

A guide for employers
and employees



Religion or belief and the workplace

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work
with you

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Religion or belief and the workplace

*Putting the Employment Equality (Religion or Belief)
Regulations 2003 into practice*

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Introduction

From 2 December 2003, when the Employment Equality (Religion or Belief) Regulations came into force, it became unlawful to discriminate against workers because of religion or belief. The regulations also cover providers of vocational training. Although the Regulations have now been extended to cover goods and services, this booklet describes the regulations and gives guidance on associated good employment practice.

Fairness at work and good job performance go hand in hand. Tackling discrimination helps to attract, motivate and retain staff and enhances an organisation's reputation as an employer. Eliminating discrimination helps everyone to have an equal opportunity to work and to develop their skills.

Existing legislation protects people against discrimination on the grounds of sex, race, disability and gender reassignment. From 1 December 2003, separate regulations to protect people from discrimination on the grounds of sexual orientation also came into force. And, on 1 October 2006, regulations to protect people against discrimination on the grounds of age came into force (see Acas booklets on these or look at Acas website www.acas.org.uk).

A lot of the good practice in this booklet will be familiar from existing advice on avoiding sex, race and disability discrimination. The new Regulations should pose few difficulties in organisations where people are treated fairly and with consideration.

What the regulations say – in summary

This guidance covers the Regulations as they apply to vocational training and 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. That is, to treat them less favourably than others because of their religion or belief;
- 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 or harass someone in certain circumstances after the working relationship has ended.

Exceptions may be made in very limited circumstances if there is a genuine occupational requirement for the worker to be of a particular religion or belief in order to do the job or to comply with the religious or belief ethos of the organisation.

Religion or belief is defined as being any religion, or religious or philosophical belief. It will be for the Employment Tribunals and other Courts to decide whether particular circumstances are covered by the Regulations.

What do the *Regulations mean?*

1. A brief explanation of the Regulations

1.1 Religion or belief is not explicitly defined in the Regulations. In most applications to a tribunal it will be clear what is or is not a religion or religious or philosophical belief. It will be for the tribunals and higher courts to decide where the issue is disputed. They may consider things such as collective worship, a clear belief system, a profound belief affecting the way of life or view of the world. Employers should be aware that these Regulations extend beyond the more well known religions and faiths to include beliefs such as Paganism and Humanism. The Regulations also cover those without religious or other beliefs.

1.2 Direct discrimination means that workers or job applicants must not be treated less favourably than others because they follow, are perceived to follow, or do not follow a particular (or any) religion or belief.

For example it is unlawful to:

- decide not to employ someone
- dismiss them
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions

because they follow, or do not follow, a particular religion or belief.

Example: At interview it becomes apparent that a job applicant is Hindu. Although the applicant has all the skills and competences required of the job, the organisation decides not to offer him the job because he is a Hindu. This is direct discrimination.

NB: A job applicant can make a claim to an Employment Tribunal. It is not necessary for them to have been employed by the organisation to make a claim of discrimination.

Direct discrimination may only be justified in the very limited circumstances where a genuine occupational requirement can be shown to apply.

- 1.3 Indirect discrimination** means that an organisation must not have selection criteria, policies, employment rules or any other practices which although they are applied to all employees, have the effect of disadvantaging people of a particular religion or belief unless the practice can be justified. Indirect discrimination is unlawful whether it is intentional or not.

Example: Disliking the baseball caps his delivery drivers like to wear, a Chief Executive applies a 'no headwear' policy to all his staff. The policy, although applied to all employees, disadvantages his Sikh staff who wear turbans for religious reasons. This policy is indirect discrimination.

The example above is already well recognised. However, there are less well documented examples which are equally important to the followers of particular religions.

Example: An organisation has a dress code which states that men may not wear ponytails. This may indirectly disadvantage Hindu men some of whom wear a Shika, (a small knotted tuft of hair worn at the back of the head, as a symbol of their belief). Such a policy could be discriminatory if it cannot be justified.

In contrast to direct discrimination, indirect discrimination will not be unlawful if it can be justified. To justify it, an employer must show that there is a legitimate aim, (ie a real business need) and that the practice is proportionate to that aim (ie necessary and there is no alternative means available).

Example: A small finance company needs its staff to work late on a Friday afternoon to analyse stock prices in the American finance market. The figures arrive late on Friday because of the global time differences. During the winter months some staff would like to be released early on Friday afternoon in order to be home before nightfall – a requirement of their religion. They propose to make the time up later during the remainder of the week.

The company is not able to agree to this request because the American figures are necessary to the business, they need to be worked on immediately and the company is too small to have anyone else able to do the work.

The requirement to work on Friday afternoon is not unlawful discrimination as it meets a legitimate business aim and there is no alternative means available.

- 1.4 Harassment** includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of religious jokes.

Organisations may be held responsible for the actions of their staff as well as the staff being individually responsible for their own actions. If harassment takes place in the workplace or at a time and/or place associated with the workplace, for example a work related social gathering, the organisation may be liable and may be ordered to pay

Example: Some time after resigning from employment with an organisation, a Muslim man meets his ex-colleagues at a football match. They are hostile towards him, alluding to current world events. He is distressed by their attitude but has no claim against the organisation as the harassment is not connected with nor arises out of his previous working relationship with the company.

NB: The individual in this example has no recourse through employment law but may be able to make a complaint through other legal avenues.

compensation unless it can show that it took reasonable steps to prevent harassment. Individuals who harass may also be ordered to pay compensation.

Employers should, where possible, also protect their workers from harassment by third parties such as service users and customers.

Employers investigating claims of harassment should consider all the circumstances before reaching a conclusion, and particularly the views of the person making the complaint; harassment is often subjective. Having gathered all the evidence, employers should ask themselves “could what has taken place be reasonably considered to have caused offence?”

Example: A member of staff is devout in her belief. She continually refers to her colleagues as “heathens” and warns them of the consequences they may suffer as a result of their lack of belief. Distressed by her intimidating behaviour, her colleagues complain to their manager that they are being harassed.

NB: The harassment is unlawful because it is directed at work colleagues because they have different beliefs or no beliefs.

Example: Mr 'A' is continually teased about his partner's religious convictions. He finds being subjected to such teasing offensive and distressing and complains to his manager. His manager tells him not to be silly, that the teasing is only harmless workplace banter and is nothing to do with the organisation.

This is harassment on the grounds of religion or belief even though it is not the victim's own religion or belief that is the subject of the teasing. Mr 'A' is able to complain through an Employment Tribunal. His colleagues may have to pay compensation. The organisation may have to pay compensation because it has liability for the actions of its staff.

- 1.5 Victimization** is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment. They may become labelled "troublemaker", denied promotion or training, or be "sent to Coventry" by their colleagues. If this happens or if organisations fail to take reasonable steps to prevent it from happening, they will be liable and may be ordered to pay compensation. Individuals who victimise may also be ordered to pay compensation.

Example: After giving evidence for a colleague who had brought an Employment Tribunal claim against the organisation on the grounds of religion or belief, a worker applies for promotion. Her application is rejected even though she shows that she has all the necessary skills and experience. Her manager says she is a 'troublemaker' because she has given evidence at the Tribunal and as a result should not be promoted. This would be victimisation.

Discrimination, harassment or victimisation following the end of a working relationship covers issues such as references either written or verbal.

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.

- 1.6 A genuine occupational requirement (GOR).** In very limited circumstances it will be lawful for an employer to treat people differently if it is a genuine occupational requirement that the job holder must be of a particular religion or belief. When deciding if this applies, it is necessary to consider the nature of the work and the context in which it is carried out. Jobs may change over time and organisations should periodically consider whether the requirement continues to apply, particularly when recruiting. Further guidance is given in Appendix 1.

An occupational requirement on the grounds of religion or belief, as in the example overleaf, must not be used as a basis for discrimination on other grounds such as race or disability.

Some organisations have an ethos based on a religion or belief, for instance a care home managed by a religious charity. Where organisations can show that they are founded on such an ethos they may be able to apply a genuine occupational requirement to jobs where in other circumstances such a requirement would not apply. In these cases the need for a particular religion or belief may not be a 'decisive' factor for the job but organisations must still be able to show that it is a requirement of the job in order to adhere to the ethos of the organisation and that it is proportionate to apply the requirement. Such an organisation should not assume that it is able to apply a 'blanket' GOR to all posts as they may be required to show that each GOR is reasonable when considering the nature of the job and the context within which it is carried out.

Example: A faith based care home may be able to show that being of a particular faith is a genuine requirement of its carers because they are required to carry out their duties in a manner that fulfils both the physical and spiritual needs of its patients.

However, they may not be able to justify a similar requirement for their maintenance or reception staff whose jobs do not require them to provide spiritual leadership or support to the patients.

- 1.7 Positive Action.** Selection for recruitment or promotion must be on merit, irrespective of religion or belief. However, it is possible to take certain steps to redress the effects of previous inequality of opportunity. This is called positive action. Employers may give special encouragement to, or provide specific training for people from religions or beliefs who are in a minority in the workplace. Employers may wish to consider positive measures such as:
- training their existing employees for work which has historically been the preserve of individuals from a particular religion or belief;
 - advertisements which encourage applications from a minority religion but making it clear that selection will be on merit without reference to religion or 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
- 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 reputation both as a business and as an employer
- cost of staff leaving and consequent recruitment and training
- cost of compensation if they take a claim to an Employment Tribunal – there is no upper limit to the amount of compensation an organisation may be ordered to pay.

Recruitment

- 2.1 It makes sound business sense for an organisation to attract a wide field of job applicants – it is not a good idea to rely on the friends or family of current staff as this may limit the diversity of the organisation.
- 2.2 Advertising is best undertaken in a form accessible to a diverse audience. For instance, use of a wide interest publication or agency rather than one focused on a niche or specialist culture or interest area which will limit the diversity of applicants and may constitute indirect discrimination.

Example: An advertisement placed only in a particular religious magazine may constitute indirect discrimination as it is unlikely to be seen by people of other religions or beliefs. Although the magazine may be available to all potential applicants, it effectively disadvantages groups of people who for religious or belief reasons may not subscribe to that particular publication.

- 2.3 Organisations should be clear about what skills they actually need for the post, differentiating them from those which are merely desirable or reflect the personal preferences of the selector. They should recruit and/or promote for those skills and aptitudes – there is nothing to prevent an employer from deciding not to recruit or promote someone if they do not have the necessary skills or abilities.
- 2.4 Organisations should ensure they do not set unnecessary selection criteria or standards which might prevent people from applying because of their religion or belief.
- 2.5 Organisations should make sure that job applicants are clear about what the post actually entails. This should give applicants the opportunity to consider fully whether there is any chance the job might conflict with their religious or belief convictions enabling them to make an informed decision about whether to apply.

- 2.6** Where it is reasonable to do so, organisations should adapt their methods of recruitment so that anyone who is suitably qualified can apply and attend for selection. Some flexibility around interview/selection times allowing avoidance of significant religious times (for example Friday afternoons) is good practice.

Example: Where the recruitment process includes a social gathering, care should be taken to avoid disadvantaging anyone for whom alcohol is prohibited on the grounds of religion or belief. For instance, holding the gathering in a hotel bar may pose particular difficulties for those whose religion forbids association with alcohol.

Invitations should make it clear that applicants with specific dietary requirements (which may be associated with their religion or belief) will not be disadvantaged by the process or the venue. Employers do not have to provide specific food such as Halal or Kosher if it is not proportionate for them to do so but they should ensure that there is some appropriate food available (eg vegetarian).

- 2.7** Where employers believe a genuine religious occupational requirement applies to a post, this should be made clear in the advertisement. The reasoning should also be explained in any application pack and during the selection process. More guidance is given in Appendix 1.
- 2.8** Whilst organisations should be sensitive to the religious or belief needs of job applicants, individuals invited to attend a selection process should ensure that they make their needs known to the organisation in good time so that employers have an opportunity to take them into account when arranging the selection process. It is a good idea for organisations to specifically invite applicants to make any special needs known.
- 2.9** At the interview or selection process questions should be asked, or tests set, to check for the skills and competences needed for the post. Interviewers should not be tempted to ask personal questions which may be perceived to be intrusive and imply potential discrimination. Where applicants volunteer personal information, those selecting should take particular care not to be influenced by such

information. An organisation only needs to know if the person can do the job and if they are willing to do the job. Assumptions should not be made about who will and who will not fit in.

Good Practice: The perception of the interviewee is important. Questions not obviously related to the post may be perceived as providing a basis for discrimination. It is accepted good practice to avoid irrelevant questions relating to marital status, or child care arrangements from which the applicant could infer an intention to discriminate on grounds of sex. To the category of questions best avoided should be added unnecessary questions about religion or belief such as ones about place or frequency of worship, communal involvement, or the religious ethos of educational establishments attended.

Where personal information is required for purposes such as security clearance, it should be sought in confidence and retained separately. It should not be available to those conducting the selection process.

2.10 At recruitment and beyond, staff welcome an organisation having a robust Equality Policy which includes religion or belief as well as other forms of discrimination and which takes the matter seriously if the policy is contravened. Although not a legal necessity, such a policy makes applicants feel confident and serves to discourage those whose attitudes and behaviours do not embrace equality of opportunity. Acas can help organisations to draw up and implement such a policy and with their training needs.

2.11 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. This provision remains unchanged.

Where other employees request cessation of Sunday working on the grounds of their religion or belief, employers should consider whether Sunday working can be justified as a legitimate business need and whether it is proportionate to apply that justification to the individual. Refusal to adjust the individual's working patterns may be indirect discrimination if adequate justification cannot be shown.

Retaining *good staff*

- 3.1** Opportunities for promotion and training should be made known to all staff and be available to everyone on a fair and equal basis.
- 3.2** Where staff apply for internal transfers, it should be remembered that informal references, including verbal references, between departmental heads, supervisors etc should be fair and non-discriminatory. Such informal references are covered by the Regulations.
- 3.3** If it is reasonable to do so, organisations should consider adapting their methods of delivering training if current arrangements have the effect of disadvantaging someone because of religion or belief. This may be particularly relevant if training takes place outside normal working hours, work place or in a residential environment.

Some things to consider:

- times within work schedules for religious observance
- special dietary requirements, for example kosher, halal and vegetarian food
- avoid ice breakers and training activities that use language or physical contact that might be inappropriate for some beliefs
- avoid exercises which require the exchange of personal information
- related social activities do not exclude people by choice of venue
- avoid significant religious festivals such as Ramadan.

- 3.4** Whilst organisations should be sensitive to the needs of their staff, staff have a responsibility to ensure that their managers and training departments are aware of their individual needs in good time so that there is an opportunity for them to be met.

- 3.5** Everyone should understand what harassment is and that it is hurtful, unlawful and totally unacceptable. However large or small an organisation, it is good practice for them to have an Equality Policy, to train all staff on its application and to update everyone on a regular basis. This will help to reduce the likelihood of discrimination, harassment and victimisation taking place and may help to limit liability if a complaint is made.
- 3.6** Organisations should ensure that their staff understand that if they harass their colleagues, they could be personally liable and may have to pay compensation in addition to anything that the organisation may have to pay. Handouts to workers visiting your premises could include a summary of your Equality Policy as well as the more usual Health and Safety instructions.

An Employment Tribunal Case brought under the Sex Discrimination Act. A male public service worker wrote down sexual comments about a woman colleague which, together with the general behaviour of the men towards women in her section, caused her distress. When she complained the management sought to minimise the matter. An employment tribunal found that her complaints were justified. She was awarded £15,000 injury to feelings against the employer and £1,000 against the individual concerned.

Tribunals may be expected to adopt a similar approach in religion or belief cases as they do in existing discrimination legislation.

- 3.7** Staff should be aware of what steps they could take if they feel they have been discriminated against, harassed or victimised. They should feel confident that their complaint will be treated seriously, that management will deal with the cause of the problem and that the process will be undertaken in confidence. If it is practical, it is a good idea to have a named individual who is trained and specifically responsible for dealing with employment equality issues and complaints.

Example: A particular religion featured largely in the media due to an international crisis. Stereotypical, pejorative and hurtful comments in the workplace were routinely made about all followers of that religion. A group of distressed workers complained to managers who promptly arranged a training session during which it was explained that not all followers of that religion agreed with what was happening elsewhere and that they were hurt and worried by their colleagues' comments. Better understanding helped to resolve the situation.

Religious observance *in the workplace*

- 4.1** 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 indirectly discriminate against staff of particular religions or beliefs and if so whether reasonable changes might be made.
- 4.2** Many religions or beliefs have special festival or spiritual observance days. 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.

While it may be practical for one or a small number to be absent it might be difficult if numerous such requests are made. In these circumstances the employer should discuss the matter with the employees affected, and with any recognised trade union, with the aim of balancing the needs of the business and those of other employees. Employers should carefully consider whether their criteria for deciding who should and who should not be granted leave may indirectly discriminate.

Some things to consider:

Successful equality policies may mean that your longest serving staff are less likely to be from minority groups than your more recently recruited staff. Could seniority of service therefore indirectly discriminate?

Women from some cultural backgrounds may be less assertive than men from the same backgrounds. Would a 'first come/first served' policy disadvantage them?

Example: A small toy shop employing four staff may be unable to release an individual for a religious festival in the busy pre-Christmas period. It may be justifiable to refuse a request for such absence.

A large department store employing 250 staff would probably be unable to justify refusing the same absence for one person because it would not substantially impact on the business as other staff would be able to cover for the absence.

- 4.3** Employers who operate a holiday system whereby the organisation closes for specific periods when all staff must take their annual leave should consider whether such closures are justified as they may prevent individuals taking annual leave at times of specific religious significance to them. Such closures may be justified by the business need to undertake machinery maintenance for instance. However, it would be good practice for such employers to consider how they might balance the needs of the business and those of their staff.
- 4.4** Organisations should have clear, reasonable procedures for handling requests for leave and ensure that all staff are aware of and adhere to the procedures. Staff should give as much notice as possible when requesting leave and in doing so should also consider that there may be a number of their colleagues who would like leave at the same time. Employers should be aware that some religious or belief festivals are aligned 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. Organisations should take care not to disadvantage those workers who do not hold any specific religion or belief.
- 4.5** 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 their food is not in contact with pork (or anything that may have been in contact with pork, such as cloths or sponges). It is good practice to consult your employees on such issues and find a mutually acceptable solution to any dietary problems.

Example: A worker who, for religious reasons, is vegetarian felt unable to store her lunch in a refrigerator next to the meat sandwiches belonging to a co-worker. Following consultation with the staff and their representatives, the organisation introduced a policy by which all food must be stored in sealed containers and shelves were separately designated 'meat' and 'vegetarian'. This arrangement met the needs of all staff and at no cost to the employer.

- 4.6** Some religions require their followers to pray at specific times during the day. Staff may therefore request access to an appropriate quiet place (or prayer room) to undertake their religious observance. Employers are not required to provide a prayer room. However, if a quiet place is available and allowing its use for prayer does not cause problems for other workers or the business, organisations should agree to the request.

Where possible, it is good employee relations practice for organisations to set aside a quiet room or area for prayer or private contemplation. In consultation with staff, it may be possible to designate an area for all staff for the specific purpose of prayer or contemplation rather than just a general rest room. Such a room might also be welcomed by those for whom prayer is a religious obligation and also by those who, for example, have suffered a recent bereavement. Organisations should consider providing separate storage facilities for ceremonial objects.

- 4.7** Employers are not required to enter into significant expenditure and/or building alterations to meet religious needs. In any event many needs will involve little or no change. For instance some religions or beliefs require a person to wash before prayer. This is often done symbolically or by using the existing facilities. However, it is good practice to consult with staff and to consider whether there is anything reasonable and practical which can be done to help staff meet the ritual requirements of their religion. It may help, for example, if all workers understand the religious observances of their colleagues thus avoiding embarrassment or difficulties for those practicing their religious obligations.

- 4.8** Some religions or beliefs do not allow individuals to undress or shower in the company of others. If an organisation requires its staff, for reasons of health and safety, to change their clothing and/or shower, it is good employee relations practice to explore how such needs can be met. Insistence upon same-sex communal shower and changing facilities could constitute indirect discrimination (or harassment) as it may disadvantage or offend staff of a particular religion or belief whose requirement for modesty extend to changing their clothing in the presence of others, even of the same sex.
- 4.9** Some religions require extended periods of fasting. Employers may wish to consider how they can support staff through such a period. However, employers 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.
- 4.10** If it is practical and safe to do so, staff may welcome the opportunity to wear clothing consistent with their religion. Where organisations adopt a specific dress code, careful consideration should be given to the proposed code to ensure it does not conflict with the dress requirements of some religions. General dress codes which have the effect of conflicting with religious requirements may constitute indirect discrimination unless they can be justified for example, on the grounds of health and safety.

Example: Some religions require their female followers to dress particularly modestly. A dress code which requires a blouse to be tucked inside a skirt may conflict with that requirement as it accentuates body shape. However, if the individual is allowed to wear the blouse over the outside of the skirt it may be quite acceptable.

- 4.11** If organisations have a policy on the wearing of jewellery, having tattoos or other markings, they should try and be flexible and reasonable concerning items of jewellery and markings which are traditional within some religions or beliefs. Unjustifiable policies and rules may constitute indirect discrimination.

Example: In addition to a wedding ring, many Hindu women wear a necklace (Mangal Sutra) which is placed around their neck during the wedding ceremony and is therefore highly symbolic. Some may find it distressing if they are not allowed to wear it in their place of work, unless the rule was for health and safety or other justifiable reasons.

Know your *staff*

- 5.1** There is no legal requirement to keep information on how staff groups are made up (gender, ethnic groups, and age, those with disabilities) other than in the public sector where gender, disability and racial monitoring is a statutory requirement. However, such monitoring is considered good practice. Information helps organisations to make sure their equality policy is working to the benefit of all concerned and to test whether recruitment or training policies are reaching a wide audience reflecting the local community. It can also help organisations understand their employees' needs (eg when they may want to request leave for festivals), and monitor recourse to grievance procedures and ensure that staff turnover does not reflect a disproportionate number of people from specific religions or beliefs.
- 5.2** If organisations decide to include religion or belief in their equality monitoring processes, staff should be told why such information is being collected and how it will be used. Staff should be assured of confidentiality. It should be explained that they are under no obligation to give such information. Employers are reminded that such information is sensitive under the Data Protection Act.
- 5.3** If organisations decide not to include religion or belief in their equality monitoring processes, they may consider including a question on their staff attitude surveys to ascertain whether workers have ever felt harassed on a range of issues which should include religion or belief. Employers should take these issues seriously and make it known that discrimination is a disciplinary issue and give support to the victims.
- 5.4** Managers/supervisors should be as flexible and open minded as the operating environment allows. This will encourage staff to be equally flexible and open minded, and is the best way of making sure that both the needs of the organisation and those of individuals can be met.

What to do if you think *you have suffered discrimination or harassment*

- 6.1** If you think you are being harassed or discriminated against it is a good idea to make it clear to the person who is harassing you that their behaviour is unwelcome and that you want it to stop. However, you do not have to do this, particularly if you are feeling bullied or intimidated. If you do choose to address your concerns to the person be clear and assertive but take care that you are not perceived to be bullying the individual. Individuals may find it helpful to ask a friend, colleague, welfare officer or trade union representative to be with them in a support role.
- 6.2** If speaking to the person in question has failed to stop the problem, you should talk to your manager or your trade union representative. If it is your manager or supervisor who is harassing you, speak to someone higher up. Employers should deal with such complaints quickly, thoroughly and sympathetically.
- 6.3** It is usually best to try and sort things out quickly and as close to the problem as possible. If your organisation has a personnel or human resources department or an equality adviser you might find it helpful to talk to them. Discrimination can happen accidentally or through thoughtlessness. Harassment can be unintentional. Often, once a manager understands the problem, he or she will be willing to try and put things right.

- 6.4** If your manager is unable to help you, or refuses to help you, you should use your organisation's grievance procedure. You have a legal right to be accompanied by a trade union representative or a work colleague at any hearing into your grievance.

Mediation

An independent third person or mediator can sometimes help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they can both agree to. The mediator does not take sides or tell those in dispute what to do. Mediation is most likely to be successful if both parties:

- 4 understand what mediation involves
- 4 enter into the process voluntarily
- 4 are seeking to repair the working relationship.

Mediation can be a good way of dealing with bullying, discrimination or harassment situations depending upon the nature of any allegations. Discrimination or bullying actions can range from unintentional misunderstandings and lack of awareness through to deliberate and malicious acts. In some cases the individual and/or the organisation may view the allegations to be of such a nature that investigation and possible disciplinary action is the only alternative.

Mediators may be employees trained to act as internal mediators in their own workplace in addition to their day jobs. Or they may be from an external mediation provider. For more information about mediation see the Acas website at www.acas.org.uk and the Acas/CIPD guide *Mediation: An employer's guide* which can be downloaded from the website.

- 6.5** If you are not satisfied with the result of a grievance procedure, you have a right of appeal which should be heard, if the organisation's size allows it, by someone different from the person who conducted the original grievance hearing. You have a right to be accompanied by a trade union representative or a work colleague during the appeal hearing.

- 6.6** If you have tried all these things, you may be able to bring a complaint to an employment tribunal under the Employment Equality (Religion or Belief) Regulations 2003. You do not have to hand in your notice to bring such a complaint. As part of your Employment Tribunal claim, you can require your employer to answer a set of questions about discrimination in your workplace. A questionnaire is available on the Department for Business, Enterprise and Regulatory Reform website (www.berr.gov.uk) and from Jobcentres and Citizens Advice Bureaux.
- 6.7** You and any witnesses have a right not to be victimised for following up a grievance or complaining to an employment tribunal under these Regulations provided the complaint was made in good faith.
- 6.8** If you have been dismissed because you objected to conduct towards you, you may be able to bring a complaint of unfair dismissal to an employment tribunal.
- 6.9** Complaints to an employment tribunal must normally be brought within three months of the act you are complaining about. Care should be taken to ensure that the three month point is not exceeded during any internal grievance/appeals process.

7. Some frequently *asked questions*

Q Do organisations have to do anything new or different as a result of the legislation?

A They should ensure that religion and belief are included in their Equality Policy. It is a good idea to revisit the Equality Policy from time to time to ensure it has not become outdated, to test any new employment policies and procedures for discrimination and to ensure the policy itself meets current legislation requirements.

Staff need to be made aware (through training, noticeboards, circulars, contracts of employment, etc) that it is not only unacceptable to discriminate, harass or victimise someone on the grounds of religion or belief, it is also unlawful. Organisations should also make it clear that they will not tolerate such behaviour. Staff should know what to do if they believe they have been discriminated against or harassed, or if they believe someone else is being discriminated against or harassed, and this should be included in the grievance procedure. Organisations should also consider adding all forms of discrimination and harassment (age, religion or belief, sex, race, disability, gender reassignment and sexual orientation) to their disciplinary rules which should also include bullying.

Reminder: The Employment Act 2002 requires all employers, however large or small, to have both a disciplinary procedure and a grievance procedure.

Q Must organisations have an Equality Policy?

A Whilst organisations do not have to have an Equality Policy, implementing and observing such a policy is a commonplace means of demonstrating that an employer has taken reasonably practicable steps to prevent employees discriminating against or harassing other employees. The policy should set out minimum standards of behaviour expected of all staff through recruitment and onwards and what staff can expect of the organisation. It acts as a reminder, gives staff confidence that they will be treated with dignity and respect, and may be used as an integral part of a grievance or disciplinary process if necessary.

If organisations do not have an Equality Policy and would like help in putting in place an effective policy Acas can help.

Q Do the Regulations cover all religions and beliefs?

A It is unlawful to discriminate against a person on the grounds of religion, religious belief, perceived religion or religious belief, or philosophical belief. Political beliefs are specifically excluded from these Regulations (see 1.7).

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 to or subscribing to a particular religion or belief.

Q Do these Regulations cover all workers?

A The Regulations apply to all workers, including office holders, police, barristers, partners in a business and members of the armed forces. They also cover related areas such as membership of trade organisations, the award of qualifications, the services of careers guidance organisations, employment agencies and vocational training providers, including further and higher education institutions.

The Regulations cover anyone who applies to an organisation for work, or who already works for an organisation whether they are directly employed or work under some other kind of contract or are an agency worker. Organisations are also responsible for the behaviour of

their staff towards an individual working for someone else but on their premises, for example someone from another organisation repairing a piece of equipment.

Workers are sometimes harassed by third parties, such as customers or clients. Where possible, organisations should protect their staff from such harassment and should take steps to deal with actual or potential situations of this kind. This will enhance the organisation's reputation as a good employer and make the organisation a welcoming and safe place to work.

Many organisations provide visitors and visiting workers with guidance on Health and Safety matters. It may be appropriate to include some comments in any policy your organisation has on harassment.

Q Do organisations have to ask about someone's religion or belief at interview?

A No. Interviews are about finding out whether someone has the right skills for the job. Personal questions about an individual's beliefs should not be asked unless they are relevant to the duties of the job in question. It is good practice not to ask any personal questions at interview unless it is to make sure that appropriate adjustments are made for anyone with a disability.

Organisations do not have to employ people whose beliefs mean they are unable to undertake essential parts of the job. It should be made clear to candidates what type of work the organisation does and what duties the job involves so they can consider whether there is any chance it might conflict with their religion or beliefs.

Example: An individual applying for a job in a large supermarket stacking shelves may not be willing to handle pork products for religious reasons. Such products probably represent only a small proportion of the goods displayed on the shelves. It may not be reasonable to reject such job applicants if it is practicable to allocate work in a way that does not involve handling pork products.

However, it may not be practical for the store to adjust the work of a check-out operative in order that they are not required to handle pork products.

Example: A waiter who is a Sikh may not be prepared to serve meat which has not been slaughtered in a manner he or she considers to be humane. In this case, redistribution of the work may not be possible if the restaurant serves such meat and it may be reasonable to reject the job application on the grounds of religion or belief.

If an organisation changes the type of work it does they should give careful consideration to the effect it may have on their staff for reasons of religion or belief. Early consultation with staff and/or their trade union will usually result in a mutually acceptable arrangement.

Q Do organisations have to collect data on religion or belief?

A The Regulations do not require the collection of such data but it may help organisations to provide appropriate facilities for their staff and to understand employees' needs (eg when they might seek annual leave). It is important that managers talk to people and/or their trade unions to ensure an understanding of individual needs and to avoid making assumptions about them. Not all followers of each religion or belief will necessarily have the same practices or follow their religion in exactly the same way.

If an organisation decides to collect data, it may give staff added confidence if it is made clear why they want the information, how it is going to be used and that giving such information is entirely voluntary. All such information should be confidential and anonymous. It is designated 'sensitive' under the Data Protection Act 1998. Staff permission should be obtained before using such information.

Q How will organisations know if they are discriminating inadvertently?

A Individual staff, or their trade union, will generally tell managers, particularly if managers are able to create a culture whereby staff feel

comfortable in sharing such information. It can be helpful for organisations to have a designated individual to whom people can go in confidence. It is a good idea for management teams, staff representatives or a specially convened group of employees to think through and test whether any organisational policies and procedures impact on people's religion or belief, or discriminate on any other grounds such as age, disability, sexual orientation, sex or race.

Organisations should consider carefully whether they are inadvertently discriminating indirectly. For example, if team meetings always take place on a Friday afternoon this may discriminate against Jewish and Muslim staff for whom Friday afternoon has a particular religious significance, although not everyone follows their faith in the same way. Employers will not escape liability in an Employment Tribunal by showing that discrimination was inadvertent or accidental.

Q No one in my organisation has ever complained of discrimination or harassment so we don't need to do anything new, do we?

A People do not always feel able or confident enough to complain, particularly if the harasser is a manager or senior executive. Sometimes they will simply resign. One way to find out is to undertake exit interviews when people leave your organisation and as part of that process to ask if they have ever felt harassed, bullied or discriminated against at work. If it is possible, exit interviews should be undertaken by someone out of the individual's line of management, for instance a personnel officer.

Discrimination includes harassment which can take place without management being aware of it. Organisations should make sure all their staff understand that harassment means any unwanted behaviour that makes someone feel either intimidated, humiliated or offended and that includes teasing, tormenting, name calling, etc and applies to whoever the perpetrator may be. The victim's perception of the effect of the behaviour is also important. Managers should take all practical steps to make sure staff understand that organisations and their management teams will not tolerate such behaviour and that they will deal with whoever is causing the problem through the disciplinary process.

Q Should we ban discussions about religion and belief in the workplace? We are concerned that someone might complain about harassment.

A If harassment has been explained to staff they should be able to distinguish between reasonable discussion and offensive behaviour. Staff should be aware that if their discussions cause offence then this may be considered to be harassment and therefore unlawful. A ban on discussions about religion or belief may create more bad feeling amongst staff and cause more problems than it solves.

Q Do organisations have to provide a prayer room?

A The Regulations do not say that organisations have to provide a prayer room (see 4.4). However, if employees request access to a quiet place in which to meet their religious obligations and such a place is available without it having any adverse impact on the business or other staff, then employers may be acting in a discriminatory way if they refuse such a request.

Example: It may not be reasonable or practical to provide a prayer room for staff in a small motor garage employing 12 staff, where the only space available is a communal kitchen/rest room.

However, a larger organisation with meeting/conference rooms that are often unused may be considered unreasonable if it is not willing to organise its operations in such a way as to make such a room available for prayer at specific and known times each day.

If employers are able to do so, it is good practice to consider providing a suitable area for religious observance or private contemplation by anyone wishing to use it for that purpose.

Be careful when providing such a room not to put staff that do not have need of a prayer room at an unjustifiable disadvantage. For example, if an organisation were to convert their only rest room into a prayer room then staff who do not have need of a prayer room would be disadvantaged and may have a grievance on the grounds of religion or belief.

It is a good idea to consult with staff representatives or individuals about policies for the use of such a room. Amicable agreement can be reached on issues such as the storage and display of religious symbols and the wearing or otherwise of shoes within the room.

Q Do organisations have to release staff for prayer outside normal rest/break periods or religious festivals?

A Organisations do not have to release staff for prayer outside normal rest breaks or holiday periods. Under the Working Time Regulations 1998, (further details available at Appendix 2) staff are, in general, entitled to a rest break of not less than 20 minutes where working time is more than six hours. Staff may request that their rest break coincide with their religious obligations to pray at certain times of the day. Employers may be justified in refusing such a request if, for example, it conflicts with legitimate business needs which they are unable to meet in any other way. If they are unable to justify such a refusal this may be discrimination.

The Working Time Regulations also provide that staff are entitled to not less than four weeks annual leave each year (see introduction to Appendix 2). Staff may request annual leave to coincide with religious festivals (see 4.1 and 4.2). Refusal to grant such leave may be discriminatory if it cannot be justified by a legitimate business need which cannot be met by any other reasonable means.

Managers should try to be flexible about when rest breaks or annual holidays are taken. It is good practice to ensure that staff know how to request such flexibility and how much reasonable notice is required to meet their needs. There may be a few jobs where it is not possible to be flexible but explanation and discussion may enable a compromise to be achieved. No organisation is expected to accept unreasonable disruption to its activities. Managers may wish to consider that the time taken for prayer is rarely longer than that of a tea or coffee break. Staff need to understand that they have a responsibility to be reasonable to both their employer and their colleagues when asking for time off.

Q My organisation has rules on personal appearance and dress. Are we in breach of the legislation?

A If your company rules are in place for health and safety reasons or to protect your image with customers they may be lawful. It is important to explain the company's policy on dress and appearance, but organisations should try to be flexible where they can to enable staff to dress in accordance with their beliefs but still meet the organisation's requirements.

Some religions require their women to dress modestly and organisations should consider whether this requirement is contravened by their dress code. For example, Jewish women may wish to wear a shirt or blouse outside their skirt in order to avoid accentuating their body shape. This may also apply to women from other religions.

There are items of jewellery which are culturally specific to some religions, for instance Hindu men wear neck beads (known as Kanthi Mala) which are an indication of their faith. Additionally, some religions are designated by body markings such as a red spot on the forehead (Bindi Sindur) and organisations should consider allowing for these within their policies.

Q I am concerned that, on the grounds of religion, some of my staff may refuse to work with their gay or lesbian colleagues.

A Some religions do have strong views concerning sexual orientation but most do not advocate persecution of people because of their sexual orientation. Everyone has the right to be treated with dignity and respect in the workplace whatever their sex, race, colour, disability, age, religion or sexual orientation. You should include this overriding premise in your Equality Policy and show that you take a robust view when this principle is not adhered to. Your workers do not have to be friends but you can insist that they treat each other professionally.

Q Our organisation has a religious ethos. How do we determine if a person's religion or belief can be justified as a genuine occupational requirement for a post?

A Staff can be recruited on the basis of their religion or belief where this is a genuine occupational requirement for the job. The Regulations require you to consider the nature of the job and the context within which it is carried out when considering whether the job holder needs to practice a specific religion in order to undertake the role within the ethos of the organisation. Appendix 1 provides some further guidance on this subject.

When considering applying such a requirement look at each post individually both in terms of the duties of the job and the context within which it is carried out. Organisations should not expect to apply a blanket requirement to all its posts even if it has a religious ethos.

Organisations should consider whether there are alternatives to applying an occupational requirement. For instance, if only a small part of the job needs someone from that religion then it may be possible to redistribute work or reorganise roles in such a way as to avoid applying a religious requirement to a particular post. Organisations can reasonably expect their staff to keep to their organisational values and culture and should bear in mind that people may be able to maintain those values and culture, and therefore the ethos of the organisation, without actually belonging to the particular religion or belief.

Organisations should be clear about the link between the requirements of the job and the requirement to be of a particular religion or belief as, in the event of an Employment Tribunal claim on the grounds of religious or belief discrimination, the burden of proof will be on the employer to show a genuine occupational requirement. Tribunals tend to interpret such requirements very narrowly since they effectively go against the principle of equal treatment.

A genuine occupational requirement on the grounds of religion or belief should not be used to discriminate on any other grounds such as age, sex, race or disability; although in some very limited circumstances a religious organisation may lawfully be able to discriminate on the grounds of sexual orientation or sex.

Appendix 1

Genuine Occupational Requirements – Guidance

The regulations allow an employer, when recruiting for a post, to treat job applicants differently on the grounds of religion or belief, if possessing a particular religion or belief is a genuine and determining (ie decisive) occupational requirement (“GOR”) for that post. Employers should bear in mind the following points:

1. GORs should be identified at the beginning of the recruitment, training or promotion process, before the vacancy is advertised. Advertisements and material sent to potential applicants should clearly show that the employer considers that a GOR applies and the point should be reiterated during the selection process.

Reminder: Applicants who do not agree that there is a GOR for the post holder are at liberty to make a claim to an Employment Tribunal because they believe they have been prevented from applying for the post on the grounds of religion or belief. It would be for the employer to show that such a GOR is justified.

2. If an employer wishes to claim a GORs/he must consider what the duties are, for which an exemption is to be claimed; a GOR cannot be claimed unless some or all of those duties, or the totality of the role, are covered by a specific exemption and an assessment has been made showing that it would be unreasonable to require other employees of the appropriate religion or belief to undertake those duties. Also it must be shown that those duties must be carried out to achieve the objectives of the job.
3. In an organisation a GOR exemption cannot be claimed in relation to particular duties if the employer already has sufficient employees who are capable of carrying out the required duties and whom it would be reasonable to employ on those duties without undue inconvenience.

Where the organisation has a religious ethos, a GOR exemption cannot be claimed if the nature of the role and the context within which it is carried out is not of sufficient profile or impact within the organisation to affect the overall ethos of the organisation.

4. Each job for which a GOR may apply must be considered individually; it should not be assumed that because a GOR exists for one job it also exists for jobs of a similar nature or in a similar location. The nature or extent of the relevant duties may be different or, for instance, there may be other employees who could undertake those duties.
5. A GOR can be claimed where it is necessary for the relevant duties to be carried out by someone of a specific religion or belief because being of that religion or belief is an essential requirement for the job, for example in the Islamic faith a halal butcher must be Muslim.
6. A GOR must be reassessed on each occasion a post becomes vacant to ensure that it can still be validly claimed. Circumstances may have changed, rendering the GOR inapplicable.
7. A GOR cannot be used to establish or maintain a balance or quota of employees of a particular religion or belief.
8. GORs are always open to challenge by an individual. The burden of proof lies with the employer to establish the validity of a GOR by providing evidence to substantiate a claim.
9. Only an Employment Tribunal or a higher court can give an authoritative ruling as to whether or not a GOR is valid.
10. The following legislation remains extant:
 - School Standards and Framework Act 1998
 - The Amendments to the School Standards and Framework Act 2003
 - The Education (Scotland) Act 1980.

Appendix 2

Guidance on commonly practised religions

The Regulations cover religion, religious belief and philosophical beliefs. Until the Courts and Tribunals have had an opportunity to consider which religions or beliefs are covered by these Regulations, it is not possible to provide definitive guidance. However, those listed below are some of the most commonly practised religions and beliefs in Britain. They are listed in alphabetical order for ease of reference only. However, there are many more and this list should not be considered to be exhaustive.

The information is intended for guidance only. It may assist employers to plan and implement policies and systems which meet the needs of both the employer and employee. Calendars indicating festivals in world religions are available from a number of sources.

Not all members of each religion follow all the practices and observances. Neither will every member of each religion request time off for each and every festival. In some instances, an adjustment to the working day to allow time to attend a prayer meeting before or after work may be all that is requested. In many instances nothing will be requested. Whilst employers are encouraged to be flexible where reasonable and appropriate, employees should recognise that they also have a responsibility to be reasonable and to consider the needs of the business in which they are employed.

Reminder: The Working Time Regulations 1998 provide most workers with an entitlement to 4 weeks annual leave per year; that is 4 weeks x normal working week. If a worker normally works a 6 day week his/her leave annual entitlement is 24 days per year. If a worker works a 2 day week his/her annual leave entitlement is 8 days. The Working Time Regulations do not apply to workers on board sea-going fishing vessels, to certain sea-farers nor to workers on board most ships which operate on inland waterways. In addition, the annual leave entitlement does not apply to the armed forces, police nor to certain specific activities in the civil protection services; to mobile staff in civil aviation. Under the Regulations this leave entitlement is not additional to bank holidays, unless otherwise stated in the worker's Terms and Conditions.

Employers can set the times that staff take their leave, for example, for a Christmas shutdown. However, employers should consider whether setting times for annual leave may be discriminatory because of religion or belief.

Under the Working Time Regulations an employer can require an employee to give twice as many days notice of annual leave as the number of days to be taken as annual leave. Therefore two days annual leave may require four days notice.

Further information on the Working Time Regulations is available from Acas or BERR.

Baha'i

Baha'is should say one of three obligatory prayers during the day. Prayers need to be recited in a quiet place where the Baha'i will wish to face the Qiblah (the Shrine of Baha'u'llah, near Akka, Israel), which is 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.

Festivals: Baha'i festivals take place from sunset to sunset and followers may wish to leave work early in order to be home for sunset on the day prior to the festival date. Baha'is will wish to refrain from working on the key festival dates.

The Baha'i Fast

2 March – 20 March

Baha'is refrain from eating or drinking from sunrise to sunset during this period. Baha'is working evening or night shifts will appreciate the opportunity to prepare food at sundown. There are exemptions from fasting for sickness, pregnancy, travelling and strenuous physical work.

Naw-Ruz (Baha'i New Year)

21 March

Ridvan

21 April – 2 May

Ridvan is the most important of the Baha'i festivals and includes three holy days on which Baha'is would wish to refrain from working. They are:

1st Day of Ridvan	21 April
9th Day of Ridvan	29 April
12th Day of Ridvan	2 May
Declaration of the Bab	23 May
Ascension of the Baha'u'llah	29 May
Martyrdom of the Bab	9 July
Birth of the Bab	20 October
Birth of Baha'u'llah	12 November

Food: As a matter of principle most Baha'is do not take alcohol. Otherwise there are no dietary restrictions.

Bereavement: Burial should take place as soon as possible after legal formalities and funeral arrangements can be put in hand. The body should be transported no more than one hour's journey from the place where the person died, so funerals take place relatively close to the place of death. The usual arrangements for compassionate leave should generally suffice. Baha'is have no specific period of mourning.

Buddhism

Festivals: There are a number of different traditions in Buddhism arising from different cultural and ethnic backgrounds. Different traditions will celebrate different festivals. Some Buddhist traditions do not celebrate any festivals. Buddhist members of staff should be asked which festivals are important to them.

Festivals follow the lunar calendar and will therefore not take place on the same day each year.

Saindran Memorial Day	January
Parinirvana	February
Magha Puja Day	February/March
Honen Memorial Day	March
Buddha Day (Vesak or Visakah Puja)	May
The Ploughing Festival	May
Buddhist New Year	Varies according to tradition
Asalha Puja Day (Dhamma Day)	July
Ulambana (Ancestor Day)	July
Abhidhamma Day	October
Kathina Day	October
The Elephant Festival	November
Loy Krathong	December
Bodhi Day	December
Uposatha	weekly on the lunar quarter day
Avalokitesvara's Birthday	

Food: Most Buddhists are vegetarian reflecting their adherence to the precept of non-harm to self and others. Many would not want to prepare or serve meat for others. Buddhists upholding the precept to avoid intoxication may not wish to drink alcohol, or serve it.

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

Christianity

There are a wide variety of Christian Churches and organisations all of which have their own specific needs, rituals and observations.

Festivals:

Christmas Day

25 December

Ash Wednesday

Feb/March

(date set by lunar calendar)

This is a day of fasting/abstinence for many Christians.

Maundy Thursday

March/April

(date set by lunar calendar)

Good Friday

March/April

(date set by lunar calendar)

Easter Sunday

March/April

(date set by lunar calendar)

All Saints Day

1 November

Christmas Eve

24 December

In addition there are a number of 'holy days of obligation' when Christians may wish to attend a church service and request a late start to the working day, or early finish in order that they can attend their local church. Many practising Christians will wish to attend their Church on Sundays throughout the year.

Food: Some Christians avoid alcohol.

Clothing: Some Christian churches forbid the use of cosmetics and require their female members to dress particularly modestly.

Bereavement: No special requirements beyond normal compassionate leave.

Hinduism

Festivals: Hinduism is a diverse religion and not all Hindus will celebrate the same festivals.

Makar Sankranti	14 January
Maha Shiva Ratri	February
Holi	March
Ramnavami	April
Rakshabandham	August
Janmashtami	August
Ganesh Chaturthi	August/September
Navaratri	September/October
Dussehra (aka Vijayadashmi)	September/October
Karava Chauth	October
Diwali	Late October/Early November
New Year	Late October/Early November

There are a number of occasions through the year when some Hindus fast.

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.

A few Orthodox Hindu men wear a small tuft of hair (*shikha*) similar to a ponytail but this is often hidden beneath the remaining hair. Some Orthodox Hindu men also wear a clay marking on their foreheads known as a tilak.

Food: Most Hindus are vegetarian and will not eat meat, fish or eggs. None eat beef.

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 shave their heads as a mark of respect.

Islam (Muslims)

Observant Muslims are required to pray five times a day. Each prayer time takes about 15 minutes and can take place anywhere clean and quiet.

Prayer times are:

At dawn (Fajr)

At mid-day (Zuhr) in Winter sometime between 1200 – 1300hrs and in Summer between 1300 – 1600hrs

Late Afternoon (Asr) in Winter 1430 – 1530hrs

After Sunset (Maghrib)

Late Evening (Isha)

Friday mid-day 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.

Festivals: The dates of festivals are reliant on a 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 to 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 heat food at sunset and/or sunrise will 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 usually only seek leave for the first of the three days.

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

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.

Food: Muslims are forbidden to eat any food which is derived from the pig, this includes lard which may be present in bread or even ice cream. In addition they are forbidden to eat any food which is derived from a carnivorous animal. Meat that may be consumed must be slaughtered by the Halal method. Islam also forbids the consumption of alcohol which includes its presence in dishes such as risotto or fruit salad.

Bereavement: Burial must take place as soon as possible following death and may therefore occur at short notice.

Other:

1. Any form of gambling is forbidden under Islam.
2. Observant Muslims are required to wash following use of the toilet and will therefore appreciate access to water in the toilet cubicle, often Muslims will carry a small container of water into the cubicle for this purpose. By agreement with other staff and cleaners, these containers could be kept in the cubicle.
3. Physical contact between the sexes is discouraged and some Muslims may politely refuse to shake hands with the opposite sex. This should not be viewed negatively.

Jainism

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

Festivals: Jain festivals are spiritual in nature.

Oli

April and October

Eight days semi-fasting twice a year when some take one bland, tasteless meal during day time.

Mahavira Jayanti

Birth anniversary of Lord Mahavira

April

Paryusan

During this sacred period of fasting and forgiveness for eight days Jains fast, observe spiritual rituals, meditate and live a pious life taking only boiled water during day time.

August/September

Samvatsari

The last day of Paryushan when Jains ask for forgiveness and forgive one another.

September

Diwali

Death anniversary of Lord Mahavira, includes a two-day fast and listening to the last message of Mahavira.

October/November

Food: Jains practice avoidance of harm to all life – self and others. They are, therefore, strict vegetarians including the avoidance of eggs; some may take milk products. Many also avoid root vegetables. Jains do not eat between sunset and sunrise. Jains do not drink alcohol.

Bereavement: Cremation will take place as soon as practical after death (usually three to five days). There is no specified mourning period and normal compassionate leave arrangements will suffice.

Judaism (Jews)

Observant Jews are required to refrain from work on the Sabbath and Festivals, except where life is at risk. This includes travelling (except on foot), writing, carrying, switching on and off electricity, using a telephone and transactions of a commercial nature (that is buying and selling). The Sabbath and all other Festivals begin one hour before dusk and so practising Jews need to be home by then. Sabbath begins one hour before dusk on Friday.

Festivals:

Passover	March/April	2 sets of 2 days
Pentecost (Shavuoth)	May/June	2 days
New Year	Sept/Oct	2 days
Day of Atonement	Sept/Oct	1 day fasting
Tabernacles (Sukkot)	Sept/Oct	2 sets of 2 days

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.

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

Bereavement: Funerals must take place as soon as possible following the death – the same day where possible – and therefore take 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 the Jewish calendar.

Muslim (see Islam)

Other Ancient Religions

These include religions covered by the Council of British Druid Orders and examples are Druidry, Paganism and Wicca.

Festivals: Some examples of Festivals

Candlemas	2 February
Spring Equinox *	21/22 March
Beltaine	30 April
Summer Solstice *	21/22 June
Lughnasadh	2 August
Autumn Equinox *	21/22 September
Samhain	31 October
Winter Solstice *	21/22 December

*Dates moveable due to astronomical times set in accordance with GMT.

Food: Generally vegetarian or vegan, although not always.

Clothing: Some items of jewellery as associated with Pagan faiths such as ankh, pentagram, hammer and crystal.

Bereavement: No specific requirements beyond that of normal compassionate leave.

There are also other ancient religions such as Astaru, Odinism and Shamanism.

Parsi (see Zoroastrianism)

Rastafarianism

Festivals:

Birthday of Haile Selassie I	23 July
Ethiopian New Year	11 September
Anniversary of the Crowning of Haile Selassie I	2 November
Christmas	25 December

Food: Vegetarian including the avoidance of eggs. 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 which is usually red, green and gold.

Other: Whilst the faith supports the smoking of ganga (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.

Sikhism

Festivals:

Birthday of Guru Gobind Singh	5 January
Vaisakhi	14 April
Martyrdom of Guru Arjan Dev	16 June
Sri Guru Granth Sahib Day	1 September
Diwali (Diwali)	October/November (date set by lunar calendar)
Martyrdom of Guru Tegh Bahadur	24 November
Birthday of Guru Nanak	November

Food: Sikhs do not eat Halal meat. Some do not eat beef and many are vegetarian.

Clothes: Practising male 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.

Bereavement: Sikhs are cremated and have a preference for this to take place as soon after the 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 during the day, saying a special prayer for each part of the day.

Hawab	(sunrise to midday)
Rapithwin	(midday to mid-afternoon)
Uzerin	(mid-afternoon to sunset)
Aiwisruthrem	(sunset to midnight)
Ushahin	(midnight to dawn)

Prayers should be said in front of a fire – or a 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. When it is performed, the individual will stand on the same spot and must speak to no one during the ritual. No special facilities are required.

A prayer will also be said before eating.

Festivals: Dates follow the lunar calendar and will therefore vary from year to year.

Khordad Sal – The Prophet’s Birthday

Fravardigan – Remembrance of departed souls

Tiragan – Water Festival

Mehergan – Harvest Festival

Ave roj nu Parab – Water Festival

Adar roj nu Parab – Fire Festival

Jashn-e-Sadeh – Mid Winter Festival

Zardosht no Disco – Death of the Prophet

Maktad – Festival of All Souls

NoRuz – New Year

In addition there are six seasonal festivals

Maidyoizaremaya	Mid Spring
Maidyoishema	Mid Summer
Paitishahya	Early Autumn
Ayathrima	Mid Autumn
Maidhyairya	Mid Winter
Hamaspathmaedaya	Pre-Spring

Clothes: 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 around the waist three times and is tied in a double knot at the back.

It is the Kusti which is ritualistically retied each time the hands are washed.

Bereavement: Following the death of a close family member there is a mourning period of 10 days followed by a ceremony to mark the first month, the sixth month and the twelfth month of bereavement.

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Notes

Information in this handbook has been revised up to the date of the last reprint – see date below. For more up-to-date information please check the Acas website at www.acas.org.uk.

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

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