

Religious Diversity in the Workplace

Employers Forum for Belief
in association with The Business of Faith



Introduction



Employers Forum for Belief

Employers Forum for Belief members employees now reflect the rich diversity of the world that we live in. A world that is increasingly complex and changing at unprecedented pace. As leaders we have recognised that our people are not only influenced by their beliefs in their personal lives but also in their business lives. This means that as employers we recognise the need to understand and respond flexibly to the varying and growing demands that a diverse workforce creates. We must all treat our people as individuals whose needs and beliefs bring value to our business whether they are based on religious or philosophical beliefs.

This is important for business not just because respecting individuals' belief systems allows them to realise their full potential but because it allows business to reflect the diversity of its customer base. If business creates workforces that are reflective of the societies in which we operate it will be possible to create the diverse products and services that meet the needs of each and every element of today's increasingly diverse and demanding customer base. Understanding our employees needs and empowering them to inform our policies and practices will also help business develop a clearer understanding of what excellence in customer service really means.

This booklet offers businesses a starting point for their own journey towards the greater inclusion of their workforce. It includes many of the lessons learnt by EfB members as they have progressed their own journeys towards a more flexible and inclusive approach. I hope it will help you begin your own journey on this winning path.

Caroline Waters



The Business of Faith

The UK is host to the most diverse workforce in Europe and London is home for an enormous range of religious communities, originating from all over the world. For many people faith is not something they can leave at home, it is brought with them to work and influences them in many ways, through their behaviour and practices as well as their attitudes. A work environment in which people are protected from discrimination and treated fairly and with respect will support individuals to reach their full potential and subsequently increase business productivity. By demonstrating a willingness to accommodate religious needs, the employer shows that they take the whole person seriously and thus may become the employer of choice for some applicants in a competitive job market. This also impacts positively on staff retention and enhancing the organisation's overall reputation.

This booklet introduces the employment regulations which managers need to be acquainted with. It contains suggestions as to how organisations can proactively engage with faith at work, and shows how to create a climate of inclusion and respect. We hope you will find it useful.

Justine Huxley

Employment Law

Employment Equality (Religion or Belief) Regulations came into force in December 2003 making it unlawful to discriminate against employees on the grounds of faith. These regulations form part of a package of protection which includes discrimination on the basis of sex, race, disability and sexual orientation. Age is also now included.

The regulations cover both employment and vocational training and apply to recruitment, interviews, pay, terms and conditions, training, promotion, dismissal, and references.

All the world's major religions are included, as well as some less well known faiths such as Paganism and Rastafarianism. Political beliefs are excluded, but certain kinds of philosophical belief, if they are similar to religious beliefs, could also be covered (e.g. humanism). Non-believers are also protected from being discriminated against on the basis of not following a particular faith.

Exceptions

In limited circumstances, employers may be exempt from the regulations if they can prove there is a Genuine Occupational Requirement (GOR) for a post-holder to belong to a particular religion. This will apply if the job involves some kind of religious duty or the organisation has a particular ethos that needs to be upheld. Each GOR needs to be considered in relation to each post. For example, a Muslim school may be entitled to favour a Muslim applicant for the role of Reli-

The Regulations cover these four areas:

direct discrimination, indirect discrimination, harassment and victimisation.

Direct Discrimination

Employees must not be treated less favourably than others because they follow, or are perceived to follow a particular religion or belief. Examples of direct discrimination include:

- ◆ not interviewing or hiring someone because of their faith
- ◆ adverse terms and conditions;
- ◆ refusing training
- ◆ denying promotion





Indirect Discrimination

An organisation must not have policies, procedures, employment rules and practices, or selection criteria which although they are applied to all employees, have the effect of inadvertently disadvantaging people of a particular faith or belief, unless the practice can be justified.

To justify the practice, the employer will need to show that there is a real business need and that a simple alternative does not exist. Indirect discrimination is unlawful even if it is unintentional. For example, a company which operates a 'no headwear' policy to all staff, might discriminate against Sikh men who are required to wear a turban for religious reasons.

Harassment

Harassment is any unwanted behaviour which violates a person's dignity or creates a hostile, humiliating or threatening environment. It includes teasing, name-calling, threatening behaviour and violent conduct. Behaviour which is unintentional or subtle is covered. It may be about the individual's religion, or about the beliefs of those he or she associates with.

Victimisation

This is where an employee is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence at a tribunal. They may be labelled a 'trouble-maker' or denied promotion. If this happens and an organisation fails to take reasonable steps to prevent it they may be liable to pay compensation.

The Test of Reasonable Accommodation

If an employer can accommodate a religious need without inconveniencing other staff or having a detrimental impact on business, they may now be obliged to do so. For a manager assessing a religious need, factors that should be taken into account include:

- ◆ Cost
- ◆ Effect on business
- ◆ Burden or inconvenience to other staff
- ◆ Possible tensions with other faith groups

This process will always be a balancing exercise between the needs of the employer and the needs of the employee. Cases should always be assessed on a case by case basis since what is reasonable is relative to the nature of the business and its size, staff and ability to be flexible.

For more detailed information about employment law surrounding religion and belief see the Business of Faith publication: ***Religion and belief in the workplace***

Religious Observance

People express their faith in many different ways - through beliefs, attitudes, customs and religious observance. For many people, faith is not something that is left at home, it is taken into every aspect of life, including the workplace.

Prayer

Some faiths have set times for prayer (for example Muslims pray five times a day, Jains pray three times a day). Others may vary their times of prayer or meditation. If there is a need to pray during working hours, employees may request somewhere they can use for this purpose (see page 10).

Holy days and festivals

In this country our standard five day week and statutory bank holidays accommodate the religious needs of practising Christians. Employees of other faith groups may be at a disadvantage when it comes to observing their holy days and religious festivals. Pilgrimage can also be an important part of some belief systems, requiring time off at certain times of year. Some holy days (e.g. the Jewish Sabbath) begin at dusk on the previous night and observers may wish to be home before then - this can mean leaving work early during the winter. The Regulations do not mean that employees are entitled to extra time off for religious observance. Managers need to apply the 'test of reasonable accommodation' (see previous page). Each request needs to be assessed individually. If the lost time can be made up and the cost and burden on other staff is not too great, managers may need to offer some flexibility where possible.

Food and fasting

Many faiths have dietary restrictions observed for religious reasons (e.g. many Hindus are vegetarian, and most Muslims avoid alcohol). Workplace culture surrounding food or drink can discriminate indirectly or make people with differing needs feel excluded. Many faiths also involve the practice of fasting and employers should be sensitive to this (see The Business of Faith publication on Ramadan).

Dress

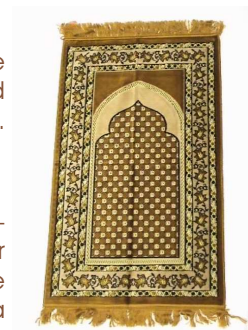
Some faiths require certain items of clothing to be worn (e.g. the Sikh turban or Jewish kippah), other faiths have obligatory items of jewellery, or require women to wear loose-fitting clothes. These may impact on work environments with dress codes or uniform policies (see case studies overleaf).

Physical contact

Physical contact or proximity between the sexes can be restricted in some faith communities. Some may want to avoid shaking hands, or being in a lift with people of the opposite sex. This should not be viewed negatively.

Bereavement

Customs and obligations surrounding funerals and bereavement vary across cultures and faiths. This may mean longer periods of mourning during which work may need to be suspended, or the need for funerals to take place within a certain narrow time frame.



Case Studies

Pilgrimage

In the case of Khan v NIC Hygiene, Mr Khan was sacked after he took time off to make a pilgrimage to Mecca. The trip required using all his annual leave at once. He had requested the time off but not received a written response. His manager said he could assume that the leave had been granted. The tribunal found that the treatment of Mr Khan amounted to discrimination under the Regulations and made an award in his favour of £10,000.

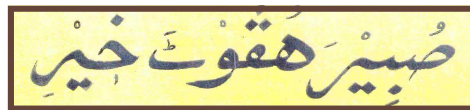


Animal products

Certain foodstuffs and animal products may be prohibited to people from different religious backgrounds. A department store found that their Hindu staff were refusing to touch a new product, a cow-skin rug, due to religious beliefs. Managers held meetings with employees and also their families to discuss how they could deal with the issues. They also faced a potential conflict with Muslim staff who felt their discomfort over handling similarly prohibited material, had not been addressed as sensitively. Eventually it was agreed the items concerned would be packaged in plastic to contain the smell and make touching the product less problematic. They also agreed to re-allocate staff so that no-one who was unhappy handling the products needed to do so.

Sharia compliant pensions

Usury is prohibited under Islamic religious law and some employers have begun to take this in to account. Accenture were approached recently by some Muslim employees who were unhappy with the trust funds used in their pension scheme. The company undertook a review and explored funds that would meet the Islamic criteria. There were some initial difficulties with the trust fund they chose. The level of return was less than the standard scheme, so the option needed to be carefully communicated. It also involved slightly higher administrative costs, which after discussion and consultation, Accenture decided to bear themselves rather than passing on to the employee.

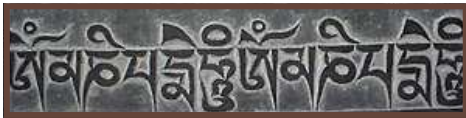


Sikh Sword and Turban

The Sikh faith requires men and women to wear several items of clothing and artifacts relating to their faith, including the turban, and a kirpan (sword). An organisation operating a search policy at the end of each shift raised questions about whether they should search under a Sikh's Turban. After discussions, it was decided that this was inappropriate. There was also a question of whether the kirpan should be allowed in high security buildings, or whether it should be substituted with a symbolic replica. After conversations with the Sikh community, a decision was made to allow the kirpan and security staff were trained on how to recognise it.

Uniforms

An agency nurse was unhappy with the uniform she was expected to wear which was too close-fitting with too short a skirt. As a Muslim, her religion required her to dress modestly in clothes that do not emphasize body shape. She made her own uniform but the agency would not reimburse her for the cost. A Muslim charity advocated on her behalf, helping her to recoup the cost and working with the agency to review their uniform policy.



Happy Holidays?

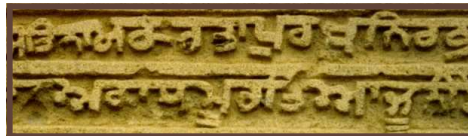
Many companies send cards to staff or clients at Christmas. Recently, some organisations have found that Christian employees became unhappy that the message of one of their most significant religious festival was being watered down to 'happy holidays'. Staff from other faiths also began requesting that their festivals be remembered. Employers need to be sensitive to these issues, aim to educate employees and maintain a balance between supporting staff of different faiths.

Alcoholic incentives

A Muslim insurance salesman, was involved in an employment tribunal with his employers. His managers had been offering alcohol as a performance incentive, and the employee claimed that this discriminated against him as a Muslim because he could not claim such a prize. However, the tribunal found that he was in the same position as a teetotal non-Muslim, so there had been no direct discrimination.

Sunday working

In Williams-Drabble v Pathway Care Solutions, the Employment Tribunal found that Ms Williams-Drabble, a practising Christian, had been indirectly discriminated against when a change in the working rota meant that she was required to work on Sundays and would therefore not be able to attend church. She was initially told that a meeting was to take place to discuss possible changes to the rota, but this meeting never happened, and the change was imposed without consultation. When she raised this with her employer she was informed that if she could not follow the rota she would have to resign. The tribunal found that the employer had applied a provision, criterion or practice which applied equally to all staff but meant that practising Christians were put at a disadvantage. The employee won the case and was judged to have been constructively dismissed and unlawfully discriminated against.



Prayer Space

One organisation was approached by Muslim employees requesting a separate prayer room so that they could pray together at set times without members of other faiths being present in the room at the same time. They also would have liked a space for women to pray separately. It was decided this was not feasible as space was limited, but managers decided to allow time off for staff to visit a local mosque, on the understanding the lost time would be made up later in the day.

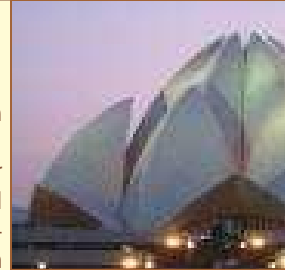
Best Practice

- ◆ **Know the law** - Make sure managers know of the employment regulations surrounding religion and belief, and are aware that the organisation is committed to treating people of all faiths fairly and with respect. Make training available as necessary and ensure staff have access to appropriate resources.
- ◆ **Know your staff** - The law does not require you to ask your staff their religious background, but it might help in providing facilities and pre-empting issues. Some companies include a question in the annual staff survey. This needs to be done with sensitivity. It should be clear what the information will be used for and that answering the question is entirely voluntary.
- ◆ **Consult** - Create opportunities for a varied sample of staff to share their experiences of balancing religious and workplace needs and to identify what if anything needs to change. This can be done in creative ways which will help generate staff involvement as well as provide managers with invaluable feedback.
- ◆ **Audit policies and practices** - Review company recruitment practices, shift and holiday booking procedures, meeting times, and company culture around dress codes, food and alcohol. This will help to highlight any practices which indirectly discriminate against particular faith groups.
- ◆ **Flexibility** - Communicate to managers the need to allow, where possible, flexibility of working hours and time off in order to accommodate needs arising from prayer times, fasting practices, religious festivals, holy days and pilgrimages.
- ◆ **Openness** - Faith can sometimes be seen as a sensitive or even taboo subject. Good management skills would include a willingness to learn about different staff needs. It is not necessary to know the details of every religious practice, but simply to be open, willing to ask for more information as required, and to show an attitude of respect and flexibility.
- ◆ **Avoid making assumptions** - Don't assume that every member of a religious group will practice their faith in the same way.
- ◆ **Create feedback channels** - Make sure staff know who to approach if they have an issue they would like to raise.
- ◆ **Use exit interviews** - If your organisation conducts exit interviews when a member of staff resigns, these can provide an opportunity to gain information about issues employees may have found difficult to raise whilst in the job. Questions can be included about faith and inclusion or about discrimination or harassment.



Employee faith networks

You may want to consider setting up employee networks. These can be organised around faith or culture and can use email newsgroups to communicate with each other. This can help foster a sense of support and inclusion for members of staff of different religious and cultural backgrounds. One possibility is to have several single-faith networks (depending on the needs of staff) from which each nominate a representative to sit on a multi-faith forum. Ideally the forum would also include a member of Human Resources or a Diversity Manager. This ensures there is communication across the faith groups and provides a feedback channel to HR. The multi-faith forum can also organise events which bring all the networks together from time to time. Some organisations prefer to have only a multi-faith forum (and not the single faith networks) as this promotes the sharing of common experience between people of faith. Whichever model is employed, it is a good idea to create terms of reference for the networks to ensure they operate within appropriate boundaries.



Ideas for engaging with religious diversity

- ◆ Lunchtime talks and evening social events can be simple ways to generate interest, to publicise the existence of faith networks, and allow those with an interest in faith and religion to meet each other.
- ◆ Foyer exhibitions themed around religious diversity are a way for managers to demonstrate to employees that this aspect of their lives is included and valued in the work environment.
- ◆ Calendars of religious festivals are now widely available. These can be downloaded into personal on-line diaries or posted on intranet sites, and set up to deliver messages such as 'Happy Diwali' on the appropriate day. Weblinks can provide access to background information on each festival and on each faith. This is a very simple way to honour the faith backgrounds of employees and make everyone feel included.

Prayer Space

Provision of a quiet room or multi-faith prayer space is becoming more widespread. Many large organisations have adapted existing rooms and these have proved to be well-used and much appreciated by staff of all faiths, beliefs and none. In the future, offering a quiet room may become standard practice for organisations over a certain size, and purpose-built rooms will undoubtedly become more common. When deciding if your organisation should provide such a space, you need to take the test of reasonable accommodation (see page 4). See overleaf for ideas about creating and designing appropriate quiet space.

Creating Quiet Space

- ◆ It is a good idea to consult with future users of the room from different faith backgrounds. This will help ensure the room will work appropriately for everyone.
- ◆ Employee faith networks should be jointly responsible for the management of the space. This will maximise prayer room potential and help build a sense of shared ownership.
- ◆ If space is in short supply, meeting rooms can be adapted to have a dual function. If a permanent room is not feasible, offering a space at certain times of the year (e.g. the Muslim month of Ramadan) will demonstrate managers commitment to supporting staff faith needs where possible.
- ◆ Advice from specialised consultants regarding design can be useful and will make sure the needs of less well-known faith and belief system groups are not overlooked.
- ◆ Different faith groups may need to negotiate times for holding services or congregational prayer.
- ◆ Use of the room should be monitored, and there should be clear communication channels for room users to feedback any issues to HR or to the relevant managers.
- ◆ The term 'quiet room' may be preferable to 'prayer room' as it is more inclusive and keeps the room open to people with no particular religion.



Design factors

- ◆ Location in the building and likely noise levels.
- ◆ Proximity to washrooms (members of some faiths perform ablutions before prayer).
- ◆ Orientation (some faiths prayer facing a particular direction).
- ◆ Heating (body temperature drops during meditation).
- ◆ Neutrality (it is better to avoid religious symbolism than attempt to include symbols from all the faiths).
- ◆ A sense of the sacred (use of light, calming colours, simple abstract designs and attention to elegance will produce an inspiring and peaceful environment).

Other resources

Faith community websites

Atheism

www.religioustolerance.org/atheist.htm

Bahá'ism

www.bahai.org

Buddhism

www.thebuddhistsociety.org

Christianity

www.ctbi.org.uk

Hinduism

www.hinduforum.org

Humanism

www.humanism.org.uk

Islam

www.isb.org.uk

Jainism

www.jainuniversity.org

Judaism

www.bod.org.uk

Paganism

www.paganfed.org

Rastafarianism

www.bbc.co.uk/religion/religions/rastafari/index.shtml

Shintoism

www.jinja.or.jp/english/s-0.html

Sikhism

www.sikhnet.com

Zoroastrianism

www.avesta.org



Employment & diversity websites

ACAS

www.acas.org.uk

BBC Religion & Ethics

www.bbc.co.uk/religion/

The Business of Faith

www.thebusinessoffaith.org

Diversity Works

www.diversityworks.org

St Ethelburga's Centre for Reconciliation & Peace

www.stethelburgas.org

Business of Faith publications

Ramadan: Briefing notes for managers

Religion and belief in the workplace: A handbook

Calendar of Religious Festivals



This guide represents a general overview of best practice for employers in the area of religion and belief. It is not intended to be relied upon as a detailed statement of the employment practices of individual members. Specific workplace guidance should be sought where appropriate.

Further copies of this leaflet
and other Business of Faith publications can be obtained from:

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