

Religion and Belief Guidance for Managers

Introduction and Definition

The Employment Equality (Religion or Belief) Regulations 2003 came into force on the 2nd December 2003. The Regulations prevent discrimination in employment on the grounds of religion or belief. The Equality Act 2010 replaces these regulations. The Council's obligations as an employer remain largely the same. This guidance aims to help Managers understand how to comply with legislation when recognising and managing the expression of a religion or belief in the workplace.

Religion or belief can be defined as:

Any religious belief, provided the religion has a clear structure or belief system. Denominations or sects within a religion can be considered a protected religion or religious belief.

It is as unlawful to discriminate against a person for not holding a particular (or any) religious or philosophical belief as it is to discriminate against someone for holding a religious or philosophical belief.

Discrimination can occur even when both the discriminator and person being discriminated against hold the same religious or philosophical belief.

Listed below are some of the most commonly practiced religions and beliefs in Britain. However there are many more and this list should not be considered to be exhaustive.

Atheism
Baha'i
Buddhism
Christianity
Hinduism
Islam (Muslims)
Jainism
Judaism
Rastafarianism
Sikhism
Zoroastrians (parisi)

For details please refer to further information

The Council's approach

Carmarthenshire County Council strives to be an equal opportunity employer and has an obligation under the regulations to ensure that discrimination does not take place in the workplace irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, age, sex, gender reassignment, sexual orientation, parental or marital status, and pregnancy or maternity. Please also refer to the Equality and Diversity Policy which can be found under HR Policies and guidance on Brian.

Although the regulations do not give any legal right to receive time off, paid or unpaid for religious reasons, annual leave, flexible working hours or unpaid leave can be considered depending on the circumstances and where leave entitlement has been exhausted. Please refer to the compassionate and other leave Policy and flexible working Policy under HR policies and procedures on Brian.

When considering a religion or belief request by an employee, an employer should assess whether the religion or belief is genuine and also whether accepting or rejecting the request will be lawful under the equality and human rights legislation.

Establishing the religion or belief is genuine

A protected belief should be more than an opinion or a viewpoint, and it should be serious, genuinely and sincerely held, and worthy of respect in a democratic society. It should also be compatible with human dignity and should not conflict with the fundamental rights of others. The law protects adherents to all the generally recognised religions, as well as druids and pagans, for example. It also protects people without any religion or belief, including humanists and atheists.

Managers are not expected to be experts in religion or belief issues and should not spend too much time or expense examining the motivation or genuineness of a particular employee's religion or belief. In most cases, this will be easily identified.

Managers should only question a belief in the most exceptional cases where, for example, it is very obscure, appears to be objectively unreasonable, or the sincerity of the belief of an employee is genuinely in doubt. In such situations requests can be declined if it can reasonably be concluded that the belief is not sincere.

Religion or belief requests to consider

Most requests are likely to cover:

- **Manifestation of belief:** This covers clothing, appearance and jewellery with religion or belief meaning. Examples include: wearing headscarves, turbans, kippahs (skull caps) and modest dress, having a beard, and wearing a cross, crucifix, kara (a Sikh steel bracelet) or Star of David.
- **Time off work for religion or belief reasons:** This covers requests for time off work for religion or belief reasons on a regular basis, such as to avoid working on Sundays (for Christians) or to allow prayers to be said on Fridays (for Muslims). It also covers time off work for infrequent occasions, such as religion or belief festivals or one-off requests, such as time off work for pilgrimages.
- **Adapting work duties:** Managers may be asked to adapt work duties to allow employees to avoid contact with alcohol and/or meat at work for religion or belief reasons.

Managers are not required to comply with these requests on all occasions but, as discussed below, they should be considered seriously.

Steps Managers should take to deal with a request

Review practices to ensure that they do not unjustifiably discriminate against an employee who requests a change due to a particular belief. Think about how to respond were such a situation to arise in the future.

Managers should take all requests seriously and should not make assumptions about the significance of a religion or belief, or disregard a request because it is made by only one employee. Even those who have the same religion may not share the same beliefs or practices.

Managers should take as their starting-point consideration as to how to accommodate the request unless there are compelling reasons not to do so, assessing the impact of the change on other employees, the operation of the business and other factors outlined below.

Questions to ask to ensure the employees approach to a religion or belief request is justified

Managers should seek to balance the religion or belief needs of an employee with the legitimate needs of the business and the interests of others. In general, the fact that someone else might not share a religion or belief or be opposed to it does not mean that the employee is automatically to be barred from having their request granted.

To reach a fully considered, balanced, and reasonable conclusion, a Manager should consider, amongst other factors:

- the cost, disruption and wider impact on service delivery or work if the request is accommodated
- whether there are health and safety implications for the proposed change
- the disadvantage to the affected employee if the request is refused
- the impact of any change on other employees, including on those who have a different religion or belief, or no religion or belief
- the impact of any change on customers or service users, and
- whether work policies and practices to ensure uniformity and consistency are justifiable.

In many cases, Managers and employees may be able to find solutions to managing religious issues in the workplace. Generally speaking, it is better to try to achieve a solution than to pursue litigation. Managers will need to seek advice from People Management before refusing a request.

Promoting a particular religion or belief when at work?

Some employees may seek to persuade their colleagues or customers to adopt their religion or belief by distributing literature or in conversation. Others may wish to tackle misunderstanding or further explain their religion or belief.

Employees may assert the right to discuss their personal beliefs in the workplace and these conversations should not be prevented, unless to do so is a proportionate means of achieving a legitimate aim; for example, if the conversations amount to harassment of other people. Harassment is defined in this context as unwanted conduct that is reasonably viewed as violating dignity, intimidating, hostile, degrading, humiliating or offensive to other people. For further information please refer to the Authority's Dignity at Work Policy and Procedure under HR policies and guidance on Brian.

Managers may be justified in limiting the freedom of employees in promoting their beliefs at work, when this involves someone in a powerful position acting inappropriately towards someone in a vulnerable or subordinate position. Advice should be sought from People Management.

Employees refraining from specific work duties

Some employees may wish to opt out of the performance of some of their duties due to their religion or belief. Sometimes this is known as conscientious objection. This is explicitly permitted by law in certain specific situations, for example medical staff can opt out of performing abortions, or carrying out embryo research or fertility treatment.

However, the law is clear that when someone is providing a public service, they cannot, because of their religion or belief, discriminate unlawfully against customers or service users.

Managers should carefully consider the circumstances of every request from an employee to opt out of part of their job requirements, but is not required either to accept or reject such a request automatically. Some employers allow employees to opt out of part of their jobs to accommodate religion or belief objections in certain circumstances. This may be where other employees can cover for the employee making the request so it does not affect the effectiveness of the organisation or the provision of the service to the public.

Examples of requests

The following examples have been constructed by the Equality and Human Rights commission to illustrate good practice points which will assist employers to comply with the law. The examples may help managers decide how to deal with a particular situation, but do not represent legal advice on how courts or tribunals will determine these or similar issues. Advice should be sought from People Management in relation to specific cases.

- Changes to work duties, including a requirement for employees to clean the work kitchen, lead a vegetarian employee working in an office to tell his employer that he wishes to avoid coming into contact with meat at work to comply with his religion or belief. The employer recognises not all vegetarians

have the same objection, but accepts in this case that the request is genuinely motivated by the employee's belief and that it is sincere. After talking with other employees, the employer concludes the impact on other employees can be easily managed, and decides to exempt the vegetarian employee from fridge cleaning duties where meat is stored.

- A Jewish check-out operator within a small supermarket has been allowed regularly to finish work early on a Friday afternoon to prepare for the Sabbath. A new manager, who has not been made aware of this by the branch manager, constructs a work rota requiring the Jewish employee (and other employees) to work late on Fridays. On discovering this, the Jewish employee asks the new manager to change the rota to meet his religious needs. When considering his request, the new manager looks at the rotas to see if there are other staff who could cover his Friday shifts on a regular basis. He then discusses the practical consequences with the Jewish employee and with the other members of the team to see if the change will have adverse consequences for them. He discovers that the other members of the team will not be adversely affected and so agrees to the request.
- A Muslim job applicant has been offered a job in a care home which she discovers requires her to be available for work on Fridays, including during prayer times. She asks the employer if she can be allowed regular time off work on Friday to attend worship at a local mosque. Her employer, who provides care 24 hours a day, 7 days a week to service users, looks into the request but encounters significant difficulty in changing other employees' work rotas to meet her religious needs. There is insufficient cover available from the small number of other employees to enable the service to be provided and ensure that every employee has a fair amount of time off work. The employer offers occasional time off work on Fridays without compromising service delivery and the needs of other employees, but the Muslim job applicant decides not to take up this offer of employment, preferring to search for other work that will fully meet her religious requirements.
- When at work, two employees begin to talk about environmental issues. During the conversation, one employee states that, based on her deeply held ecological beliefs, she believes that it is quite wrong for anyone to drive to work and that anyone who does this is irresponsible. Her colleague, who

regularly drives to work, is offended by this comment and complains to her employer of harassment at work. The employer rejects the complaint, saying the discussion was a reasonable expression of a philosophical belief in the workplace.

- An employer has a policy prohibiting the wearing of all jewellery. The reason for the policy is to ensure employees present a corporate image to the public. A Christian employee, who usually wears a small cross on a chain around his neck, asks his employer to change this policy, so he can continue to wear his cross. The employer re-examines the reasons for the policy and decides to provide an exemption for mutually acceptable forms of jewellery worn by employees for religious reasons. The employer decides this exception still means it can present a corporate image. There is no adverse impact on others in making this change to the policy.
- A Sikh doctor asks the hospital in which he works to allow him to wear a turban as he now feels that this is something he should wear to comply with his religious obligations. The hospital's dress code requirements are silent about whether a turban (or other head coverings) can be worn at work. His employer recognises that not all Sikhs share the same beliefs or practices. It seriously examines the request, and concludes that a securely fitted turban in the hospital's colours should be allowed under its dress code to enable doctors to be identified and because it does not pose a health and safety risk. The Sikh doctor agrees to wear a turban at work that meets these requirements.
- A newly-appointed magistrate has a philosophical belief that protecting the welfare of children means that they should not be brought up by parents in same-sex relationships. She asks her employer to exempt her from dealing with family law work involving same-sex couples. The employer considers this request, but decides to reject it and requires her to carry out her work duties on the basis that the belief is incompatible with upholding the dignity and fundamental rights of same-sex couples under its equal opportunities policy.
- During a home visit, a Hindu social worker offers to say prayers for a service user in an attempt to help that person overcome certain health issues. The service user, who does not share those beliefs, feels uncomfortable about this taking place at her home but fears the consequences if she refuses. She reluctantly accepts the offer but subsequently complains to the employer, who

disciplines the social worker for inappropriate unprofessional conduct amounting to an abuse of power over a vulnerable service user. The social worker is warned not to repeat such conduct at work without the permission of the employer and the service user.

- A Christian hospital nurse offers to say prayers for a patient, making it clear that there is no pressure or obligation on the patient to agree and he will not be offended if the patient declines. The patient decides that she would like the prayers to be said for her as she will gain some comfort from them. The hospital nurse's colleagues who witness this raise concerns with their manager who, after investigation, decides nothing inappropriate occurred in these circumstances. This was because the nurse had discussed and agreed in advance with his employer that he could offer prayers, when the hospital chaplain was unavailable, to patients who had identified spiritual needs and who accepted the offer without any pressure or abuse of power.

Summary Q&A

Q: *How will a Manager know if a religion or belief is genuine and reasonable?*

A: *This will be obvious on most occasions, so religion or belief expertise usually will not be required; a religion or belief is more than an opinion or point of view. More scrutiny may be needed where beliefs are obscure, or appear unreasonable or insincere.*

Q: *What kind of religion or belief requests will a Manager need to consider?*

A: *Common requests include asking for permission to wear certain symbols or forms of dress, time off work for prayers or festivals and adapting work duties to meet religion or Belief needs.*

Q: *What steps should a manager take to deal with a request?*

A: *Think ahead where possible to review policies and practices that may cause problems, treat requests seriously, permit the request unless there are good reasons to justify refusal.*

Q: *What questions should managers ask to ensure their approach to a religion or belief request is justified?*

A: *Striking the right balance between competing considerations means looking at the impact on the business, on the individual making the request, and on other employees and customers if the request is or is not granted. Consider if there is a justifiable need to treat everyone in the same way, or whether different treatment is possible without breaking the law.*

Q: *Do employees now have a right to promote their particular religion or belief when at work?*

A: *Only where it is appropriate to do so without causing harassment, imposing their views on others or otherwise abusing a position of power to the detriment of the vulnerable or less powerful.*

Q: *Can employees refrain from work duties?*

A: *Unless the law explicitly allows this, it depends on the impact on the business, on other employees and on customers. It will not be appropriate where it results in discrimination against employees or customers.*

FURTHER INFORMATION

More information on any area of religion/faith leave can be obtained by contacting your People Management representative. Further information can be accessed through the links below

Equalities and Diversity information for CCC employees

[Equalities and Diversity - Document Library](#)

Equality and Diversity Calendar

<http://www.bbc.co.uk/religion/tools/calendar/>

The Interfaith Network promoting good relations for people of different faiths

www.interfaith.org.uk

Guidance on the Equality Act issued by the Advisory Conciliation and Arbitration Service (ACAS) is at:

<http://www.acas.co.uk/CHttpHandler.ashx?id=2833&p=0>

And the full text of the Equality Act can be found at:

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

You can find useful information about discrimination on the EHRC website at

www.equalityhumanrights.com.

For a list of the main religions can be found at

<http://www.bbc.co.uk/religion/religions/>

Employer Forum on Belief

<http://www.efbelief.org.uk>

Independent employer network sharing good practice on religion belief and non belief

British Humanist Association

<http://www.humanism.org.uk>

Providing information on humanism

Jewish Association of Business Ethics the workplace

Muslim Council of Great Britain (MCB)

<http://www.mcb.org.uk/faith/approved.pdf>

Providing guidance for employees and employers on Islam and the Workplace

Office of Public Sector Information

Religion and Belief guidance
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