

Religion and Belief Guidelines for Staff and Managers

Introduction

1. Purpose and scope

1.1 The University of Birmingham is a secular institution with a long history of religious tolerance dating back to our founding Charter. As a global institution with a diverse population, we aim to provide an inclusive and welcoming working environment for all.

1.2 This document has been developed to provide practical guidance for staff and managers on religion and belief in the workplace. It includes guidance on the law, common requests related to faith and how to deal with such requests in a fair and practical way. The guidance has been developed within the context of the Equality Act 2010, the University's Fairness and Diversity Policy and its Equality Scheme.

2. What does the law define as a 'religion or belief'?

2.1 The Equality Act 2010 protects individuals from discrimination on the grounds of their religion or belief.¹ The Equality Act does not define what a religion is. However, guidance and case law indicates that any religion with a clear structure or belief system would be covered by the Act. ACAS lists the following religions as examples of this:

- Bahai
- Buddhism
- Christianity
- Hinduism
- Islam
- Jainism
- Judaism
- Rastafarianism
- Sikhism
- Zoroastrianism²

It is likely that less prominent faiths will also be covered by the Equality Act.

¹ The law also recognises discrimination on the grounds of perceived religion or belief, i.e. where someone is assumed to be of a particular religion or belief, and also discrimination on the grounds of association, i.e. on the grounds of a person's association with people of a particular religion or belief.

² ACAS 'Religion or Belief in the Workplace'.

- 2.2 A 'belief' is defined by the Act as a philosophical belief that is similar to a religion. Case law indicates that for a philosophical belief to be covered by the Equality Act it must:
- Be more than just an opinion or viewpoint and be serious and genuinely and sincerely held;
 - Concern a weighty and substantial aspect of human life and behaviour;
 - Attain a certain level of cogency, seriousness, cohesion and importance; and
 - Be worthy of respect in a democratic society, be compatible with human dignity and not conflict with the human rights of others.
- 2.3 Humanism, pacifism and atheism would be examples of philosophical beliefs. Case law has shown that membership of a political party, or beliefs that conflict with the rights of others (e.g. a belief in racial supremacy), do not constitute protected beliefs under the Equality Act 2010.
- 2.4 The Equality Act also protects people without a religion or belief from discrimination on the grounds of their non-belief. The Act offers equal protection on the grounds of religion, belief and non-belief.
- 3. Is there a legal obligation to accommodate a staff member's religious or belief-based needs at work?**
- 3.1 Examples of religious or belief-based needs would include time for prayers during the working day, or time off for religious reasons. Whilst there is not an explicit requirement in the Equality Act to accommodate religious or belief-based needs, not considering and seeking to accommodate a reasonable request could be considered discriminatory on the grounds of religion or belief.
- 3.2 Employers are expected to demonstrate they have given a requests relating to religion or belief serious consideration and accommodated it where it is practical to do so. This would also be considered best practice and in-keeping with the University's objective to create an inclusive working environment. *Please section x on accommodating religion and belief in the workplace.*
- 4. What happens when different rights come into conflict?**
- 4.1 The Equality Act protects staff and students from discrimination and harassment on the grounds of their religion or belief, as outlined above. It also affords the same level of protection on the grounds of age, disability, gender identity, marriage or civil partnership, pregnancy or maternity, race, sex and sexual orientation. Whilst staff will have a range of beliefs and opinions, religious or otherwise, they have a responsibility not to manifest their views or beliefs in a way that causes unlawful discrimination or harassment of others.

- 4.2 Case law has made clear that staff providing a public service cannot refuse to provide that service to another person or group (i.e. unlawfully discriminate against that person/group) on the basis of their own religious beliefs. For example, a staff member cannot refuse to provide a service to a gay student because of their religious-based beliefs on homosexuality.
- 4.3 As employees of the University, staff are expected to reflect the secular nature of the University in undertaking their duties. It would not be appropriate, for example, for a member of staff to proselytise to a student accessing a service, or to include a religious message in their University email signature.

Accommodating religion and belief in the workplace

5. Our approach

- 5.1 Whilst the University is a secular institution, our staff body includes people with a wide range of religious and other beliefs and issues can and do arise in the workplace concerning the accommodation of needs related to religion or belief. Our approach is to address these issues fairly and sensitively, with a view to accommodating staff members' needs where it is practical to do so.
- 5.2 What is 'practical' will vary in each situation and would involve considering if what is being requested is operationally feasible. For example:
- if the staff member would still be able to fulfil their contractual obligations
 - the impact on the delivery of services
 - the impact on other staff
 - health and safety considerations
- 5.3 Requests regarding the accommodation of needs related to religion or belief should be raised by staff with their line manager. If the original request cannot be accommodated, it may be possible to come to a compromise arrangement, and the use of creative and flexible solutions by managers and staff is encouraged. On occasion, it may not be possible for the University to accommodate a request. Further guidance on the accommodation of religion and belief in particular circumstances is given below
- Prayer breaks**
- 5.4 Some staff may wish to pray at regular intervals during the working day. For example, Muslims are required to pray 5 times a day, with some prayer times likely to fall within working hours, which can vary depending on the time of year.
- 5.5 Prayers should ideally be completed during lunch or other break times utilising the prayer facilities on campus. Details are available from the Chaplaincy:
<https://intranet.birmingham.ac.uk/chaplaincy>

- 5.6 If prayer times cannot be accommodated in this way, managers and staff should try to identify suitable areas in the workplace that can be used for prayer. Due to the pressures of timetabling and space in University buildings, it may not be possible to identify a space that can be reserved solely for prayer. A shared-use room (such as a meeting room), with a sign outside to indicate when it is in use, would be appropriate compromise.
- 5.7 If prayer breaks occur outside of formal break times, and the time needed for prayer is short and can be accommodated locally, prayer breaks should be treated in the same way as taking coffee or smoking breaks would be, i.e. as part of the normal working day. If a more substantial period of time for prayer is needed, arrangements will need to be put in place to ensure staff still complete their contractual hours and duties by, for example, making up hours at the beginning or end of the day, or taking a shorter lunch break.³

Holy days and fasting

- 5.8 For some staff, their main day of religious observance will fall during their working week. Some staff may seek to adapt their working hours or arrangements to reflect this. For example:
- A Muslim member of staff may want to attend communal prayers on a Friday afternoon
 - A Jewish member of staff may want to leave work early on a Friday to begin the Sabbath
- 5.9 Managing such requests can often be accommodated by making comparatively small, 'light touch' changes, such as flexibility with when a lunch break is taken or making up hours at the beginning or end of the day.⁴

Leave for Religious Reasons

- 5.10 A number of UK public holidays and related University closed days are based around Christian festivals. Staff wishing to take leave for religious festivals or holy days outside of this will need to take these days as annual leave, following the usual application and approval process. In areas of the University where work takes place on public holidays and closed days, an alternative may be for staff to work on one of those days and take their religious festival day as time off in lieu or for rotas to be arranged to take staff requests into account, where it is possible to do so.
- 5.11 Members of staff should inform managers of potential leave dates sufficiently in advance to prevent disruption and support the continuity of operations. Where the exact date of a festival is not known in advance, staff should make their managers aware of this situation and provisionally request leave over several days, on the understanding that not all of this leave may be taken.⁵

³ Allowing for the legal requirement that staff have a minimum 20 minute rest break every 6 hours.

⁴ Ibid.

⁵ Dates for some religious festivals are only approximate as they are based on the lunar calendar. For example, whilst a rough date for the Muslim festival Eid is known months in advance, staff may only find out the actual date the evening before the day they want to take as leave.

Pilgrimage

- 5.12 Where staff wish to take an extended period of leave for religious reasons, such as to make a pilgrimage, this would also be taken from their annual leave, with any additional unpaid leave to be agreed at the discretion of their line manager.⁶
- 5.13 Where annual leave is requested for religious reasons, every attempt should be made to grant this where it is operationally feasible to do so. To help support this, staff should give their line manager reasonable notice of their request, particularly if an extensive period of leave is being asked for.

⁶ The 'Buying Additional Leave Scheme' is one means of doing this.

Religious rituals and customs around funerals

- 5.14 There are a diverse range of religious and cultural practices following the death of a family or community member. Some faiths require that funerals take place as soon as is possible, or prescribe a mourning period following death. In these cases, time off should be taken as compassionate leave, as outlined in the terms and conditions of employment and Family Leave Arrangements, and any further leave as annual leave. Consideration should be given to unpaid leave and flexible working where possible.

Religious dress

- 5.15 The majority of posts at the University do not have a dress code or uniform and staff are welcome to wear clothing and items that reflect or are a requirement of their religious beliefs.
- 5.16 For religious reasons, some employees may want to follow specific dress codes, or to wear their hair in a certain way or wear a head covering, such as a turban (Sikh head dress), hijab (Muslim head dress for women) or yarmulke (Jewish skull cap). In most cases, these should not conflict with any office dress code, uniform or health and safety policy.
- 5.17 Some posts – such as cleaning and catering - require that staff wear a uniform. In these cases, the uniform can usually be adapted both to meet religious needs and any health or safety or food hygiene requirements of the post. Where protective items such as lab coats need to be worn, these can often be adapted to accommodate staff needs, provided that the relevant safety standards continue to be met.
- 5.18 In the University, special dress requirements may be expected in certain areas, such as in some clinical environments. To avoid indirect discrimination, any dress rules should be justifiable as a proportionate means of achieving a legitimate aim, such as health and safety considerations. Health and safety provisions may take precedence and where safety requirements necessitate the removal or wearing of specific clothes.
- 5.19 If there are any concerns about the health and safety implications of a particular form of dress, the Health and Safety team can advise on this.

ID Cards

- 5.20 Staff will need to remove any items that cover their face when having their photo taken for their staff ID card, (head scarves do not need to be removed). Where this involves a female unveiling her face, this will be handled in a sensitive manner with a female member of staff taking the photo in a private area. Very occasionally, it may be necessary for staff temporarily to remove items that cover their face to verify their identity against their ID card. Again, where this involves a female unveiling her face, this will be to a female member of staff and take place in a private area.

Dietary requirements

- 5.21 Some religions specify dietary laws where certain foods are proscribed, the mixing of some foods is not allowed or food has to be prepared in a particular way. Managers should be mindful of these restrictions when organising work functions and social events, to minimise potential conflicts between a person's beliefs and their ability to engage in work and social activities.
- 5.22 It is good practice to ask about dietary requirements when inviting staff to events. Providing as a minimum vegetarian food options and non-alcoholic drinks at functions where food and drink is offered, will usually accommodate most faiths and beliefs. The University caterers are able to provide halal and kosher food on request.

Fasting

- 5.23 Fasting is the abstinence from all or some specific foods and drink. Many religions observe periods of fasting. For example, observant Eastern Orthodox Christians fast several times throughout the year including Great Lent, the Nativity Fast and the Domitian Fast. Similarly, some Hindus or Sikhs may observe a fast or special diet on specific days of the week throughout the year or on specific holy days.
- 5.24 For Muslims, an absolute fast is observed in daylight hours during the month of Ramadan. Specific timings to start or break the fast are followed: for example, *Suhoor* is a meal that is taken during the night before the fasting period begins at dawn; likewise *Iftar* is the meal to break the fast after sunset.
- 5.25 The impact of fasting may vary between individuals and also may disrupt regular sleeping or eating patterns; members of staff may request modification to their start or end times. When staff are fasting, it may be appropriate to accommodate requests to stagger the beginning or end of the working day (as set out under 'holy days' above), or to move their lunch break or take a shorter lunch break, bearing in mind the legal minimum of a 20 minute break for every 6 hours worked. Such requests should be considered as outlined in 5.1 - 5.3.

Undertaking workplace duties

- 5.26 The University offers a wide range of employment opportunities and encourages applications from all groups and communities. On occasion, some posts may involve duties that individuals feel are incompatible with their religious or other beliefs. In accepting a post at the University, staff agree to undertake the duties of their post as set out in their contract and job description. In this sense, staff are considered to have had reasonable opportunity to explore if duties are incompatible with their religion or beliefs, before accepting the offer of employment.

- 5.27 If duties are subsequently added that a member of staff believes are incompatible with their religion or belief, there may be room for negotiation and reallocating of duties, if this is practical. However, case law has demonstrated that an individual's religion or belief cannot be used as grounds to justify them engaging in discriminatory behaviour against another person, such as refusing to provide a service to someone or refusing to work with someone.

Faith venues on campus

- 5.28 The University has a multi-faith Chaplaincy with chaplains from the Buddhist, Christian, Hindu, Islamic and Jewish faiths. The Chaplaincy has venues on campus that can be used by staff and students of all faiths for religious observance. There are also a number of other venues that can be used for religious observance, some of which are faith-specific. Staff who want to undertake religious observances during the working day are encouraged to make use of these venues during their lunch period or other break times. For further information see:
<https://intranet.birmingham.ac.uk/chaplaincy>