

A guide for employers
and employees



Religion or belief and the workplace

inform

advise

train

work
with you

Acas can help *with your employment relations needs*

Every year Acas helps employers and employees from thousands of workplaces. That means we keep right up to date with today's employment relations issues – such as discipline and grievance handling, preventing discrimination and communicating effectively in workplaces. Make the most of our practical experience for your organisation – find out what we can do for you.

We inform

We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website www.acas.org.uk.

We advise and guide

We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

We train

From a two-hour session on the key points of new legislation or employing people to courses specially designed for people in your organisation, we offer training to suit you. Look on the website for what is coming up in your area and to book a place or talk to your local Acas office about our tailored services.

We work with you

We offer hands-on practical help and support to tackle issues in your business with you. This might be through one of our well-known problem-solving services. Or a programme we have worked out together to put your business firmly on track for effective employment relations. You will meet your Acas adviser and discuss exactly what is needed before giving any go-ahead.

Religion or belief and the workplace

Putting the Equality Act 2010 into practice

Contents

Introduction	2
Summary of the law	3
Religion or belief and the workplace – some key areas	10
Appendix 1 Occupational Requirements Guidance	19
Appendix 2 Guidance on commonly practised religions	21

Introduction

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.

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 Equality Act 2010 replaces these Regulations. As an employer, your obligations remain largely the same as under the Regulations, although you should be aware that the Act will extend protection from third party harassment to cover religion and belief, making employers potentially liable for harassment of their staff by people they do not employ (see page 7).

This guide gives employers and managers practical help in complying with the Equality Act 2010 and in creating a fair working environment in which no one is put at a disadvantage because of religion or belief.

What the *law says*

- 1.1 Religion or belief** is 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. Appendix 2 provides a list of commonly practised religions in Britain.
 - a philosophical belief (see box below).

A 2009 Employment Appeal Tribunal decision defined the criteria for determining what a philosophical belief is. A philosophical belief must:

- be genuinely held
- be a belief and not an opinion or viewpoint, based on the present state of information available
- be a belief as to a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism, pacifism and atheism could be examples of philosophical beliefs.

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 where both the discriminator and the person being discriminated against hold the same religious or philosophical belief.

1.2 Direct discrimination

Direct discrimination means that workers or job applicants are treated less favourably than others because they hold, are perceived to hold, or do not hold a particular (or any) religious or philosophical belief. Employees are also protected from direct discrimination which occurs because they associate with someone who holds or does not hold a particular religious or philosophical 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.

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. They do this because they believe that the applicant would not fit in with the rest of the workforce, who are predominantly Christian. This is direct discrimination.

1.3 Indirect discrimination

Indirect discrimination occurs when an organisation has practices, policies or procedures which, although they are applied to everyone, have the effect of disadvantaging people of a particular religion or belief (or people without a religion or belief).

Indirect discrimination will not be unlawful if it can be justified. This means you 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 less discriminatory 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 sunset – 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 indirect discrimination as it meets a legitimate business aim and there is no alternative means available.

1.4 Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, such as religion or belief, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is distressing. 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 necessarily be targeted at an individual(s) but may consist of a general culture which, for instance, appears to tolerate the telling of religious jokes.

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.

Example: Mark is continually teased about his partner's strongly held environmentalist beliefs. 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 may be harassment related to philosophical belief even though it is not the victim's own belief that is the subject of the teasing.

Harassment related to religion and belief may not always have overtly religious overtones. For example, an individual could be ostracised or excluded because of their religion or belief.

Employees may be able to claim harassment in circumstances where the unwanted behaviour is not directed at them, if they can demonstrate that it created an offensive environment for them. The complainant need not hold the same belief as the person who is being harassed.

Example: Jenny is a humanist and is claiming harassment against her line manager after he frequently teased and humiliated her about her beliefs. Caroline shares an office with Jenny and she too is claiming harassment, even though she does not share Jenny's beliefs, as the manager's behaviour has also created an offensive environment for her.

You may be held responsible for the actions of your 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, you may be liable and may be ordered to pay compensation unless you can show that you took reasonable steps to prevent harassment. Individuals who harass may also be ordered to pay compensation.

See section 2.2. for guidance on preventing harassment in your workplace.

1.5 Third party harassment

The Equality Act 2010 extends protection from third party harassment to cover religion or belief. If an employee is subjected to harassment by someone you do not employ (eg a customer), you could be liable for this in circumstances where:

- harassment has occurred on at least two previous occasions. This means that the same member of staff has been harassed twice, not necessarily by the same third party;
- you are aware that harassment has occurred;
- you have not taken reasonable steps to prevent it from reoccurring.

You may wish to develop a reporting procedure for third party harassment, and to make all staff aware of the process for reporting an incident. You should also ensure that you put processes in place to manage customers who behave in an offensive way.

You could also consider placing signs on your premises or website stating that harassment of staff will not be tolerated. Handouts to workers visiting your premises could include a summary of your Equality Policy, as well as the more usual health and safety instructions.

Example: Chris manages a Council Benefits Office. One of his staff, Ben, is Christian. Ben mentions to Chris that he is feeling unhappy after a claimant made derogatory remarks about Christianity in his hearing. Chris is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. Chris reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. Chris keeps Ben in the picture with the actions he is taking and believes he is taking reasonable steps to protect Ben from third party harassment.

1.6 Victimisation

Victimisation 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 marginalised by their colleagues.

You should make staff aware that they must not penalise any individuals who make a complaint of discrimination. This applies to all staff, including those who are the subject of a complaint, mentioned as a witness, asked to give relevant evidence, or are supportive of the alleged discrimination.

Example: After giving evidence for a colleague who had brought an Employment Tribunal claim against the organisation because of religion or belief discrimination, 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.

1.7 At the end of the working relationship

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 because of religion after his working relationship with the organisation has ended.

1.8 Discrimination harassment or victimisation

There is a sound business case for eliminating discrimination in the workplace. Employees who are subjected to discrimination, harassment or victimisation may:

- be unhappy, less productive and demotivated
- resign
- make a complaint to an Employment Tribunal.

If employees 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.

Religion or Belief and the workplace –

some key areas

This section describes some good practice measures that will help you avoid putting people who hold, or do not hold, religious or philosophical beliefs at a disadvantage in the workplace.

Be aware that not everyone who holds a particular religion or belief follows the same practices and observances. Individuals might interpret the requirements of their religion in different ways. You should consult with employees and job applicants about their needs, rather than making assumptions based on their religion.

2.1 Recruitment

Where it is reasonable to do so, you can adapt your 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, Sundays or periods of fasting, is good practice.

In very limited circumstances it will be lawful for employers to specify that job applicants must have, or must not have, a particular protected characteristic under the Equality Act 2010 (eg they might specify that applicants must be Muslim, or must be female). This is known as an occupational requirement and is explained in more detail in Appendix 1. Where you believe an 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.

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.

2.2 Harassment and workplace behaviours

Everyone should understand what discrimination and harassment is. However large or small your organisation, it is good practice for you to have an Equality and Harassment Policy and to train all staff and update them on a regular basis. This will help to reduce the likelihood of discrimination, harassment and victimisation taking place and may help to limit your liability if a complaint is made.

The policy should cover issues such as comments and jokes and the use of inappropriate language which may simply have been intended as 'banter' but which have the effect of being degrading or distressing.

Workers should understand that merely saying "no offence was intended" will not prevent a claim of harassment. In addition, an absence of complaint from the individual being harassed does not mean that harassment has not taken place.

Staff should be made 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 managers 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 for organisations to have a named individual who is trained and specifically responsible for dealing with employment equality issues and complaints.

Be aware that if your employees preach to other staff or to customers, this could cause offence to those who hold different beliefs or no beliefs, and may in some circumstances constitute harassment.

2.3 Time off for religious observance

The Equality Act does not say that employers must provide time and facilities for religious or belief observance in the workplace. However, you should consider whether your policies, rules and procedures indirectly discriminate against staff of particular religions or beliefs and if so whether reasonable changes might be made.

Many religions or beliefs have special festival or spiritual observance days. A worker may request holiday in order to celebrate festivals or attend ceremonies. You should sympathetically consider such a request where it is reasonable and practical for the employee to be away from work.

While it may be practical for one or a small number of employees to be absent it might be difficult if numerous such requests are made. In these circumstances you 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. You should carefully consider whether your criteria for deciding who should and who should not be granted leave may indirectly discriminate.

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.

If you operate a holiday system whereby the organisation closes for specific periods when all staff must take their annual leave, you 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 you to consider how they might balance the needs of the business and those of your staff.

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. You 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.

It is important to remember that individuals who hold a particular religion or belief may differ considerably in their level of observance and custom, and that some festivals which may be of great importance to particular individuals may be less important for others. You should not reject an employee's request for leave on the basis that another employee who adheres to the same religion or belief has not asked for time off.

In making decisions about leave, you should take care not to disadvantage those workers who do not hold any religion or belief, or who hold a different religion or belief to those employees who are requesting leave.

2.4 Dietary requirements

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.

You do not have to provide specific food such as Halal or Kosher at work-related gatherings if it is not proportionate for you to do so but you should ensure that there is some appropriate food available (eg vegetarian). Be aware that providing Halal or Kosher meat without offering any alternative food may disadvantage employees who cannot eat Halal or Kosher meat for reasons related to their religion or belief.

Some employees may refrain from drinking alcohol because of their religion or belief. If alcohol is served at any work-related occasion, including social gatherings related to work, you should ensure that non alcoholic drinks are also available. When arranging work-related social gatherings, bear in mind that not all employees may feel comfortable going to places where alcohol is served, such as pubs and bars.

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 at no cost to the employer.

2.5 Prayer

Some religions require their followers to pray at specific times during the day so your employees may request to take breaks at these times. You should sympathetically consider whether it is practical and reasonable for your employees to schedule their breaks to coincide with prayer times.

Staff may request access to an appropriate quiet place (or prayer room) to undertake their religious observance. You are not required to provide a prayer room. However, if a quiet place is available and allowing its use for prayer does not cause disruption for other workers or the business, it is good practice to agree to the request. 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.

You are not required to enter into significant expenditure and/or building alterations to enable people to undertake religious observance. In any event, there is usually no requirement for major 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.

2.6 Modesty

Some religions or beliefs require individuals to behave with modesty. Different religious groups and individuals interpret this requirement in different ways but some activities which may be considered immodest include:

- shaking hands with a member of the opposite sex;
- being alone in a room with a member of the opposite sex;
- undergoing a security search, even if it is conducted by a member of the same sex;

- showering or change clothing in the company of others
- having their photograph taken
- dressing in a particular way (see section 2.8)

You should consider whether any of your policies and practices disadvantage employees who wish to behave modestly for reasons related to religion or belief. Such policies and practices may constitute indirect discrimination unless you can show that they are a proportionate means of achieving a legitimate aim.

2.7 Fasting

Some religions require extended periods of fasting. You may wish to consider how you can support staff through such a period. However, you should take care to ensure that you do not place unreasonable extra burdens on other workers which may cause conflict between workers or claims of discrimination.

2.8 Dress

Some of your staff may wish to dress in a particular way for reasons related to religion or belief. If your organisation has a policy on dress or appearance, you should try to be flexible and reasonable concerning clothing, items of jewellery and markings which are traditional within some religions or beliefs.

Unjustifiable policies and rules may constitute indirect discrimination, so you should ensure that your policies on dress and appearance are a proportionate means of achieving a legitimate aim. Legitimate aims in imposing rules on dress or appearance could include health and safety, security or the necessity for staff to project a professional image.

The guiding principle in assisting decision-making around employee dress should always be based around the “**impact of dress upon the employee’s ability to do their job**”. If you consider this, decisions will, by definition, tend to be objective, fair and consistent.

Example: Some women may wish to dress modestly for reasons related to religion or belief. 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.

Example: Sukhvinder works in a hardware store, where a uniform is to be worn by all staff so that customers can easily identify a staff member to ask for assistance. Sukhvinder asks permission to wear a turban for religious reasons. The management consider his request and conclude that wearing a turban will not impact on Sukhvinder's ability to do his job, provided that his turban colours match the colours of his uniform.

Fairness is paramount in dealing with concerns or complaints by employees, whether formally or informally, in relation to religion or belief and dress codes.

Good practice: Dress codes at work

To avoid complaints of unlawful discrimination, consider whether your dress or appearance code is necessary. If it is, then:

- consult with workers when developing the code, including with a recognised trade union if there is one
- always keep in mind how a dress code would impact on a worker's ability to do their job
- explain the reasons behind the dress code
- provide a way for workers to appeal against a decision not to allow them to wear particular dress or attire
- keep it separate from the health and safety policy on protective clothing
- apply it consistently.

2.9 Monitoring religion and belief

The purpose of monitoring religion and belief is to enable you to examine how your policies and practices are affecting jobseekers and employees. If they are not working well you need to ask yourself 'why' and do something to put it right.

Monitoring involves:

1. Gathering individual personal information on the diversity of your potential recruits or existing staff.
2. Comparing and analysing this against:
 - other groups of staff in your company
 - jobseekers in the local community
 - the broader national labour market.

Some jobseekers or employees may feel uncomfortable about filling in monitoring forms. You can allay their fears by explaining that the monitoring process is solely designed to make your equality policy a reality and that the information is strictly confidential. Make jobseekers aware that monitoring information will not be taken into account in any selection decision.

Staff should be told why the information is being collected and how it will be used. Encouragement of staff who refuse to complete the form or those who select the 'prefer not to say' box is always good practice but there is little to be gained through compulsion.

Your monitoring form should include the option for staff to specify any non-religious beliefs they have. This data should be analysed in the same way as data about religious beliefs.

You should be aware that such information is sensitive under the Data Protection Act.

2.10 Religion or belief and other protected characteristics

Everyone has the right to be treated with dignity and respect in the workplace and not to be discriminated against or harassed because of: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and 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.

Some of your employees may hold specific beliefs concerning other protected characteristics (eg sex, sexual orientation). While employees have the right not to be discriminated against because of religion or belief, you can legitimately require that they do not manifest their religion or belief in a way that breaches your Equality Policy or other workplace policies. Employers are entitled to expect that employees will not discriminate against or harass colleagues and that they will deliver services to customers in a non-discriminatory manner.

If employees raise objections to performing specific tasks because they consider these tasks to conflict with their religion or belief, you should consider whether it is possible for you to respond to their concerns in a manner that is compliant with your Equality Policy. This might include excusing an employee from a task which they have an objection to performing. However, you need to ensure that you do not place other staff or any of your customers at a disadvantage in any action that you take. In addition, you may also want to take into account the flexibility of your workforce and whether any decision that you take might set a precedent or establish a practice that could affect the efficiency of your organisation.

Appendix 1 Occupational Requirements – Guidance

In certain circumstances, it will be lawful for employers to specify that job applicants must have, or must not have, a particular protected characteristic under the Equality Act 2010. For example, an employer might specify that job applicants must be Hindu or must be female. This is known as an 'occupational requirement'.

In the area of religion and belief, occupational requirements most commonly apply in circumstances where:

- organisations with an ethos based on religion or belief have a requirement to limit some roles to people who share the organisation's belief;
- organisations providing services targeted at particular religion or belief groups have a requirement to employ people who have a particular protected characteristic, in order to ensure that the target group can avail of the service.

A Christian charity with a religious ethos may be able to demonstrate that it is an occupational requirement for some roles in the organisation to be restricted to Christians.

For religious reasons, unemployed Muslim women might not take advantage of the services of an outreach worker to help them find employment if these services were provided by a man. If the outreach organisation is able to demonstrate that being female is an occupational requirement, it would be lawful for them to advertise a position for women only.

It is not enough for you to simply to decide that you prefer to employ someone who has or does not have a particular protected characteristic. Rather, the requirement must be:

- crucial to the post, and not just one of several important factors
- relating to the nature of job in question, rather than the nature of the employing organisation
- a proportionate means of achieving a legitimate aim. If there is any reasonable and less discriminatory way of achieving your aim, it is likely that you could not claim an occupational requirement.

An occupational requirement 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 occupational requirement inapplicable.

Organised religion

Additional exemptions apply where employment is for the purpose of organised religion, such as being a Minister or otherwise promoting or representing the religion.

In such cases, some roles can be restricted to people of a particular sex or sexual orientation, non-transsexuals, people who are not married or in a civil partnership; or people who are not divorced or married to (or in a civil partnership with) someone who has been divorced. In addition, requirements 'related to' sexual orientation can be imposed on certain roles, eg a requirement to be celibate if gay or lesbian.

The exception only applies where either of the following is the case:

- appointing a person who meets the requirement in question is a proportionate way of complying with the doctrines of the religion; or
- because of the nature or context of the employment, employing a person who does not meet the requirement would conflict with a significant number of the religion's followers' strongly held religious convictions. The requirement must be a proportionate way of avoiding such a conflict.

As with all occupational requirements, the requirement must be essential to the post, and not merely one of several important factors.

Appendix 2 *Guidance on commonly practised religions*

The Equality Act covers religion, religious belief and philosophical beliefs. Listed below are some of the most commonly practised religions 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 you 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 every festival. You should assess each request for leave on an individual basis and should not refuse an individual leave on the basis that another employee who adheres to the same religion has not requested time off.

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 you 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.

Example: Under the Working Time Regulations most workers – whether part-time or full-time – are legally entitled to 5.6 weeks' paid annual leave. Additional annual leave may be agreed as part of a worker's contract. A week's leave should allow workers to be away from work for a week – ie it should be the same amount of time as the working week. If a worker does a five-day week, he or she is entitled to 28 days leave. If he or she does a three-day week, the entitlement is 16.8 days leave. Employers can set the times that workers take their leave, for example for a Christmas shutdown. If a worker's employment ends, he or she has a right to be paid for the leave time due and not taken. This leave entitlement is not additional to bank holidays, unless otherwise stated in the worker's Terms and Conditions.

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

Under the Working Time Regulations you 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 Business Link.

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 southeasterly 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:

Ash Wednesday

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

Feb/March

(date set by lunar calendar)

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

Christmas Day

25 December

Many practising Christians will wish to attend their Church on Sundays throughout the year. Some practising Christians treat Sunday as a day of rest and may not wish to work on this day.

In Catholic church law, there are a number of 'holy days of obligation' when Catholics 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. In addition to Christmas and Easter, the Holy Days of Obligation are 15th August (Feast of the Assumption), 29th June (Saints Peter and Paul), and 1st November (All Saints).

Food: Some Christians avoid alcohol.

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

For some Christians it is important to wear the symbol of the cross. This is commonly worn on a necklace or displayed on some part of their person. Some Christians may also wear the sign of a fish.

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 Sakranti	14 January
Maha Shiva Ratri	February
Holi	March
Ramnavami	April
Rakshabandham	August
Janmashtami	August
Ganesh Chaturthi	August/September
Navaratri	September/October
Dushera (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

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

April and October

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. They may also need additional time for food preparation and other activities that cannot be undertaken once the Sabbath or Festival starts. Sabbath begins one hour before dusk on Friday.

Festivals:

Passover	March/April	2 sets of 2 days
Pentecost	May/June	2 days
New Year	Sept/Oct	2 days
Day of Atonement	Sept/Oct	1 day fasting
Tabernacles	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 and has not been in contact with non-Kosher food or utensils. For an observant Jewish person, kosher food would need to be labelled and certified as such.

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

Examples are Druidry, Paganism, Wicca, Astaru, Odinism and Shamanism.

Festivals: Some examples of Festivals celebrated by Ancient Religions include:

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.

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 Equality Act 2010.

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 meat that has been prepared according to Halal regulations. 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.

inform

advise

train

work
with you

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.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent publicly-funded organisation and many of our services are free.

October 2010

Acas' main offices:

- National
London
- East Midlands
Nottingham
- East of England
Bury St Edmunds, Suffolk
- London
- North East
Newcastle upon Tyne
- North West
Liverpool
- North West
Manchester
- Scotland
Glasgow
- South East
Fleet, Hampshire
- South East
Paddock Wood, Kent
- South West
Bristol
- Wales
Cardiff
- West Midlands
Birmingham
- Yorkshire and Humber
Leeds

Helpline **08457 47 47 47**

08456 06 16 00
helpline for Minicom users

08702 42 90 90
Acas publications orderline

to view a full list of Acas publications,
go to www.acas.org.uk/publications

08457 38 37 36
for the Acas Customer Services Team
who can provide details of services
and training in your area or
visit www.acas.org.uk/training

08456 00 34 44
for questions on managing
equality in the workplace



INVESTOR IN PEOPLE

10/10

www.acas.org.uk