

Religion and Belief – Employment Guidelines for Managers/Employees

Revised 2006

1. Context

1.1 On the 2nd December 2003, when the Employment Equality (Religion and Belief) Regulations came into force, it became unlawful to discriminate against workers because of religion or similar belief.

1.2 These Regulations apply to all facets of employment – including recruitment, terms and conditions, promotions, transfers, dismissals and training.

1.3 It is now unlawful on the grounds of religion or belief to discriminate directly against anyone. That is, to treat them less favourably than others because of their religion or belief

1.4 It is also unlawful to:

- discriminate indirectly against anyone. That is, to apply a criterion, provision or practice which disadvantages people of a particular religion or belief, unless it can be objectively justified;
- subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and the perception of the victim;
- 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 against or harass someone in certain circumstances after the working relationship has ended.

1.5 Religion is defined as being any religion, religious belief or similar philosophical belief but not political belief. Tribunals and courts will take account of matters such as collective worship, whether a person has a clear belief system or a profound belief affecting their way of life or view of the world

1.6 These guidelines are intended to assist managers to implement employment practices which do not discriminate against employees on the grounds of their religion or belief, including those who are not affiliated to any religion. The policy complements and relates to the commitments set down in the council's Equalities Policy.

1.7 The 2001 census shows that the city population includes:

- Muslims (2%)
- Sikhs (0.5%)
- Buddhists (0.5%)
- Jews (0.2%)
- Hindus (0.6%)
- Christians (62%)
- 25% of people said they had no religion

It is likely that all of these groups are reflected in the council workforce.

1.8 There is significant overlap between race equality and equality on the grounds of religion. This policy should therefore be seen in the context of the Race Relations Act (as amended), the council's race equality commitments and the race equality scheme.

1.9 The guidelines do not explicitly define either religion or belief. Managers should be aware that these regulations extend beyond the most well known religions and faiths to include such beliefs as Paganism and Humanism. It also covers those without religious or similar beliefs

2. The Policy

2.1 The council employs people from a range of religious backgrounds and recognises the need to ensure equality for all employees irrespective of religion and belief including non-belief.

2.2 The council aims to ensure that no one is discriminated against in the application of the recruitment and selection policy, while in employment including pay and conditions or in any arrangements for dismissal or redundancy.

2.3 How to implement the religion & Belief guidelines is covered within BCC's Recruitment and Selection Training

2.4 The council will consider how to implement monitoring of the workforce on the grounds of religion in order to monitor the effects of its policies and implement appropriate actions. From the 2004 staff equalities survey, the make up of staff from different religions and beliefs within Bristol City Council are:

- Christian (49.6%)
- Muslim (0.7%)
- Buddhist (0.9%)
- Jewish (0.3%)

- Other (7.3%)
- No religion (40.5%)

2.5 These guidelines will be reviewed in the light of codes of practice as these become available.

2.6 The Equalities Policy as stated above relates to all aspects of employment. Key sections relate to the particular implications of religion and belief in the workplace.

3. Time Off for Religious Observance

3.1 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 directly or indirectly discriminate against staff of particular religions or beliefs and if so whether reasonable changes might be made.

3.2 Most council employees are entitled to a fixed number of days leave which fall on public holidays. Public holidays are nationally recognised and are largely based around Christian festivals e.g. Christmas, Easter.

3.3 Many religions or beliefs have special festival or spiritual observance days not covered by public holidays. A worker may request holiday in order to celebrate festivals or attend ceremonies.

3.4 Requests for time off for this purpose should be treated with the utmost seriousness, bearing in mind the significance of the event for the individual concerned. The employee should give reasonable notice of the required time off and this should be granted by the manager. There will rarely be justification for refusing this type of leave where reasonable notice is given by the employee

3.5 The leave may be taken as annual leave, flexi-leave or TOIL as appropriate. Managers should be aware that many religious festivals do not have a fixed date and indeed the precise date may be known just days before the festival e.g. Eid ul Fitr.

3.6 Employees wishing to apply formally for regular time away from the workplace directly related to their religious belief can make an application through the Work Life Balance Policy.

3.7 A Manager will need to respond to this and carefully consider whether the request can be reasonably accommodated. All Work Life Balance applications have an appeal process so in the event that requests are rejected as impractical or having significant and detrimental impact on service delivery, advice should be sought from Human Resources or the Equalities & Community Cohesion Team

3.8 While it may be practical for one or a small number of employees in a particular service area to be absent, it might be difficult if numerous such requests are made. Should a manager believe that there will be a significant and detrimental impact on service delivery, they should seek advice from Human Resources or the Equalities & Community Cohesion Team

3.9 Managers should carefully consider whether their criteria for deciding who should and who should not be granted leave might directly or indirectly discriminate.

3.10 Employees may also request time, and a quiet and private space in which to pray. In some cases it may be possible to accommodate this request within the workplace e.g. allowing short periods of time in a quiet space for prayer - . The amount of time and space needed for prayer, should be discussed and agreed with the employee. Any time taken within work time must be made up by the employee

3.11 If an employee requires to leave work early on a regular basis for the purposes of prayer, a request should be made to the manager who should consider the request seriously under the terms of the Work-Life Balance Policy. The arrangement may involve the employee making up their hours at another time during the week or voluntarily reducing their hours, for example. Other options could be compressed weeks or using banked leave (time off in lieu).

3.12 Managers should consider the employee's requirements when arranging work rotas and shift patterns, taking account of religious needs.

4 Dress

4.1 Employees should be able to dress in a way that reflects their culture, religion and identity and with which they are comfortable. Employees from all backgrounds are expected to dress in keeping with required standards (see Code of Conduct for employees).

4.2 In some areas employees are expected to wear uniform. Within this requirement there should always be options that will accommodate employees' religious backgrounds and cultural preferences e.g. women will not be compelled to wear skirts, the right of Sikhs to wear the turban will be respected.

4.3 No employee should be stereotyped or discriminated against because of their dress and diverse modes of dress should be valued e.g. head covering such as hijab. Negative stereotypes should be challenged through training and briefings. Contact the Equalities & Community Cohesion Team for advice about training (0117 922 2664).

5 Diet

5.1 Many employees will have dietary requirements related to their religion. Catering Services work to ensure that there are food options that will meet the needs of all employees. Managers should ensure that where food is being provided at any meeting or event for employees, there is a range of options that will meet the needs of those attending e.g. halal meat, vegetarian and vegan options

5.2 In all cases different foods should be separated and clearly labelled. It is important to provide a range of vegetarian options and not restrict choice. It is the responsibility of the person organising the meeting and ordering the food to ascertain the needs of participants and ensure dietary requirements are properly met.

5.3 Some employees will not attend meetings or events where alcohol is being served or will be deterred by the presence of alcohol. This should be considered in terms of the target group attending any function and wherever possible the serving of alcohol should be avoided. At all events where alcohol is served, there should be a choice of non-alcoholic drinks available.

5.4 Employees organising social events should try to be as inclusive as possible, bearing in mind cultural and religious diversity within the workforce.

6. Health and Safety

6.1 Special allowance is made to exempt Sikh men from a requirement to wear safety helmets while on a construction site. This exemption can be found in the Employment Act 1989 but also relates to the religion/belief regulations in that a requirement to wear a helmet could result in indirect discrimination against a Sikh man or woman.

7. Cultural Issues

7.1 Cultural practices may be related to religious background or to ethnic/family background and can vary enormously even within particular religious or ethnic groups. It is important that employees are respectful of each other's cultural backgrounds and do not judge the behaviour of others in terms of a particular cultural 'norm' or standard. This may apply to issues such as body language and eye contact.

7.2 Job interviewers should not necessarily expect all interviewees to shake hands as this could cause offence. Interviewers should be sensitive to this issue and should not draw a negative inference from an interviewee's reluctance or refusal to shake hands.

8. Harassment at Work

8.1 Harassment at work can occur on a variety of grounds and includes employees being targeted because of their religion or belief.

8.2 Employees affected by this form of harassment will have recourse to the usual support mechanisms and to the formal Grievance Procedure.

8.3 If it is brought to the attention of a manager that an employee is being harassed, it is usually best to try and sort things out quickly (discrimination can happen unwittingly or through thoughtlessness). If necessary they should seek advice from Human Resources or Equalities & Community Cohesion Team.

8.4 These Regulations cover employees, whether they are directly employed or work under some other kind of contract or are an agency worker. Managers are also responsible for the behaviour of their staff towards an individual working for someone else but in their office, for example someone from another organisation repairing a piece of equipment.

8.5 Managers should protect their staff from being harassed by third parties, such as members of the public and should take steps to deal with actual or potential situations of this kind.

9. Compassionate Leave

9.1 At present all employees are entitled to compassionate leave of up to 3 days under the Authorised Absence Policy. However, for some employees there may be a long period of mourning or an employee may need to arrange or

attend a funeral overseas. This may necessitate an extended period of leave from work.

9.2 The Authorised Absence Policy does allow for extension of this period in 'extenuating circumstances' at the discretion of the Service Director. Beyond that employees will need to take annual leave and/or unpaid leave, to be negotiated with the line manager.

10. Personal Responsibilities

10.1 All employees are expected to treat others with respect, and to refrain from any discriminatory or harassing behaviour which relates to current or historical conflict between people of different religious groups.

10.2 Any attempt to coerce/enforce others to comply with a particular religious viewpoint, for example through hate publicity, offensive remarks and/or misuse of Bristol City Council's services or facilities, or actions that may bring the council into disrepute, may result in disciplinary action.

10.3 Due to people's beliefs, they may hold a range of views on same-sex relations. Although these regulations do not infringe anyone's right to hold their views, it does not give them the right to manifest these views in the workplace. The City Council's Equalities Policy clearly states that employees will be treated equally irrespective of their sexuality. For further information see: Bristol City Council's Sexual Orientation Employment Guidelines

10.4 Employees cannot refuse to work with any employee on religious grounds or for believing in a certain religion or for not having a religion. Any collusion with such a request could result in a claim of harassment and/or disciplinary action

Footnote

The Equalities Act 2006 extends the prohibition on discrimination on grounds of religion or belief to the provision of goods, facilities and services, education, the use and disposal of premises and the exercise of public functions. These provisions are expected to come into force in October 2006

Appendix One

Key religions – Implications for the Workplace

This is not a comprehensive listing of all aspects of each faith and religious practices will vary between groups and individuals within the same faith.

It is always good practice to refer to the individual employee concerned, although the following information gives some basic guidance. (NB a multi-faith calendar will be of use to all employees in identifying the dates of key religious festivals. Not all festivals will necessarily require time off work) – see appendix 2.

1. Baha'i Festivals

- Naw-Ruz (new year) – 21 March
- Ridvan – 21 April to 2 May (first, ninth and twelfth days of Ridvan - are holy days on which work is suspended).
- Anniversary of the birth of Baha'u'llah – 12 November

Fasting

Fasting period 2 – 20 March between sunrise and sunset

Diet

No specific dietary requirements
No alcohol

Clothing

No specific clothing requirements

Bereavement

No special requirements beyond normal compassionate leave.

2. Buddhism

Festivals

Vaisakha Puja – commemorates the birth, enlightenment and passing of Buddha, celebrated on the full moon in the month of Vesak (usually May)

Buddha's birthday

NB There are many Buddhist sects and festivals vary accordingly.

Diet

Vegetarian options should be available.

Some Buddhists do not eat garlic or onions.

Clothing

Many Buddhists would prefer to wear clothing which reflects their adherence to non-harm eg not wearing leather clothing and leather shoes.

Bereavement

No special requirements beyond normal compassionate leave.

3. Christianity

Festivals

- Christmas – 25 December
- Lent (40 day period of abstinence) – February to March/April
- Good Friday, Holy Saturday, Easter Sunday – March or April
- Pentecost – 50 days after Easter

Diet

Christians do not have universally agreed dietary regulations. However, some groups such as Seventh Day Adventists will not eat pork or pork derivatives

Clothing

Some Christian churches forbid the use of cosmetics and require their female members to dress particularly modestly eg not wear trousers

Bereavement

No special requirements beyond normal compassionate leave.

4. Hinduism

Festivals

- Holi (Festival of Colours) – February/March
- Raksha Bandhan (festival of protection) – between August and
- November
- Diwali (festival of lights) – between October and November

Diet

- No beef
- Many Hindus do not drink alcohol
- Vegetarian options should be available.
- Many Hindus do not eat fish or eggs.

Clothing

Hindu women will often wear a *bindi* which is a red spot worn on the forehead and denotes that she is of the Hindu faith. In addition, many married Hindu women wear a necklace (*mangal sutra*) which is placed around their necks during the marriage ceremony and is in addition to a wedding ring.

Bereavement

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.

5. Islam

Festivals

- Eid-ul-Fitr
- Eid-ul-Adha
- Lailat-ul-Qadr
- Al-Hijra- new year
- Friday afternoon is the religious day and time for congregational prayer

Ramadan

The month of fasting from dawn to sunset, includes abstaining from all food, drink and smoking during daylight hours. Employees will need food/time to break the fast at sunset. (Pregnant women and those with a medical condition may choose not to fast). There may be a need to plan certain meetings around fasting and to take account of the effects of fasting on individual employees.

Food

- Meat – halal.
- Pork and all products from pig (e.g. gelatine) are forbidden.
- Vegetarian, vegan or fish options should be available.
- Game should be avoided.
- No alcohol.

Clothing

Muslims are required to cover the body. Men may therefore be unwilling to wear shorts. Women may wish to cover their whole body, except their face, hands and feet or wear an hijab (head scarf).

Bereavement

Funerals must take place as soon as possible following death and may therefore occur at short notice. A wife following the death of her husband is expected to

observe a 40 days mourning period during which they remain at home. Close family members may take the body of the deceased to be buried abroad or may need to go abroad to attend a burial and observe the mourning period there. They may therefore request extended leave.

6. Judaism

Festivals

- Rosh hashana – Sept/Oct – new year
- Yom Kippur – Sept/Oct – day of atonement 10 days after RH
- Jewish Sabbath is Saturday

Fasting

During Yom Kippur and Tish'ah B'av

Food

Meat – Kosher

Pork, game, shellfish, fish without fins or scales is forbidden

Milk or milk derivatives not eaten at same meal with meat or meat derivatives

Clothing

Orthodox Jewish men keep their head covered at all times. Orthodox Jewish women will wish to dress modestly and may not want to wear trousers, short skirts or short sleeves; some may wish to keep their heads covered by a scarf or beret.

Bereavement

Funerals must take place as soon as possible following the death and therefore take place at short notice. Following a death, the immediate family must stay at home and mourn for seven days

7. Rastafarianism

Festivals

- 7 January – Rasmus : Ethiopian Christmas
- 23 July – birthday of Haile Selassie
- 17 August – birthday of Marcus Garvey
- 2 November – coronation day of Haile Sellassie

Food

Ital food – saltless and vegetarian food for some Rastafarians

Vegetarian and vegan options

Many Rastafarians eat only organic food as close to its raw state as possible

Clothing

Hair is worn uncut and plaited into 'dreadlocks'. It is often covered by a hat or scarf.

Other

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

Bereavement

No specific requirements beyond that of normal compassionate leave.

6. Sikhism

Festivals

- Vaisakhi (Sikh New Year) – April
- Guru Nanak's birthday
- Diwali – between October and November

Food

Consumption of halal products not allowed

Vegetarian options should be available (Khalsa Sikhs will always be vegetarian)

No alcohol

Clothes

Practising Sikhs observe the 5 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 (a miniature or toy sword is usually worn)

Bereavement

Close relatives of the deceased are expected to observe a mourning period during which they will wish to remain at home – a minimum of three days but the exact period can vary and is dependent on the relationship to the deceased.

Close family members may take the ashes of the deceased to India or may need to go abroad to attend a burial and observe the mourning period there.

They may therefore request extended leave.

Appendix Two – Useful Resources Organisation's, Cultural Diversity Guides and Directories

The Bristol Multi-Faith Forum

Contact:- The Equalities & Social Inclusion Team, 92 22660

Faces of Britain – A Cultural Guide, Avon and Somerset Constabulary

Contact:-The Diversity Unit, 01275 818181

Faith in the City – A directory of worship centres and faith communities in and around Bristol

Contact:- University of the West of England Chaplaincy 0117 344 2334

email : chaplaincy@uwe.ac.uk

Matters of Faith, advice for schools on relating sensitively to faith communities – SACRE

Contact SACRE, c/o Bristol Education Centre, Tel: 0117 931 1111.

SHAP calendar of religious festivals – available at

www.support4learning.org.uk/shap

To learn more about individual religions, see 'Religion Home Page of the BBC

www.bbc.co.uk/religion/religions