



Human Resources & Health and Safety



Do you employ staff?

Religion in the Workplace

Should it really feel Taboo?

Religion and faith in the workplace are without doubt sensitive subjects – so should the topics be ignored and not spoken about?

Religion and faith tend to be very personal and important to most people. Even those who do not believe in a deity tend to have faith that science is the only explanation for life on Earth, and may be passionate about that belief. Because of this, the issue of religion in the workplace does not only affect those who follow religion. For many people, what they choose to believe forms an integral part of their identity, which can often cause religion or faith to feel like sensitive, taboo subjects in the workplace. People believe it cannot be discussed without the risk of conflict, upset, or even claims of discrimination. In a multicultural country with varying beliefs, and varying levels of commitment to those beliefs, many managers often feel overwhelmed by the subject matter and fear discussing religion at all, but should we really feel this way?

We don't think so. Companies that focus on creating and maintaining an inclusive and diverse culture are more likely to have employees who feel comfortable discussing religion and faith (Prosser 2017). It can feel uncomfortable, but when managed in the right way, discussing religion is something that should feel completely natural in the workplace.

Common Concerns

According to XpertHR, most managers tend to be concerned that religion will cause the following problems:

- Employees requesting time away from work or refusing to work certain shifts for religious observance e.g. attending religious festivals or events, or attending mass.
- Employees wanting to work flexibly to meet religious commitments e.g. having to attend prayer services at certain times of the day
- Employees needing facilities that could accommodate prayer whilst also remaining inclusive to all faiths
- Employees objecting to the Company dress code/uniform policy, due to the perception that it conflicts with their faith.
- Employees refusing to perform certain work duties, due to the perception that they conflict with their faith.

Whilst many employers would like to be able to accommodate requests, many are reluctant to set a precedent in case they are then forced to accept similar requests in the future. There is also the worry that accommodating religious requests could lead to non-religious employees feeling as though they are at a disadvantage or are being treated less favourably because any requests that they may have, are not supported by a religious belief.

Helpful Principles

The above concerns can be easily managed if the employer has the right tools available to them. Detailed policies and procedures on Equality and Diversity in the workplace, including religion, are important. Whilst not every situation can be covered in a policy, they do provide employees with a good indication of the Company's stance, they can provide examples of what may or may not be accepted, and they can reinforce the concept that all employees are treated fairly and equally. As well as this, the Company should also strive to develop a Company culture where open dialogue is the norm. The more employees feel they can discuss their religion with their employer; the easier requests are to manage. A lack of positive communication is more likely to lead to confusion and potential disputes.

It is also important to handle each case on an individual basis. Precedents can be set, but as religion is so personal and many people follow their religion in varying ways, it is unlikely that two cases will ever be the same. Therefore, instead of adopting the approach of "this is what we did for another employee, so let's do this again" talk to your employee and understand their needs before you decide. A decision should only be made after you have weighed up all the factors and when you are thoroughly aware of the situation and the nature of the employee's request. It is easy to quickly say no, but will their request really have a negative effect on the Company? Weigh up the pro's and the con's, no decision should be made too hastily, and it is beneficial to remember that inclusive and diverse Companies tend to have the better reputations as employers (Owens 2017).

Finally, don't become flustered by a request that may be surprising or seem unusual to you. Many of us have a general understanding of other religions, but we can also be very ignorant to the lesser known customs and practice. Avoid saying "no" because you haven't heard of something, requests don't need to be answered immediately, managers should feel comfortable taking the time to research into situations, learning about other religions and faiths and seeking advice. Also, don't allow yourself to be ruled by your personal prejudices and biases, don't favour the faiths you are more comfortable with. There should be no hierarchy when it comes to managing religion in the workplace. There is no belief or faith that requires more favourable treatment than any other belief or faith.

Examples and Case Law

London Borough of Islington vs Ladele: a registrar refused to officiate civil partnerships because she believed her religion stated homosexuality is a sin and she didn't want to look supportive of same sex marriage. Her employer subsequently disciplined Ladele, and threatened her with dismissal. Ladele raised a claim of discrimination but she was unsuccessful. The Employment Tribunal acknowledged that disciplining Ladele due to her acting in accordance with her religion could be deemed discriminatory, but that the Company had only done so to comply with Equality laws, and therefore the discrimination had been a proportionate means of achieving a legitimate aim.

Bagnaoui v Micropole Univers: a female Muslim employee was asked to remove her headscarf after a customer complained that it made them feel uncomfortable. Bagnaoui consistently refused to remove her headscarf because her employer had never asked her to do so before, and the customer had no legitimate reason to complain. She was subsequently dismissed and raised a successful claim for direct discrimination in the Court of European Justice, because a customer's objection is not a lawful reason for discrimination against an employee.

Gareddu v London Underground Ltd: a roman catholic employee from Sardinia asked his British employer if he could take five weeks annual leave to attend annual religious festivals celebrating saints. Historically the employee's request had always been accepted, but a managerial change led to the request being denied; the Company's policy restricted annual leave to no more than two weeks at a time. The employee raised a claim of discrimination but was unsuccessful. The Employment Tribunal found that the employee was not planning on attending as many festivals as he had claimed, and that the festivals he attended each year changed depending upon his family's preferences, when part of his claim was that he was devout to the particular saints whose festivals he wanted to attend. The Employment Tribunal deemed that the purpose of the holiday was to spend time with his family, and not to spend time devoted to his faith.

How We Can Help

If you have any queries relating to any of the contents of this newsletter, or any other HR related subject, please don't hesitate to contact us at hradvice@hasslefreehr.co.uk

References

Owens, P (2017) *"Next step for employer brand development: Workplace Diversity"* Publisher: Paperfly [online] (<http://insights.paperflyemployerbrand.com/blog/employer-brand-development-workplace-diversity>) Accessed: September 2017

Prosser, S (2017) *"Religion and Belief"* Publisher: XpertHR [online] (<https://www.xperthr.co.uk/good-practice-manual/religion-and-belief/104554/?keywords=religion+in+the+workplace>) Accessed: September 2017