



Religion and Beliefs

A brief guide for
NACO Members

January 2009.

RELIGION OR BELIEF

Introduction

From 2nd December 2003, when the Employment Equality (Religion or Belief) regulations came into force, it became unlawful to discriminate against workers because of religion or similar beliefs. Fairness at work and good job performance go hand in hand. Tackling discrimination helps to attract, motivate and retain staff and enhances an organisations reputation as an employer.

This booklet is aimed at giving some brief guidance to managers when faced with the impact of individuals making requests relating to their religion or belief.

A Summary of the Regulations

These regulations apply to vocational training on all facets of employment – including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of religion or belief to:-

- Discriminate directly against anyone i.e. to treat them less favourably than others because of their religion or belief;
- Discriminate indirectly against anyone i.e. to disadvantage people of a particular religion or belief unless it can objectively be justified;
- Subject someone to harassment.
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on the grounds of religion or belief;
- Discriminate or harass someone in certain circumstances after working relationships have ended. **Example:** A manager is approached by someone from another organisation saying that Mr. 'Z' has applied for a job and asks for a reference. The manager says that he cannot recommend the worker on the grounds that he did not 'fit in' because he refused to socialise in the pub with his colleagues (his religion forbade alcohol). This worker may have been discriminated against on the grounds of his religion after his working relationship with the organisation has ended.

Religion or belief is defined as being any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief.

There is a sound business case for eliminating discrimination in the workplace. Staff who are subjected to discrimination, harassment or victimisation may be unhappy, less productive and demotivated, resign, and/or make a complaint to an Employment Tribunal.

If staff are subjected to discrimination, harassment or victimisation this may affect an organisation in terms of damage to the reputation both as a business and as an employer. It will also have an impact on the cost of staff leaving and consequent recruitment and training as well as the cost of compensation if they take a claim to an Employment Tribunal.

In the Workplace

The regulations do not say that employers must provide time and facilities for religious or belief observance in the workplace. However, employers should consider whether their policies, rules and procedures indirectly discriminate against staff of particular religions or beliefs and if so whether reasonable changes might be made.

Many religions or belief have a special festival or spiritual observance day. A worker may request holiday in order to celebrate festivals or attend ceremonies. An employer should sympathetically consider such a request where it is reasonable and practical for the employee to be away from work and they have sufficient holiday entitlement in hand.

When dealing with annual leave requests in relation to religious festivals or spiritual observance managers should consider whether granting leave on a first come/first serve basis may discriminate against women from some cultural backgrounds that may be less assertive than men from the same background. Also worth considering is whether seniority or longevity in a role could be the deciding factor in granting leave requests. Consideration should be given to whether this is indirect discrimination as some of your longest serving staff are less likely to be from minority groups than your more recently recruited staff?

Managers should also be aware that some religious or belief festivals are in line with lunar phases and therefore dates change from year to year; the dates for some festivals do not become clear until quite close to the actual day. Discussion and flexibility between staff and Managers will usually result in a mutually acceptable compromise. It should be noted however that organisations should take care not to disadvantage those workers who do not hold any specific religion or belief.

Some religions or beliefs have specific dietary requirements. If staff bring food into the workplace they may need to store and heat food separately from other food, for example Muslims will wish to ensure that their food is not in contact with pork (or anything that may have been in contact with pork – such as cloths or sponges).

Employers are not required to provide a prayer room although staff may request access to an appropriate quiet place to undertake their religious observance.

Some religions require extended periods of fasting. Managers may wish to consider how they can support staff through such a period. However, Managers should take care to ensure that they do not place unreasonable extra burdens on other workers which may cause conflict between workers or claims of discrimination.

A question that is often asked is whether or not Managers have to release staff for prayer outside normal rest/break periods or religious festivals. Organisations do not have to release staff outside normal rest breaks or holiday periods. However, should the member of staff request that their rest break coincides with their religious obligations to pray at certain times of the day then a manager may consider this as a way in assisting their colleagues.

Some religions do have strong views concerning sexual orientation but most do not advocate persecution of people because of their sexual orientation. Everyone has a right to be treated with dignity and respect in the workplace whatever their sex, race, colour, disability, age, religion or sexual orientation. It is important that employees treat each other professionally.

Guidance on Commonly Practiced Religions

It is not possible to provide definitive guidance but in order for Managers to understand the common practices of religions and belief in Britain some brief information for reference only follows. Please note that there are many more religions and this list should not be considered to be exhaustive.

Baha'i

Baha'is should say one of three obligatory prayers during the day. Prayers need to be recited in a quiet place which faces in a south easterly direction from the UK. Two of the prayers require movement and prostrations. Baha'is are required to wash their hands and face before prayers but can use a normal washroom facility for this purpose.

Buddhism

There are a number of different traditions in Buddhism arising from different cultural and ethnic backgrounds. Different traditions will celebrate different festivals. Buddhist members of staff should be asked which festivals are important to them. Buddhists upholding the precept to avoid intoxication may not wish to serve alcohol.

Christianity

Christianity is the major religion within the United Kingdom and often it is ignored when thinking about religious discrimination. There is a need to understand the requirements of a Christian workforce and balance this fairly with the requests received from other colleagues with a different religious background.

There are a wide variety of Christian Churches and organisations all of which have their own specific needs, rituals and observations. Many practicing Christians may wish to attend their church on Sundays throughout the year and this should be taken into account if Sunday working is prevalent. **Sunday Working:** The Employment Rights Act 1996 provides for those working in the retail or betting trades to opt out of Sunday working by giving their employer three months notice of their intention to stop working on Sundays. This does not apply to those working only on Sundays.

There are a number of religious days, the most important are Christmas (25th December) and Easter – Good Friday, Easter Sunday and Easter Monday (these dates fall in March/April and are set by the lunar calendar). Additionally there are other significant events within the Christian calendar, which includes Ash Wednesday - the beginning of Lent, which is a period of fasting/abstinence – prior to Easter; Palm Sunday and Ascension Day (all dates set by the lunar

calendar).

Hinduism

Hinduism is a diverse religion and not all Hindus will celebrate the same festival. There are a number of occasions when at through the year when some Hindus fast.

When dealing with bereavement, following cremation, close relatives of the deceased will observe a 13 day mourning period during which they will wish to remain at home. The closest male relatives may take the ashes of the deceased to the Ganges in India. They may therefore request extended leave. Close male relatives of the deceased may also shave their heads as a mark of respect.

Islam (Muslims)

Observant Muslims are required to pray five times each day. Each prayer time takes about 15 minutes and can take place anywhere clean and quiet. Friday midday prayers are particularly important to Muslims and may take a little longer than other prayer times. Friday prayers must be said in congregation and may require Muslims to travel to the nearest Mosque or prayer gathering. Before prayers observant Muslims undertake a ritual act of purification. This involves the use of running water to wash hands, face, mouth, nose, arms up to the elbows and feet up to the ankles, although often the washing of the feet will be performed symbolically.

The dates of festivals are reliant on the sighting of the new moon and will therefore vary from year to year. Whilst approximate dates will be known well in advance it is not always possible to give a definitive date until much nearer the time.

Ramadan, which takes place in the ninth month of the Muslim lunar calendar, is a particularly significant time for Muslims. Fasting is required between dawn and sunset. Most Muslims will attend work in the normal way but in the winter they may wish to break fast with other Muslims at sunset. This could be seen as a delayed lunch break. For those working evening or night shifts, the opportunity to eat food at sunset and/or sunrise would be appreciated.

Eid Al-Fitr – three days to mark the end of Ramadan – most Muslims will only seek annual leave for the first of the three days.

Eid Al-Adha takes place two months and 10 days after Eid Al-Fitr and is a three day festival. Again, most Muslims will only seek leave for the first of the three days.

All Muslims are required to make a pilgrimage to Mecca once in their lifetimes. Muslims may therefore seek one extended leave period in which to make such a pilgrimage.

Muslims are forbidden to eat any food which is derived from the pig or any food which is derived from a carnivorous animal. Meat that may be consumed must be slaughtered by the Halal method.

In relation to bereavement, burial must take place as soon as possible following death and requests for absence may therefore occur at short notice.

Jainism

Jains are required to worship three times daily, before dawn, at sunset and at night. Jains working evening or nightshifts may wish to take time out to worship or to take their meals before sunset.

Jains are strict vegetarians, do not eat between sunset and sunrise nor do Jains drink alcohol.

Judaism

Observant Jews are required to refrain from work on the Sabbath and festivals except where life is at risk. The Sabbath and all other festivals begin one hour before dusk and so practicing Jews need to be home by then. Sabbath begins one hour before dusk on Friday.

Jews are required to eat only kosher food (which has been treated and prepared in a particular manner).

In relation to bereavement, funerals must take place as soon as possible following the death, the same day where possible and therefore takes place at short notice. Following a death, the immediate family must stay at home and mourn for seven days (Shiva). Following the death of a father or mother, an observant Jewish man will be required to go to a synagogue to pray morning afternoon and evening for 11 months of a Jewish calendar.

No Religion

It is as unlawful to discriminate against a person for not holding a specific religion or belief as it is to discriminate against someone for actually holding or subscribing to a particular religion or belief.

Managers should take care to ensure that they do not place unreasonable extra burdens on other workers which may cause conflict between workers or claims of discrimination. Those with no religion may be requested to work additional Sundays or Religious days whereas they may wish to spend time with their families. As such this may be deemed as discriminatory. Also the closure of a business during the Christmas Period may also be considered as discriminatory not only for those with no religion but for those practising other religions.

Rastafarianism

Many Rastafarians are vegetarian and may only eat organic food as close to its raw state as possible.

Whilst the faith supports the smoking of ganja (marijuana) this practise remains unlawful in the UK, and is unaffected by the European Equality (Religion or Belief) Regulations 2003.

Hair is worn uncut and plaited into dreadlocks this is often covered by a hat which is usually red, green and gold.

Sikhism

Sikhs do not eat Halal meat. Some do not eat beef and many are vegetarians.

Practicing male Sikhs observe the five Ks of the faith these are:

- Kesh – uncut hair. Observant Sikhs do not remove or cut any hair from their body. Sikh men and some women will wear a turban.
- Kangha – wooden comb usually worn in the hair.
- Kara – metal bracelet worn on the wrist.
- Kachhahera – knee length underpants.
- Kirpan – short sword worn under the clothing so that it is not visible.

In relation to bereavement, Sikhs are cremated and have a preference for this to take place as soon after their death as possible. There is no specified mourning period and normal compassionate leave arrangements will suffice.

Zoroastrians (Parsi)

Zoroastrians are required to pray five times a day during the day saying a special prayer for each part of the day. Prayers should be said in front of a fire or symbolic replica of fire. In addition a ritual is performed each time a Zoroastrian washes his/her hands although the ritual is not always strictly performed in all its detail. Whilst no special facilities are required an individual will stand on the same spot and must speak to no-one during the ritual. A prayer will also be said before eating.

Festival dates follow the lunar calendar and will therefore vary from year to year.

Zoroastrians both male and female wear two pieces of sacred clothing. The Sudreh (shirt) and the Kusti (cord) which is a string which passes loosely round the waist three times and is tied in a double knot at the back. It is the Kusti that is ritualistically retied each time the hands are washed.

Following the death of a close family member there is a mourning period of ten days followed by a ceremony to mark the first month, the sixth month and the twelfth month of bereavement.

Further Assistance

Whilst this is only a brief guidance to managers on religion and how it may affect the workplace, if you are in any doubt whatsoever regarding any religious request then please contact your HR department for further guidance on your employer's policy.

NACO are also happy to provide further information and guidance if required and can be contacted on 0161 351 7900.