

Religion in the workplace

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Despite the behaviour of some recently in Parliament, the UK is, one hopes, a tolerant and respectful society with some of the most comprehensive anti-discrimination laws in the world. That said, the place of religion in the workplace is still regularly tested in Tribunals and courts across the UK, with many people contending that they experience discrimination because of their (or others) religious or other beliefs.

It is against the law for an employer to discriminate against anyone because of their religion or belief. This can range from well-established faiths to a belief in the BBC! However, whilst it is accepted that people with such beliefs should not face discrimination in the workplace, beliefs do not always trump the demands of the employer.

To complicate matters, many employers face allegations of indirect discrimination which can arise from various, seemingly harmless, requirements such as a dress code stating that employees are not able to display facial hair or wear anything which covers their face.

Indirect discrimination is a form of discrimination that can be justified. Not surprisingly, this is where many of the arguments arise. An employee may say that they are religious, for example, but an employer may say that wearing a long-flowing religious garment in an environment where that may cause a serious trip hazard is prohibited.

Likewise, it would not be unreasonable to argue that a teacher should refrain from covering their face in the classroom on the basis that seeing a teacher's mouth and facial expressions aids a child's education. As ever, justification comes down to managing the competing interests of the employer and the employee and any other relevant individuals.

Our laws place an obligation on employers to be conscious of the effect that their decisions may have on people of differing religions or beliefs. Further, if an employee says that they have been adversely affected by a decision or policy due to their religion or belief, you should think carefully about whether turning the request down would be disproportionate. I have seen many employers attempt to put in place blanket bans – this is dangerous, and inflexibility is not welcomed by the Employment Tribunals.

Managing religion/belief in the workplace

There are several easy steps that you can take to lessen the risk of discriminating against your staff.

. Make sure work events are inclusive

Not surprisingly, it is good practice to ensure that a range of foods and non-alcoholic drinks are offered at work events, and that any foods offered are clearly labelled to allow staff to be able to easily identify what they can/can't consume. Consult with your staff. With the festive season coming up, start your planning now.

. Be aware of harassment towards or from employees and take a zero tolerance approach to this

Educating employees about discrimination and what may constitute harassment, and encouraging them to respect each other's different beliefs, will likely help to prevent inappropriate behaviour. Equally, if you face a claim, Tribunals are always interested in what level of training you have given your managers and staff to raise awareness of these issues.

In the event that such behaviour does occur, you should respond to evidence/complaints in a timely manner and ensure that such behaviour is not tolerated.

You should be mindful that they will be found to be responsible for religious discrimination carried out by their employees unless they can show that they did everything they reasonably could to prevent it.

. Be respectful of an employee's practices

Some religious groups may be required to pray during work hours. Where possible, you should assist this by designating a suitable space to be used such as a meeting room – it is not a difficult or onerous requirement and failing to accommodate this could cause problems.

Similarly, whilst time off for a religious holiday is normally taken out of annual leave, it may be possible for employees to allow 'swaps' of holiday, where for example an employee works on a public holiday related to the Christian calendar in exchange for receiving a holiday in their religious calendar as leave.

As ever, knowing what your employees require, listening, and acting will go a long way to maintaining an engaged – and non-litigious – workforce.

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