. A teacher who worked in a Community school explained how she side-stepped questions in order to hide the fact that her own children had not been brought up as Catholics. Ultimately these diversionary or role-playing strategies were felt to be necessary for gaining or maintaining employment. The extent of the role-playing was revealed by Participant 1 who explained,

'I have to play along. So much so that I've even been... the school does a trip to Knock as part of the Pope John Paul Award and, again, trying to sort of ingratiate myself, I said, "Oh, I'll go," on this pilgrimage to Knock and again had to play along with all of that.' (P 1)

More often though, the pretence of faith related to attending church services or saying prayers. After a year in a post, one teacher explained that she had to undergo a second interview. At this interview she explicitly expressed her support for engaging in faith formation practices which was at odds with her identity but necessary to maintain her post in the school:

We do have to get involved in going to church and bringing the kids to confession and things like that as well, and it was mentioned again in my second interview, for the second year, just how I felt about bringing the kids down to the church and I kind of felt I had to say oh it is great, I want the job, going to church is great with the kids. But I mean it is something I wouldn't feel too comfortable with as a non-practising Catholic, I haven't been to church in a long time, besides with the school. (P 12)

Ethical Conflicts

Going beyond issues of identity or affiliation, teachers revealed that they had experienced particular difficulties in relation to their moral beliefs around sexual orientation, abortion and Relationships and Sexuality Education which clashed with their schools' values. One teacher spoke of her distress when she had shown a video on abortion which was at odds with her beliefs and how she had felt she had no option but to show it because of her status in the school as a newly qualified teacher.

I hate thinking of this to this day. In my first-year teaching, I showed them a video on abortion, which was very Catholic and very anti-abortion, because the chaplain said, "This is what we show fifth years." And it was horrendous... And it was the whole like making abortion sound like the most barbaric, horrendous – like it was the real – you know them videos that I'm talking about... And I've never shown it since and it still makes me go, "I showed a group of senior students that video and that was so wrong." (P 15).

The teacher states that she never showed the video again, however it highlights the vulnerability felt by newly qualified teachers in openly expressing and living out their particular values.

Another teacher explained how she dealt with differences she had with her school's ethos:

most of what happens is you suppress your own personal views in order to get by. (P 13)

Another teacher spoke about her difficulty over an incident which had occurred regarding negativity towards members of the LGBT community.

*..... I felt nearly sickened at that stage because I had nearly just toed the party line forsaking my own like, you know? It was just the most ironic thing because I have so many gay friends. And at that stage there was sort of like a rude awakening almost.
(P 3)*

A teacher in an ETB college also had difficulty with his colleges' attitudes toward sexuality as he felt the religious teaching promoted 'the repression of normal human sexuality'. Like other examples above, this teacher suppressed his own beliefs but eventually he chose to speak out:

I kind of put up with it until about 2012 and at that stage I kind of had enough (P 10)

In our sample these conflicts over ethical matters were more pronounced in the interviews with teachers from the RoI.

A teacher explained how in her Catholic school there was no support for LGBTI Awareness week. She also felt the need at interview and with her colleagues to hide the fact that her Masters research project had focused on gender diversity.

*Whenever somebody has asked me in the school what I did, I just say gender in schools.
And they presume I just mean gender norms or school uniform, rather than gender identity and diversity. (P 12)*

It is maybe, the case that the rate of change in societal attitudes and practices are differentially reflected within the school system. This leads on to the next section which addresses teachers' perceptions and experiences of the consequences of not conforming to the school's norms and practices.

Challenging the Schools' Religious Norms and Practices

We can see above that, on the whole, non-religious teachers feel the need to hide their identity and beliefs at interview and this continues into their teaching career, particularly at the start of their careers or when on a short-term or temporary contract. In our data there were, however, a few teachers who did assert their agency by non-compliance or through challenging expectations.

One teacher (P 15) described how she had spoken out about the inappropriateness of a Catholic service in a Community school in the RoI which had high numbers of non-Catholic students but was told that while a certain religious Brother was on the board there would continue to be a service. However, while this teacher's challenge was unsuccessful, she had more agency in her classroom and described how her classroom did not have a religious atmosphere compared to others.

*Well now I have to say we've had a change of Principal three years ago, and before that it was compulsory to say the morning and afternoon prayer at the beginning of class.
OK, so but I never said it. I just said no, I'm just not saying it. Then we got put under pressure at times, you know. And it was like we were going to get inspections to see if*

we did it. So, I used to do: 'OK boys we'll all take a moment there of silence for our own special wishes' or you know, 'just to gather our thoughts'. I would never encourage them to pray for one religion over another. (P 15)

This finding is interesting in that it shows how a teacher can still exert agency even if they are unable to create change within the system.

One other example of how agency is exerted is through collective action. A teacher spoke about how a collective approach which was supported by permanent experienced teachers brought about changes to religious practice. It is noteworthy that the survey was anonymous.

I suppose at the end of every school year we give feedback through a survey, so there were some objections made through that, and then one or two stalwarts in the staff room were quite open and they were just like we don't need a prayer! And so, it was changed – sometimes it is a poem, sometimes it is a reflection. So yes, it is quite an open school that way, that feedback will be taken quite openly around stuff like that. (P 14)

Only in a minority of cases were we able to identify teachers who were confident about expressing their religious identity. One was an experienced teacher working in a Voluntary Grammar school in NI who was applying for a promotion in a Catholic Voluntary Grammar school. His case will be discussed in the section on career progression below, but it is notable he had job security, whether he was successful in the new job application or not, so had nothing to lose in being open about his non-religious beliefs. A second was a teacher in a Church of Ireland school in the RoI who explained, 'while I would respect the ethos of the schools I have been in, I would never pretend to have faith'. Indeed, she shared how she had been supported by most of the school staff in having a humanist wedding ceremony in her school.

There was definitely a couple of raised eyebrows and a bit of 'oh, should that be allowed here?' about the humanist wedding ceremony. It was in what used to be a chapel, it had become a dining hall and another chapel had been built since, but I think the chaplain who had been there when I first started, who has since retired, he was quite ... I think he was a bit upset about it, actually, which I was a bit upset about because I would never have wanted to disrespect anything, but he didn't say anything to me and he didn't request that anything was changed and, you know, we went ahead and, you know ... but that was maybe, I suppose ... I wouldn't say negative because everybody was by and large very supportive, even curious, to be honest, you know, about how things would be, and ... but that was maybe just a little bit awkward, I suppose. (P 8)

By sharp contrast, another teacher spoke about how when he challenged the dominant Catholic iconography in his ETB College, the consequences he faced were substantial and resulted in severe personal stress, legal action, and the need to move to another school. He described the reaction by his colleagues to his challenge as follows:

"I think to be quite honest, there was a sense of madness around the place at the time, the sort of "we must defend our culture kind of thing". (P 10).

While another teacher spoke about her inability to continue to support Catholic school practices, which resulted in her ending her teaching career. Her decision not to accept a permanent post meant economic difficulties ensued.

So not only does it dislocate you in a career way, but socially as well, because there are economic results..... I could have got a mortgage with that job, you know, and I don't have a mortgage. (P 6)

Hence teachers who challenged the status quo had different experiences, for some there was no consequence or change while for others there was support from management and change occurred. In extreme cases, however, the consequences resulted in teachers deciding to end their teaching career or having to move to another school.

Similar to the experience of teachers during the application/interview process, the effect of Section 37 and the Teacher Exception legislation that legally entitles schools to discriminate on the grounds of religion exerts an influence over the culture of employment and the experience of professional life, especially for early career teachers. A number spoke about how it had a silencing effect on non-religious teachers:

If I know that I could lose my job for standing up for what I believe in, I would just probably not say that much! (P 12)

I would like to actually be a lot more outspoken in general about it and, you know, not feel such a hypocrite, but I'm also mindful, you know, you don't bite the hand that feeds you either (P 1)

Inevitably there was frustration with the legislation:

it is not acceptable in this day and age to have a law that discriminates against people who aren't Catholic. (P 12)

It definitely should not influence the choice of the educator, especially in post-primary when it's your subject knowledge and it's your managerial experience and ability. To think that your faith would have an influence over that is ridiculous in my mind. It's nothing to do with it, completely separate. (P 4)

In summation, on beginning jobs in religious schools many of our participants were both surprised and disorientated when they realised the extent of the school's religious ethos and how it would impact on them personally. In the main, teachers explained how they managed expectations to conform to the school's ethos by remaining silent about their non-belief and conforming to expectations which included participating in faith formation practices. However, participants described how this caused dissonance and feeling their identity was comprised. Ethical conflicts also arose for teachers particularly in relation to their moral beliefs around sexual orientation, abortion and Relationships and Sexuality Education which clashed with their schools' values. The need to manage religious expectations was described by teachers in Catholic, Community, ETB, Controlled and Voluntary Grammar schools. Teachers who exerted their agency reported a range of experiences, the teacher in the Church of Ireland school had a positive experience and felt confident in expressing her non-religious identity. However, for others

the consequences were different, and they faced opposition from both peers and senior management, which resulted in one participant needing to move schools and another leaving the teaching profession.

Career Progression

So far, we have found that the religious environment in schools has a significant influence on non-religious teachers' experience of employment, from the initial application and interview to subsequent periods of temporary employment or probation. We will now turn to a related area which was explored with the participants: longer term career progression and promotion. In this section we will explore the experience of non-religious teachers who have had periods of secure and stable employment in a religious school to understand how they sustain their career in a school, even though they don't share the religious values. This theme is supported by three subthemes namely: benefits, relationships and promotion opportunities.

Benefits

To begin it is important to highlight the positive reasons why some teachers stay. One non-religious teacher suggested that despite differences of belief she had experienced a welcome which had endured during her time working in a Catholic school:

It was one of the most welcoming places I've ever been. I could feel the atmosphere. It was palpable as you walked in, and I mean that. And that has stayed with me to this day. Now I know that there are so many cracks below the surface and things aren't always perfect. But there was that, definitely that welcome and that feel of community. (P 3)

Another teacher had clearly weighed the potential cost-benefit outcomes of being a non-religious teacher in a religious school and concluded that the positives were stronger:

For me, when I took the post, I knew there was a bit of a trade-off, I was going into a very good school that I knew was, if I was going to be there for five/six years, I could be there for the rest of my life, I can use it as a stepping stone to go elsewhere, I'll play the game, and I'll happily play the game, you know. To me, tradition dies hard, and their traditions are entrenched in whatever it is, so I'm not going to go in and necessarily ruffle feathers. (P 5)

The data shows, however, that most non-religious teachers were not so positive and experienced challenges in developing a strong professional identity in religious schools which would allow them to flourish and grow into leadership and management roles. Teachers spoke more often of discomfort or feelings of being an outsider, even after many years in a school, and this was most manifest in the guarded relationships they had with other teachers, school leaders and pupils.

Relations with Peers

Teachers spoke about their experiences and relations with peers. The atmosphere in some staffrooms caused non-religious teachers to, at times, feel judged. One woman described her experience as a young unmarried expectant mother:

I do remember sort of in the staffroom and at various places sort of talking about my partner and maybe how long we'd been together and how it wasn't like some one-night stand or whatever, do you know what I mean, just kind of almost justifying it. (P 7)

Other examples included being under suspicion of undermining school values and being pressured to stop expressing non-religious views.

Over time it had resulted in some non-religious teachers feeling the need to withdraw and one participant explained that,

'It kind of affects their [non-religious teachers] own chances of promotion or their own chances of, I suppose, involvement in everyday school life.' (P 13)

However, the experience of teachers varied. A teacher in an ETB school described how she felt supported by peers in her staffroom when she had actively campaigned during the referenda in support of both marriage equality and repeal of the eighth amendment in the RoI.

Well, for Marriage Equality I was very vocal, I had a bumper sticker and I had been out canvassing a lot and we'd been doing a lot of kind of, you know, street events in the town so I was very vocal, very active during that.....I mean in the staffroom I think it was a bit of a no brainer there was very few people who were anti, most people were pro
(P 7)

Nonetheless, most participants chose not to be vocal and instead had a few peers on staff whom they trusted to share their personal beliefs and non-religious identity with rather than with all staff.

Relations with senior Leaders/Managers

We could see across the participants broadly three ways in which non-religious teachers interacted with senior leaders: those who hid their worldview, those who revealed their non-religious position (either quietly or openly) but who withdrew from aspects of school life and those who found themselves in some conflict or tension with senior staff over values and beliefs.

Our evidence shows that the desire to hide their non-religious identity was not just characteristic of early career teachers but often continued to be part of some teachers' relationships with senior staff even after many years. One participant who had taught in the same school for 21 years said: 'I would never express my own views' (p15) and another reflected, 'my principal probably doesn't know I am atheist, and I have known him 20 years!' (P 14).

The fact that this put a distance between these teachers and senior staff could be seen in how participants described those who were close to senior staff, which they believed usually included shared religious interests:

I don't think that's just a professional front for them. You know, you can tell, they'll talk about things like what the priest was saying at mass or, you know, or they'll mention, you know, that they were on the live stream for their local chapel while they've been off for lockdown and so on. (P 1)

We had a deputy principal, a new deputy principal hired a couple of weeks ago, and her uncle is a priest, and she would be somebody that would actually go to mass weekly with the principal of the school, so I mean maybe that had something to do with it, maybe it didn't? (P 12)

Even if these are only perceptions, they do have consequences, as we will see below when looking at how non-religious teachers engage with promotion opportunities.

The second type of relationship with senior managers was one of acquiescence, where some teachers did what was asked of them by school leaders in relation to attending and supervising students' participation in religious activities but found ways to avoid personal involvement:

Where we have a Mass at the start of the year, I would sort of very quietly maybe say to the Pastoral VP, "I'm just going to stand back". (P 4)

These teachers saw the expectation they should take part in this way as a reasonable outworking of the fact that they were employed in a religious school. Participant 4 went on to say, 'I can see their side of the story. It's a Catholic school.'

A third identifiable relationship was one characterised by tension and even mistrust. One teacher reported how a member of senior staff had challenged her use of the phrase 'Christians believe...' in some of her teaching materials, saying, 'The way that you're stating this implies that you don't believe it' (P 1). While the matter wasn't raised again, it left the teacher with the feeling that she was being watched as the senior leader had found the document on which the phrase was written among the photocopies in a reprographics room. Inevitably where mistrust or suspicion develops in a professional environment it can have destructive effects on relationships

Teacher-Pupil Relationships

The habit of reserving comments and remaining guarded around staff-colleagues noted above was not untypical of non-religious teachers' relationships with pupils either. Some teachers felt that there were certain pupils who they needed to be guarded around, because of a fear that it would result in complaints from parents. One teacher from a Controlled school with a strong Protestant ethos felt that being open about her beliefs and values would be 'dangerous':

I wouldn't say I didn't believe to the pupils; it was dangerous because I had some very religious pupils in front of me who would have said to another teacher who was religious or who would have said to management, you know, and you actually worry about that as well. I can't say this to these pupils. (P 1)

The same participant reflected that holding back on expressing personal values, over time created barriers: 'It blocks those relationships you could build with people.' (P 1)

Some teachers were conscious that it blocked relationships with non-religious pupils too who they sometimes could see were struggling to find their place within the religious atmosphere of the school. It also caused a conflict of conscience when some non-religious teachers found themselves imposing religious conformity on pupils who they knew to be non-religious. This could involve asking pupils to say prayers or taking them to a church service.

We want to encourage them to think and question things and it's awful because I mean you will get lots of girls in a Catholic school that aren't religious themselves and, you know, they're having to do, you know, they'll query why they're having to go and do confession. They all have to go and do confession and so on, and they are bullied into it on occasion. I've got a girl in my form class who is outspoken like atheist, and I'm

basically told to bully her into doing the thing. Miss, do I have to get my ashes? Yes. You go to a Catholic school, you might not... you know, and, anyway, I'm going off topic, but yes, very much I would say I'm having to compromise on a lot of things. (P 1)

Non-religious students' experiences of Catholic ethos schools reported by Stapleton confirm that this pressure to conform exists in other Irish school settings (Stapleton 2018, 2020, 2021; Chan & Stapleton 2021). It is also known that minority teachers can have a positive impact upon the educational experiences of minority students (Atkins & Wilkins, 2013; Cherng & Halpin, 2016) so the inability of non-religious teachers to be open about their identity could be understood as a missed opportunity to support student diversity.

Promotion Opportunities

When participants were asked about applying for promotion a few said they would be treated fairly despite their non-religious identity.

I don't think religion would hinder me. I don't think that would play a part, there's so many other different things. (P 9)

In contrast, a larger number of participants felt there was a 'glass-ceiling' when it came to promotion for non-religious teachers in religious schools. They provided examples of perceived favouritism where senior positions, especially in Catholic schools, were consistently awarded to people with a strong religious profile or religious qualifications.

*"The people that tend to get promoted in this particular school would be very religious".
(P 12)*

and

"If you're not a practicing Catholic now, that does dampen or does interfere with your prospects of moving further down the line in that school (P 13)

And a consequence of this perceived favouritism towards religious candidates was that non-religious teachers felt discouraged from applying for promotion - another example of the chill-factor at work. When asked about applying for promotion one teacher said it wouldn't be worth trying as,

'You would have to be of a religious bent... [or] you'd be sort of seen as a potential problem in the sense of they wouldn't want you spouting anything particularly liberal to the pupils' (P 1)

This sense that a non-religious teacher would be constrained from expressing opinions deemed too liberal was confirmed by a Computing/IT teacher who successfully applied for promotion in a Catholic school in NI, a school that was different from the one he was currently teaching in. Being experienced, and having the security of his existing job, he felt confident to state his position, that he identified as atheist and would not be willing to pray with students or attend religious services if he were to take the promoted post. His description of the principal's response was interesting:

I can remember it pretty well. He said, "Well obviously we would expect you to keep your opinions to yourself," right, that was the first thing that came out of his mouth, right...

I was, like, "Right, okay, interesting." And then, like, secondly, he said, "Obviously we wouldn't want you going in and saying things, like, you know, 'Abortion's okay' and that kind of thing." (Participant 2)

While the applicant accepted the job and was not expected to participate in prayers or religious services, the response from the principal above reveals the expectation that non-religious people should avoid expressing their religious or moral beliefs. Further, at a subsequent meeting with the principal before starting the post the teacher raised the issue of his non-religious identity again:

One of the things I asked him during that meeting was, "Is this going to stop me from progressing in my career? If I put my roots down here?" And he sort of was, like, "Well, maybe in, like, the pastoral side of things, right?" And that didn't sit well with me at all... and I thought, "Look, I am not convinced that I can go in there and wholly, fully do my job, fully, wholly and properly if I'm being told that I'm not going to be somehow acceptable in the pastoral wing of the school life."

Despite this, the teacher took the post, but after working there for only two years the feeling that he could never be fully part of the school returned and he left for a school where he felt his non-religious identity would not place a limit on his career development.

One teacher who was successful in gaining promotion to head of year, a pastoral position, in a Catholic school in NI admitted that this was only possible because she maintained a pretence of being religious, including when leading assemblies, but this brought with it a feeling of hypocrisy:

Well, you know, a lot of the time, yes, I'll start with the Hail Mary because that's just what I've seen the principal do since the day and hour I walked in there. So, it's nothing fancy... or she'll maybe just do the sign of the cross. And so, I'm happy enough with that. But once again I've asked myself many times, as I said, "Is that right, am I doing the right thing? Is that terrible?" I mean parents would maybe think, "Who does she think she is?" (P 3)

Similarly, another participant felt she would be considered for employment and promotion to an A or B post in ROI but that senior management posts would be blocked for anyone without a proven religious background.

Like I do believe I would have, you know I could have a B-post and possibly an A-Post with or without being religious, but I can guarantee you there is no secondary school in the area that would have looked at me ever for management as in for principal or deputy principal without a religious background, of some description (P 16)

At this point we can draw some conclusions about career progression for those non-religious teachers in our study who have taught in religious schools over a period of time or who have applied for promotion in a religious school. Like the situation relating to first appointments, there are challenges to overcome in terms of feeling fully integrated into a school or being able to apply for promotion. Those challenges

arise from interactions with colleagues, expectations set by senior staff and the views of some pupils. In the main, non-religious teachers have strong perceptions that there is a glass-ceiling for them around promotions and that religious candidates are favoured for senior posts. The three main ways of navigating the situation is to hide their personal beliefs and keep up the pretence of belief; express their beliefs and accept that this may harm their career progression as a consequence; or leave the school.

Another Way

This final section presents the teachers' opinions on how they believe non-religious teachers seeking employment or promotion in religious schools should be treated. Their responses were thoughtful and constructive and are summarised below under five headings: A Culture of Openness; Respect for Difference; Inclusive School Events; Positive Efforts to Recruit a Diverse Workforce; and Legislative Change. Interestingly, they mostly expressed their views in terms of changing or developing the wider school culture although when they did speak about employment legislation, they were unanimous in wanting the current exceptions to equality law to be removed.

A Culture of Openness

Teachers spoke about the need for a cultural shift, they reflected on the special place of religion in Irish education and how this was protected, which prevented non-religious views from being formally acknowledged. Moreover, teachers were cognisant of traditions dying hard which perpetuated a culture of conformity around religion. However, in order to reflect increasing societal and belief-diversity teachers felt a culture of openness and questioning was needed.

I think that religion should be questioned like anything else and as overtly as anything else. So, what I mean by that is the way that politics is questioned, so if somebody's talking about their political views, people feel confident, I would say, most of the time in challenging them and questioning them, but there's this whole sort of, I don't know, force field around religion or don't do that, you know what I mean? (P 1)

It is noteworthy that teachers wanted this change for their students as much as for themselves. Participants spoke about how an open culture could be reflected in a more balanced curriculum and increased emphasis on critical thinking. Teachers felt strongly that students in Post Primary schools are at a critical stage of development and their teachers should facilitate, not inhibit, their developing autonomy, especially around beliefs and values. This could be done by presenting accurate information and encouraging students to develop critical skills, helping them to see many points of view.

Respect for Difference

The majority of teachers described how they experienced personal dissonance and ethical conflicts while working in schools with a religious ethos. They spoke about the need for a respectful staff working environment, where they would not be judged for their belief difference

there have been things said in the staffroom that have really hurt me... You know, things that if I let them sort of get under my skin, you know, it's because at the end of the day a school has to respect who it employs as well, I feel. I feel we're all working together. (P 3)

The expectation to conform to the religious ethos of the school was difficult for some teachers and they questioned some school practices, for example one teacher spoke about her school's lack of support for LGBT+ students.

they do expect us to keep that religious ethos going. With Catholic Schools week, there are posters up all over the school. There were no posters for Stand Up week, but that is a different story! So, they do expect us to follow their rules – we go to church, we do the prayers when they call them out over the speaker. (P 12)

While some teachers found ways to hide their belief differences and to exempt themselves from faith formation practices, it caused them to reflect on the need for better ways to accommodate teachers' personal freedom in schools. A common proposal was for a means to exempt oneself on the grounds of conscience.

I think that if you're joining in a school and, you know, that's the ethos and so on, I think that if you're an atheist you should have the right to say, "Well, I don't believe that" and perhaps there's a way round it. I mean sometimes what I would do is I have some very religious girls in my form class so I will ask them to lead the prayer. I'll ask them to do the mass. I'll ask them to do the reading. And I think that would be a way it could work so that you're showing respect for the fact this is a Catholic school and so on, but you should be able to, yeah, I think exempt yourself. (P 1)

Furthermore, teachers spoke about the need to respect student diversity and described how societal diversity needed to be reflected in the school system.

There are pupils that we have, Muslim pupils, we have a lot of families from mixed marriages. We have a lot of children who object to standing for the prayer. So, it's not just staff. That little microcosm of society is visible in the pupils as well. They are manifesting with different viewpoints that don't, really aren't in line with the Catholic ethos either. So, and I think that reflects society as a whole. (P 3).

Inclusive school events

The need for whole school events to be inclusive was a common theme which emerged from the data. Teachers spoke about this need from both a student-centred and personal perspective. Teachers were very conscious of the diversity of students within their schools and felt graduation ceremonies, services and prayers should support this diversity.

All students are actually requested to go to the church for any celebration regardless of religion or no religion..... I had to bring all of my first years down to the church, and one of them did say that he wasn't comfortable with it, and I said look I can't do anything to help you right now, but just maybe get your parents to call the school, just to have a chat about it and see what can be done. (P 12)

Another teacher spoke about how the graduation ceremony in her Community school concerned her as it started with a Catholic mass while the school had a diverse student population.

The graduation bothers me. I have said it kind of quietly, that it's a Catholic service, you know. You're sitting there with all your sixth years and all their families come, and it's in

a hotel, so it's not in a religious setting, and yet the first half of it is a Catholic mass, and then they go up and get communion. You know, and you've got Muslim kids sitting there and you've got different Christian religions sitting there, and I just find it very exclusive. I don't understand why it's not interfaith, you know. It shouldn't, in my opinion, be a Catholic mass, even if the school is a Christian ethos. That has jarred with me more and more over the years. (P 15)

The teacher also spoke about the need to have a more inclusive memorial service as she explained that when a student died there was a Catholic mass.

And like even when a student died in the school, they had a mass, you know, for everyone to attend. And in my mind, it was like, why a mass for everyone to attend? Why not a service that's open to everyone. (P 15)

Similarly, another teacher who taught in a different Community school in the RoI, explained how when her husband was very ill, the school organised a mass for him despite the fact that both the teacher and her husband were atheists, however she remained quiet about this not wanting to offend anyone as she felt the mass was intended as a gesture of compassion.

Hence teachers would like to see whole school occasions, for example assemblies, graduation ceremonies, prayers and memorial services marked by inclusive services to ensure both students and teachers of diverse beliefs are respected and acknowledged.

Positive efforts to recruit a diverse workforce

A strong theme was participants articulating the need for teachers to reflect societal diversity. Participants recognised the lack of diversity among teachers in the staff room. They were concerned that teachers should be recruited from disadvantaged backgrounds, of different race, religion and sexual orientation.

I am from a disadvantaged background, and we never had teachers who had the same accent as us or the same background as us, so I think it is the same for many students. I think we need a much more diverse staffroom, whether it is colour or religion or sexuality or anything. I just think schools need to reflect society, (P 14).

The importance of having a diverse teaching staff as positive role models for students was emphasised by a number of other participants.

You need more teachers to be out, you need more teachers to go 'my partner' or whatever. It's so, so important, it really is... It's good to be an ally and it's good that students know that you're an ally, that they can come to you, that you are working in the wider world for their safety, for their health, for their wellbeing (P 7)

I think anyway, some students might look at a teacher and be like oh I can't do that because I am black and Muslim or something like that. They might be thinking this is for white Catholic people in Ireland, so it is an issue that kind of affects everyone in the school, it is not just the teachers. It does affect I think the kids, as well. (P 12)

Hence teachers articulated the advantages for students to be educated by a diverse workforce, in terms of providing positive role models. It is noteworthy that despite changes to employment legislation a majority of LGBTI+ teachers do not come out in their schools. It also links with findings by Keane and Heinz (2015) regarding a lack of diversity within the teaching profession.

Legislative Change

It was clear from the interviews that teachers wanted changes to employment exemptions on religious grounds in both jurisdictions.

I don't think it's fair, I don't think it should be enshrined in law that you can choose somebody based on their religion if all of their other attributes fit. (P 8)

One teacher described the exemptions as 'ridiculous' and explained that they resulted in less diversity and impacted negatively on students' opportunities to discuss different opinions and types of diversity.

Well, I just think it's absolutely ridiculous. I think that you cannot have an enriching environment for young people if you don't allow them access to people with different opinions and give them the opportunity to immerse themselves in as diverse a community as they possibly can. Religious diversity is one of many different types of diversity, but it's a very important one (P 4)

Participants were concerned about the personal impact of challenging employment equality exemptions, a teacher felt change was needed but that it was very difficult for an individual teacher to challenge the law.

I don't want to be in the High Courts you know what I mean kind of testing that particular rule personally, I really wouldn't want to be, you know. I couldn't afford to lose my job first of all, I couldn't afford to take legal action, I think so many people are in that position; you need a teacher who's won the lottery who actually really feels very strongly about this who can say something incredibly anti ethos within the school and see how far they can push it then, you know, (P 7)

Another teacher agreed that it was very difficult for an individual teacher but proposed a collective approach.

If I know that I could lose my job for standing up for what I believe in, I would just probably not say that much! But I think just even talking to maybe I don't know teachers not in the school, just to see, set up a petition, something like that to bring it to Norma Foley's attention, that it is not acceptable in this day and age to have a law that discriminates against people who aren't Catholic. (P 12)

It was evident that a number of interviewees were not aware or did not understand the employment equality exemptions and were shocked when the law was read to them.

Then it would make sense that they ask it in interview, do you know, yeah, but I think that's horrendous, to be honest, in this day and age. (P 11)

In summation, teachers argued that changes were needed to prevent discrimination on the grounds of religion in employment. They explained that this was necessary to reflect societal diversity and provide students with opportunities to discuss different opinions and have positive role models.

D



DISCUSSION AND CONCLUSIONS

At the outset we identified two core questions to guide our investigation:

1. To what extent is religion or belief a factor in the appointment or promotion of non-religious teachers in Post-Primary schools with a religious ethos?
2. How do non-religious teachers experience and manage religious expectations regarding appointments and promotions in Post-Primary schools with a religious ethos?

We can now provide our answers to these questions based on the evidence presented above and situated within the relevant literature in this field.

Religious factors in employment and promotion processes

Religion or belief is undoubtedly a factor in appointments and promotions of teachers. Similar to other studies of teachers in NI (Milliken et al. 2019), our data shows that application forms and interview processes are used by many schools to elicit the religious or non-religious identity of teachers and their level of commitment to the religious ethos of the school. We can see from our sample that the freedom to make judgments on applicants by religion is exercised explicitly by Catholic schools. Further, implicit processes are at play across other school types which remain religiously influenced, on both parts of the island. Moreover, temporary contracts and probation periods combined with a 'chill factor' mean teachers are subjected to a protracted assessment of their suitability.

Barrier or Formal Exclusion?

In the introduction we cited a claim by a representative of CCMS (Hansard, 2013) that the Teacher Exception (FETO) is not used in NI and our evidence shows that this is true to the extent that there is no formal bar on applicants who are not Catholic; everyone is free to apply. The same principle holds for all the school-types mentioned in this report – despite their religious ethos they do not formally exclude non-religious teachers. There is no evidence, for example, of schools designating certain positions for 'reserved teachers' such as happens in England and Wales (School Standards and Framework Act 1998, section 58). Nonetheless, the current exemption from equality law provides cover for practices which would not be accepted in other public appointments in NI (UK Human Rights Act 1998) or those in RoI (European Council 2000). In Catholic schools, candidates are likely to be asked to indicate their support for the religious ethos of the school on an application form and to be questioned about this in an interview. It is also possible that they are asked about their own religious practices. There is, however, no explanation about what expressing support for the religious ethos will mean for the day-to-day duties of a teacher. Neither is there any indication given of what impact the choice to abstain from supporting the school ethos would have on their employment chances in the short or longer term. There is a need for transparency on both these issues.

Faith schools are, of course, a common feature of many national school systems and their right to promote a religious ethos and use employment exemptions is generally accepted in liberal democracies (Rienzi 2014), however in a context where they are fully funded by the state and have a dominance over provision then the responsibility to mitigate their tendency for separateness and/or exclusivity increases. McLaughlin (2003) speaks of the 'burden' of all schools in a liberal democracy to cultivate democratic citizenship as well as independent and critical young people. It follows, a burden exists on states to recruit student-teachers and employ teachers who reflect the diversity of the population. For these reasons, it is broadly recognised in equality frameworks that any exemptions have limits and need to be proportionate. The exemptions used across Ireland, however, lack such nuance. Dunne (2015, p.38)

asserts, for example, that the 'blanket exemption' to equality legislation offered by Section 37 is overly generous and goes beyond the limits of the European Directive on exemptions (see Appendix 3). In our research we can see specific evidence to support this criticism in relation to Catholic schools: the vagueness around the consent to uphold the school religious ethos; the absence of specified duties which require a religious belief; and the absence of a conscience clause (in both jurisdictions) to allow teachers to remove themselves from participation in acts of worship. There is no doubting the religious nature of Catholic schools, but it does not follow that, to maintain that ethos, a particular set of beliefs is needed for every job in a Catholic school. Certainly, the European Council Directive and the GOR relate to specific positions or activities of employment. In both jurisdictions, however, the exemption is a blunt instrument that makes no distinction between the role of teachers, whether Primary or Post-Primary, nor any particular duties for which religious belief is a determining factor.

School Ethos and Employment

The need for transparency noted above also extends to the other schools spoken about by our participants. While we found no explicit evidence of a religious element in the formal processes of recruitment or promotion used by Controlled or (non-Catholic) Voluntary schools in the North, or sole-patron ETB schools in the South, the majority of these schools espoused a religious ethos of some kind, but again, our non-religious teachers received no indication during the appointments process as to what this would mean for their role within the school. As a result, this allowed concerns to arise about which schools would be welcoming or not of belief diversity, and there was a sense that non-religious teachers ought to be wary of being open about their worldview. Kieran et al (2020) show that concerns about school-ethos begin during initial teacher education in NI and Rol. They also note that, despite the high degree of homogeneity amongst student-teachers, there is real concern among some that they are constrained from expressing diverse beliefs or values. Our evidence shows that these concerns are carried into the early years of employment where teachers' attitudes are scrutinised and their suitability for employment assessed over many years as a result of short-term contracts (Abbott et al., 2009) and probationary requirements (Department of Education, 2020). Employment is not simply a single point in their career journey between receiving qualified teacher status and beginning employment, rather the route into employment is protracted and the effect of this precariousness is an atmosphere in which early career teachers feel a pressure to conform to the status quo. In their theoretical analysis of social change, Fligstein and McAdam (2011) note that 'incumbents' organise social fields in ways that favour the reproduction of their position of privilege. In our context this means schools across our sample, not just Catholic Schools, maintaining expectations for teachers to uphold traditional religious values in order that hegemonic religious cultures are reproduced.

This returns us to the question of what counts as a religious school. Barnes (2021) considers three criteria by which to judge a school's religious credentials – the curriculum, the management membership and the entry requirements for pupils and/or teachers. When, however, he applies these criteria to Controlled Schools he concludes that schools in that sector can be described in various ways '...because distinctions between descriptive terms can be drawn in different ways, in different contexts for different reasons. Controlled schools can appropriately be described as both Christian and secular, religious but non-confessional, secular but not secularist.' In short, 'there is no definitive definition or description of Controlled Schools' (p.7). We can say this confusion also applies to ETB schools in Rol (Liddy et al. 2019), where differences exist across the definitions of ethos and the place of religion in these schools (McCormack et al. 2019). To some extent this confusion might be explained as evidence of an inevitable incongruity which arises out of an ongoing realignment of religion within the wider social and cultural life (Franken 2021). That may be so, but our evidence shows that the lack of clarity around what counts as a religious school, and whether ETB and Controlled schools are religious

schools, allows conditions to persist which make a real difference to the experiences of employment for non-religious teachers. Apart from those ETB schools jointly managed with Catholic patrons, these schools do not function as religious institutions or as educational arms of specific religious denominations. Yet, the blanket use of exemptions from equality legislation available to these schools means that school leaders are free to establish a culture where religious conservatism or religious observance is normative for staff and where expressions of diverse worldviews, including non-religious views, are seen as inappropriate or unwelcome.

Whether in Catholic schools or other school-types which are faith-informed, there is evidence that a religious ethos in schools can create an atmosphere where diverse identities are suppressed. Research by an all-island trade union (INTO 2020) found that only 18% of LGBT+ teachers in the ROI and 12% in NI have declared their orientation in the school community. In other words, the majority continue to hide their sexuality due to fears of discrimination and concerns about the impact of being out on employment and promotion prospects. This highlights how in the experience of teachers, freedoms that are protected in wider society can be undermined by equality exemptions which protect school ethos and continue to create an atmosphere in which teachers feel a need to suppress their identity. To understand more about what this means in relation to employment and promotion for non-religious teachers, the next sections will reflect further on how members of this group experience and manage their identity in the current context.

How non-religious teachers experience and manage employment and promotion processes

Experiencing

All of the teachers interviewed had, at some point, successfully navigated the application process and were employed in a school. Some spoke positively about the welcome they received but the more dominant themes which characterised their experience mentioned the need to conform to schools' expectations which led to dissonance and personal ethical conflicts. The chill factor resulted in uncertainty about their identity and their role. It also blocked relationships with some staff and pupils.

As noted above, it is confusing for non-religious teachers to navigate and understand the nature of religion in different schools and what is expected of them. While other studies (Dunn & Gallagher 2002) have found similar findings we were still surprised that most of our teachers said that, on qualification as a teacher, they had a lack of awareness around the differences between school-types and religious expectations associated with them prior to beginning their teaching careers. They found, for example, it was not only Catholic schools which were religious - participants who had worked in ETB, Community, Voluntary and Controlled schools felt they could point to religious or denominational characteristics. This confusion around what counts as a religious school, and to what extent teachers are expected to conform to a certain set of values or beliefs caused uncertainty, concern and ultimately a sense that non-religious teachers would not be entirely welcome in these religiously influenced schools. This 'chill factor' (Dunn & Gallagher 2002) has in most research been associated with Primary teachers (Heinz et al. 2018) and, in NI, with teachers from across the religious divide. What we have seen in our research is that there is evidently a chill factor identifiable among non-religious Post-Primary teachers. Further, the reluctance of non-religious teachers to apply for posts in religious schools extended to them feeling unwelcome to apply for senior posts. They perceived there to be a glass-ceiling for non-religious teachers, and they offered numerous examples of times when senior posts were given to religious

people. It could be argued that this may be an example of 'confirmation bias' on the part of the non-religious teachers, but even if we take it as such it still points to the need for transparency around the criteria used, otherwise the lack of equality legislation in this area allows perceptions to become a reality for those who hold them.

Ultimately, schools were experienced by our participants as a religious space, or a place where religion had a privileged role, and this made the non-religious teachers feel different or 'other' and caused them to be cautious and guarded in expressing their identity, including their views on ethical or controversial issues. Indeed, the general lack of confidence the majority of teachers had in expressing their non-religious identity or views was a striking aspect of the data. This evidence of a workforce where teachers' agency is constrained in certain areas is seen elsewhere in Irish studies of teachers (Heinz et al. 2018). Long et al. (2011, p.13), suggest that teachers need to respond to this by cultivating an "inner strength and an outer vision" to enable them to practise agency and "to act in the complex educational and social environments they inhabit", however Coffman (2015) places a responsibility on policy makers to support the development of teachers throughout their careers. Pantic (2015) agrees, agency does not appear automatically but is cultivated within a conducive contextual climate. If we think of agency not just as the rights of an individual to act independently but the freedom to be oneself within a social context (Priestly et al. 2015) we can see that, in the majority of cases in our study, non-religious teachers' freedom is significantly constrained by a religious culture in schools. Indeed, significant work is needed to create a climate in schools within which teachers feel they have the agency to speak and to act in non-religious ways without fear of criticism or career disadvantage. Apart from legislative change the need to create an inclusive school climate is evidenced by the persistent reluctance of LGBT+ teachers to share their identities in schools in both jurisdictions.

As expected, the beliefs of non-religious teachers in our sample were not uniform. Like others have shown (Inglis 2007; Hayes and McKinnon 2018), people in the RoI and NI express their non-religious identity in diverse ways, from 'humanist' to 'atheist' and even as 'non-believers' or 'non-practicing' within a religious tradition. Interestingly, most participants emphasised that they did not want any special status as a non-religious group, but they wanted openness and equality of opportunity for believers and non-believers alike, which would be in-keeping with the Irish Constitution (44.2.1) on freedom of conscience as well as employment law in other public roles. At the very least, the extension of the conscience clause (Education and Libraries (NI) Order 1986, section 22.2) to teachers in all schools in NI and the introduction of a similar conscience clause for all teachers in the RoI would provide some mechanism for non-religious teachers to legitimately withdraw from acts of worship or any expectation of teaching religious education.

Managing

What the experiences and perceptions outlined above by non-religious teachers mean is that gaining employment involves making difficult choices about whether and how they reveal their identity as they navigate the expectations of the school and their relationships with peers, pupils and senior members of staff. From other work on teacher identity (Korthagen, 2004) we know that teacher-identity exists at various levels, from inner beliefs and self-identity to their outer displays of beliefs and their behaviours. It has also been established that teachers' identity is shaped and influenced by their school contexts (White 2009). As Milliken (2018, p.285) found in his study of 'cross-over teachers' in NI, the extent to which schools 'support' or 'contest' alternative teacher identities has an influence on how teachers manage their identity. In our study we found that where teachers do not share the religious beliefs of their school they manage the situation in a number of ways, including feigning belief; cultivating

anonymity; tentative openness with trusted colleagues; and confident transparency. It is notable from our sample, however, that all of the teachers apart from a minority were unable to own their identity confidently.

In terms of applications and interviews this meant that for our participants the importance of securing a post trumped other considerations, so there was a reluctance about asking for any adjustments to employment conditions for fear that it would jeopardise their chances of success. In research with applicants to ITE programmes in Ireland, Heinz et al. (2018) found significant incongruity between the levels of religiosity among applicants and the likelihood that many would find themselves teaching confessional religious education if they eventually gained employment in a Primary school in Ireland. The researchers theorise that a likely consequence of this mismatch would be teachers 'feigning' beliefs in job applications and interviews. This study confirms that this is also the case for Post-Primary teachers too, especially those applying to Catholic schools.

As we have noted throughout this report, accessing employment for the majority of teachers is not a simple matter of application forms and interviews but involves extended periods of time in temporary posts which function in effect as a probationary process. Therefore, to secure employment and promotion teachers must choose how they manage their non-religious identity. On a day-to-day basis this is manifest in choices about whether or not to spend time in the staffroom, how one acts during collective worship, whether controversial issues arising from the curriculum are discussed with pupils and what is talked about with peers. We found from our sample that having a non-religious identity can create barriers that have career-long effects on relationships in the workplace and, in turn, on career progression. It caused blocks in relationships which set non-religious teachers apart from others and in some cases the tensions and challenges caused teachers sufficient conflict or discomfort to push them to leave their place of employment to find alternative work, for some at a financial cost. These teachers experienced a deep dissonance by being at the interface of a religious culture in their professional lives and a non-religious bound culture in their personal lives.

In other cases, teachers learned to manage the dissonance by creating a sufficient level of control within which they could maintain some balance between inner and outer identities. Like Lipsky's (2010) 'street-level bureaucrats', teachers can exert power over the implementation of a top-down policy within their own domain and some of our teachers found ways to create their own classroom level identity in which they could avoid assimilation into the whole school culture, but without drawing attention to themselves. Overall, the techniques for managing identity underline the insecurity felt by the majority of non-religious teachers applying to schools with a religious ethos and highlight the lack of safeguards in place that would allow them to express their identities freely when seeking employment or promotion. Over recent years, researchers on the island of Ireland have argued for the need for a more diverse workforce, inclusive workplaces and fair employment in schools. Research supports the need for teacher diversity to be reflective of student diversity (Villegas & Clewell 1998; Villegas and Irvine 2010) and for providers of ITE programmes to make efforts to recruit students from diverse backgrounds (Keane and Heinz 2015). In consideration of research by Kieran et al. (2020), regarding ITE students' experiences, Higher Education Institutions also need to address issues of discrimination in program provision. The migrant teacher project in Marino Institute of Education is an example of a positive action to increase teacher diversity (https://www.mie.ie/en/research/migrant_teacher_project/) and our data shows that to begin to achieve this in relation to non-religious teachers, a shift in culture is needed. The growing diversity and openness around non-religious worldviews in social and political life is not yet reflected in many schools or in the diversity of their workforces. Certainly, where there are non-religious staff in religious schools, their views are more likely to be seen as threatening or unhelpful

rather than valued as part of a diverse workforce. In this regard we believe there are lost opportunities. A generous and open approach would have the potential to enrich the diversity of the school, support those students within schools who have a non-religious identity and model an inter-cultural approach to religiously based education. However, to reach this position a culture-shift in employment processes is required. When teachers seek employment, schools are in a position of holding power over them and therefore when setting expectations or requirements around the job must set ones which are reasonable and fair. It is reasonable to have expectations around professional behaviour and competence, such as those contained in Teaching Council standards (GTCNI 2018; Teaching Council 2016), however it is unreasonable to ask teachers to consent to a vague statement about ethos on an application form or in an interview without knowing what that will mean in practice. Further it is only fair to declare what impact the choice to abstain from giving consent would have on their employment chances in the short or longer term.

A culture shift would therefore require a change in the law in both jurisdictions to bring schools under fair employment legislation. Further the principle of proportionality (Vickers, 2009) should be applied, taking into account the particular cultural and historical contexts in the RoI and NI, including the fact that discrimination in employment has historically been a feature of social division and inter-community tension in NI. Indeed, as Liechty and Clegg (2001) assert, in societies characterised by sectarian difference and conflict, particular care must be taken to mitigate against possible negative outcomes when institutions separate people along religious lines, even if for entirely legitimate reasons. It is for this reason that the equality commission, teachers' unions and the majority of political parties in the region have stated the need to change the law on teacher exception in NI. Indeed, recent media discussion (Bain 2021; Meredith 2021) in NI would suggest that views on this issue are significantly different from 20 years ago when Dunn and Gallagher (2002, p.3) reported that 'the religious discrimination provision is widely accepted, and the support for change is a minority view.'

Similarly, in RoI, when it comes to changing the law there is a need for the state to reflect on its responsibility to ensure all citizens' rights to freedom of thought, conscience and religion are protected (European Convention on Human Rights, article 9). The forum on Patronage and Pluralism recommended in 2014, that Section 37 (i) must be a factor in any discussion of teacher employment and suggested a greater diversity of school patronage types (Coolahan & Hussey, 2014 p.99). The acknowledgement of the need to address the pressures of pluralism is important, however the recommendation to relieve pressure by diversifying patronage is unworkable, particularly in rural Ireland as providing a school type for the multitude of religious beliefs and perspectives is impractical as the population of minority religious groups could not support the provision of separate schools. Moreover, the divestment process has proven difficult to implement. The UNHRC, General Comment No. 22, offers the State an alternative approach to conflicts which arise due to pluralism by recommending the State should ensure tolerance rather than segregation (UNHRC 1993), hence legislative change needs to be a priority in order to ensure proportionality in an increasingly plural religious and belief context.

Recommendations

In considering European directives focusing on proportionality and genuine occupational requirement (European Council 2000), alongside the European Convention guidance on religious freedom (article 9) (ECHR 2021) in tandem with the United Nations Human Rights comment 22 (UNHRC 1993) on mutual respect, the following actions are recommended:

1. A change in the law in both jurisdictions to bring schools in both parts of the island under fair employment legislation. This would mean the removal of any practices used in recruitment and selection that allow religious profiling of candidates, unless this is a genuine occupational requirement for a post and advertised as such.
2. The creation of clearly defined designations for schools which give explicit expression to the role of religion within the school. Current designations such as multid denominational, interdenominational and nondenominational are poorly defined and blur the distinction between religious and secular education. In turn this allows religious exceptions to equality law to be extended into contexts which are not expressly religious.
3. Any exceptions to employment law should align with the European directive regarding proof of a genuine occupational requirement and be context specific. The exemptions at Post-Primary level, for example, may be different from Primary or specific posts may be reserved for co-religionists in faith schools but not in other schools.
4. An opt-out from religious activities on the grounds of conscience should be available for teachers in all school-types in order to allow for plurality and proportionality within the system.
5. Governments should seek to proactively recruit a diverse teaching workforce that reflects the changing beliefs on the island of Ireland. This should include efforts to widen the diversity of students recruited to Initial Teacher Education programmes. The continued practise of 'cultural encapsulation' in respect of religious belief is unworkable due to the rapidly changing societal and political context.
6. Finally, all schools should be expected to set high standards in employment practices and create a shared and inclusive working culture where non-religious teachers along with non-co-religionists can have their identity affirmed and valued in a way which allows them to participate fully and positively in all aspects of school life without fear of negative consequences for their employment or promotion prospects.



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APPENDICES

Appendix 1 – Employment Equality Act, 1998 (Section 37)

<http://www.irishstatutebook.ie/eli/1998/act/21/section/37/enacted/en/html>

37.— (1) A religious, educational or medical institution which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values shall not be taken to discriminate against a person for the purposes of this Part or Part II if—

- (a) it gives more favourable treatment, on the religion ground, to an employee or a prospective employee over that person where it is reasonable to do so in order to maintain the religious ethos of the institution, or
 - (b) it takes action which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution.
- (2) Nothing in this Part or Part II applies to discrimination against C in respect of employment in a particular post if the discrimination results from preferring D on the ground that the relevant characteristic of D is or amounts to an occupational qualification for the post in question.
- (3) Without prejudice to the generality of subsection (2), in relation to discrimination on the age ground, the disability ground or the ground of race, the relevant characteristic of D shall be taken to be an occupational qualification for a post where on grounds of physiology or on grounds of authenticity for the purpose of entertainment, the nature of the post—
- (a) requires a person having the same relevant characteristic as D, and
 - (b) would be materially different if filled by a person not having that relevant characteristic.
- (4) Without prejudice to the generality of subsection (2), in relation to discrimination on the religion ground or the ground of race, the relevant characteristic of D shall be taken to be an occupational qualification for a post where it is necessary that the post should be held by D because it is likely to involve the performance of duties outside the State in a place where the laws or customs are such that those duties could not reasonably be performed by a person who does not have that relevant characteristic or, as the case may require, by a person who has a relevant characteristic of C.
- (5) In relation to the discriminatory grounds specified in paragraphs (a) to (h) of section 28 (1), nothing in this Part or Part II applies to the employment of any person for the purposes of a private household.
- (6) In relation to discrimination on the age ground or the disability ground, nothing in this Part or Part II applies to employment—
- (a) in the Defence Forces,
 - (b) in the Garda Síochána, or
 - (c) in the prison service.

Appendix 2 - The Fair Employment and Treatment (Northern Ireland) Order 1998 (Section 71)

<https://www.legislation.gov.uk/nisi/1998/3162/article/71/made>

School teachers

71.— (1) Subject to paragraph (2), this Order does not apply to or in relation to employment as a teacher in a school.

(2) The Commission shall keep under review the exception contained in paragraph (1) with a view to considering whether, in the opinion of the Commission, it is appropriate that any steps should be taken to further equality of opportunity in the employment of teachers in schools.

(3) For the purpose of assisting it in the discharge of its duty under paragraph (2), the Commission may conduct investigations—

(a) into the composition, by reference to religious beliefs, of the staff employed as teachers, or teachers of any class, in schools generally, schools of any class or particular schools; and

(b) into practices—

(i) affecting the recruitment or access to benefits of, or the terms of employment applicable to, such staff; or

(ii) involving any detriment to such staff, including practices discontinued before the time of the investigation so far as relevant for explaining the composition of the staff at that time.

(4) The Commission may, and shall whenever the Department so directs, report to the Department upon the exercise of its functions under this Article; and a report under this paragraph may make recommendations as to any action which the Commission considers ought to be taken to further equality of opportunity in the employment of teachers, or teachers of any class, in schools, or in schools of any class (including action by way of the exercise of the power conferred by paragraph (6) to remove or limit the exception contained in paragraph (1)).

(5) Schedule 2 shall have effect with respect to the conduct of investigations under this Article.

(6) The Department may by order provide that paragraph (1)—

(a) shall cease to have effect; or

(b) shall, on and after such day or days as may be specified in the order, have effect only in relation to particular classes of teachers or particular classes of schools or for particular purposes of this Order.

Appendix 3 – European Council Directive establishing a general framework for equal treatment in employment and occupation 2000/78/EC (Article 4)

<http://data.europa.eu/eli/dir/2000/78/oj>

Article 4

Occupational requirements

1. Notwithstanding Article 2(1) and (2), Member States may provide that a difference of treatment which is based on a characteristic related to any of the grounds referred to in Article 1 shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.
2. Member States may maintain national legislation in force at the date of adoption of this Directive or provide for future legislation incorporating national practices existing at the date of adoption of this Directive pursuant to which, in the case of occupational activities within churches and other public or private organisations the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos. This difference of treatment shall be implemented taking account of Member States' constitutional provisions and principles, as well as the general principles of Community law, and should not justify discrimination on another ground.

Provided that its provisions are otherwise complied with, this Directive shall thus not prejudice the right of churches and other public or private organisations, the ethos of which is based on religion or belief, acting in conformity with national constitutions and laws, to require individuals working for them to act in good faith and with loyalty to the organisation's ethos.

