# Should you be able to say whatever you want in a pub?



Pubs across the United Kingdom may soon implement policies restricting customers from discussing sensitive topics such as religious beliefs and transgender rights, a proposition that has raised concerns regarding freedom of expression. This potential change arises amidst broader reforms on workers' rights under consideration by the government.

The Equality and Human Rights Commission (EHRC) has sounded the alarm regarding the proposed regulations, warning that they could "disproportionately restrict" freedom of expression. They highlight that the measures could even apply to "overheard conversations," further complicating the enforcement of workplace harassment protections.

Ministers have suggested that pubs and other establishments need to protect their staff from harassment instigated by third parties, including customers. If businesses do not comply and harassment occurs, they could face legal action. However, the EHRC points out the challenges businesses face in navigating the complexities surrounding "philosophical beliefs," which include opinions on religion and women’s rights. The commission stated, "The legal definition of what constitutes a philosophical belief is complex and not well understood by employers."

This complexity is amplified by the contentious nature of debates surrounding various beliefs, including those related to gender identity. The EHRC has underscored that sexual harassment from customers is particularly troubling in retail and hospitality sectors, especially for younger employees. However, the introduction of broader protections against harassment from customers has previously faced pushback due to fears of infringing upon freedom of speech, prompting the removal of certain proposals from related legislation.

As discussions continue, ministers have acknowledged the potential friction between the need for employee protection and the right to free expression. The government’s human rights assessment indicates that there might be legal challenges when trying to regulate overheard conversations in public settings, as these could entail expressions of personal beliefs that are legally protected.

In the context of this debate, the definition of harassment—described by the government as "unwanted behaviour that has the purpose or effect of violating the dignity of the recipient"—sets a stringent standard for the application of these rules. Critics, including the EHRC, have called for a more balanced approach to safeguard competing rights effectively.

Industry leaders have also spoken out against the implications of the legislation. Kate Nicholls, chief executive of UKHospitality, expressed that the issues raised are intricate and may impose unwarranted burdens on employers who may not be equipped to manage such challenges.

John Kirkpatrick, the chief executive of EHRC, echoed these sentiments, cautioning that any legislative measures must be clear and executable. He remarked, "For this legislation to have the desired effect, it must be workable... we need clarity about the role of regulators – including EHRC – and sufficient resources to ensure compliance."

Additionally, the government’s Regulatory Policy Committee has suggested that there is not enough evidence to substantiate claims that third-party harassment is a widespread problem, calling into question the necessity of such stringent measures.

As this situation unfolds, affected stakeholders, including pub owners and employees, are urged to navigate these proposed changes carefully while balancing their rights and responsibilities amidst evolving legal interpretations.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://freespeechunion.org/pubs-could-curb-free-speech-to-avoid-legal-risks-under-labours-workers-rights-bill/> - This article explains how pubs and other customer-facing businesses may ban discussions on contentious topics to avoid breaching Labour's proposed workers' rights reforms, and how the EHRC warned that these new rules could disproportionately curtail freedom of expression.
* <https://rangeofreasonableresponses.com/2025/01/14/are-pubs-about-to-ban-people-from-talking-about-transgender-rights/> - This article discusses the potential for pubs to ban customers from speaking about contentious beliefs, such as religious views or transgender rights, due to fears of falling foul of Labour’s workers rights reforms and the EHRC's concerns about balancing freedom of expression and protection from harassment.
* <https://www.the-independent.com/news/uk/home-news/ehrc-pub-talk-work-workers-bill-b2679714.html> - This article highlights the government's Employment Rights Bill and the EHRC's warning that the provisions could change what people talk about in pubs, emphasizing the need to protect staff from harassment by third parties while navigating the complexities of philosophical beliefs.
* <https://freespeechunion.org/pubs-could-curb-free-speech-to-avoid-legal-risks-under-labours-workers-rights-bill/> - This article details the specific clause in the Employment Rights Bill that amends Section 40 of the Equality Act 2010, reintroducing an employer’s duty to prevent harassment from third parties, and the potential legal risks and implications for businesses.
* <https://rangeofreasonableresponses.com/2025/01/14/are-pubs-about-to-ban-people-from-talking-about-transgender-rights/> - This article provides the EHRC's full evidence submitted to the Commons Committee, which includes concerns about balancing third parties’ rights to freedom of expression and employees’ protection from harassment, especially when philosophical or religious beliefs are involved.
* <https://www.the-independent.com/news/uk/home-news/ehrc-pub-talk-work-workers-bill-b2679714.html> - This article mentions industry leaders like Kate Nicholls of UKHospitality expressing concerns that the legislation could impose unwarranted burdens on employers and the need for clear and executable measures to ensure compliance.
* <https://freespeechunion.org/pubs-could-curb-free-speech-to-avoid-legal-risks-under-labours-workers-rights-bill/> - This article discusses the broader implications for public venues, such as bookstores and conference venues, and how they might impose stringent requirements to mitigate liability, further constraining lawful speech in professional and public settings.
* <https://rangeofreasonableresponses.com/2025/01/14/are-pubs-about-to-ban-people-from-talking-about-transgender-rights/> - This article highlights the EHRC's concern that determining whether conduct constitutes harassment could be particularly difficult, especially in cases of overheard conversations involving philosophical or religious beliefs.
* <https://www.the-independent.com/news/uk/home-news/ehrc-pub-talk-work-workers-bill-b2679714.html> - This article notes the government's human rights assessment indicating potential legal challenges in regulating overheard conversations in public settings, which could involve expressions of personal beliefs that are legally protected.