GUIDANCE ON RELIGION & BELIEF

THE EMPLOYMENT EQUALITY (RELIGION OR BELIEF) REGULATIONS 2003

The Employment Equality (Religion or Belief) Regulations 2003 came into force on 2 December 2003. These Regulations make it unlawful on the grounds of religion or belief to:

- Discriminate directly against anyone by treating them less favourably than others because of their religion or belief.
- Discriminate indirectly against anyone by applying a criterion, provision or practice which disadvantages people of a particular religion or belief unless it can be objectively justified.
- Subject someone to harassment by unwanted conduct that violates a person’s dignity and creates and intimidating, hostile, degrading, humiliating environment.
- Subject someone to victimisation by treating them less favourably for taking action or assisting someone else who has taken action.

Definition of Religion or Belief

Religion or belief is defined as being any religion, religious belief or similar philosophical belief. It does not include any philosophical or political belief unless it is similar to religious belief. The Regulations do not explicitly define religion or belief. The following factors can be considered in deciding what is a religion or similar belief: collective worship, a clear belief system, a profound belief affecting the way of life or view of the world. The Regulations extend to less known religions and faith such as Paganism and Humanism and also cover those who do not have religious or similar beliefs.

Recruitment and Selection

In order to avoid discrimination on the grounds of religion and belief in recruitment and selection managers should:

- Be clear in job descriptions about what skills are required for a post, distinguishing between essential and desirable.
- Ensure that there are no unnecessary selection criteria or standards which could prevent someone applying because of their religion or belief.
- Make it clear what the job entails so applicants can consider before applying if the job might conflict with their religious or belief convictions.
- Be responsive wherever practicable to requests for flexibility around interview times particularly if they clash with significant religious times (e.g. Friday afternoons).
- Make it clear in the advert if a genuine occupational requirement is applicable to a vacancy.
- Invite applicants to make any special requirements known before an interview so they can be taken into consideration when arranging the interviews.
- Not ask personal questions which may be perceived to be intrusive, and imply discrimination. Questions should only relate to skills, experience and competencies. All candidates should be asked the same questions.
- Have an Equal Opportunities policy. The University’s Equal Opportunities Policy can be found at: http://www.nottingham.ac.uk/hr/guidesandsupport/equalityanddiversitypolicies

Genuine Occupational Requirement

In very limited circumstances it will be lawful for an employer to treat people differently if it is a genuine occupational requirement that the jobholder be of a particular religion or belief. In deciding if a genuine occupational requirement applies it is necessary to consider the nature of the work and the context in which it is carried out. An employer must be able to show that
they are founded on the ethos of a particular religion or belief and that a genuine occupational requirement is a requirement of the job in order to maintain the ethos of the organisation.

**Religious or Belief Observance in the Workplace**

**Time off for Religious or Belief Observance**

Under the Regulations there is no requirement for employers to provide time and facilities for religious or belief observance in the workplace however, it is good practice to allow this wherever possible.

Many religions and beliefs have special festivals or spiritual observance days and an employee may request to holiday to celebrate them. This request should be considered sympathetically and if reasonable and practical, and the individual has sufficient holiday entitlement, it should be granted. If an individual request to take the time off as unpaid, or take the time off and make the hours up, this again should be considered sympathetically, and if reasonable and practical, should be granted.

Many religious or belief festivals do not fall on the same date each year as they are aligned with lunar phases and so change from year to year. Sometimes the dates for these festivals do not become clear until quite close to the actual date. When authorising time off for members of staff to celebrate religious festivals, care should be taken not to disadvantage those who do not hold any specific religion or belief.

The Regulations do not require that employers have to release staff for prayer outside of normal rest breaks or holiday periods. However staff may request that their rest break coincide with their religious obligations to enable them to pray at certain times of the day. Employers may be justified in refusing such a request if it conflicts with legitimate business needs which cannot be met in any other way.

**Dietary Requirements**

Some religions or beliefs have specific dietary requirements and if staff bring food into the workplace they may wish to store and heat their food separately. For example, Muslims may wish to ensure that their food is not in contact with pork or anything that may have been in contact with pork such as cloths, cutlery. A solution could be to ensure that all staff store their food in sealed containers in communal areas and to have separate shelves for different foods. This should also be taken into consideration when ordering any hospitality or even when arranging work social events.

**Facilities for Religious Observance**

Some religions require their followers to pray at specific times during the day and staff may therefore request access to an appropriate quiet place (prayer room). Employers are not required to provide a prayer room, however if a quiet place is available, and allowing its use for prayer does not create problems for other employees or for the operation of the University, it should be allowed. Details of the University’s Centres of Worship can be found at: [http://www.nottingham.ac.uk/chaplaincy](http://www.nottingham.ac.uk/chaplaincy)

**Fasting**

Some religions require extended periods of fasting and where approached by an employee the University will give consideration as to how they can support staff through this period. However, care should be taken to ensure that unreasonable extra burdens are not placed on other members of staff which may cause conflict or claims of discrimination with staff claiming they are being treated unfairly.
**Dress Codes**

In some areas there may be staff who may wish to wear clothing consistent with their religion. However, if there is a requirement for a specific dress code, consideration should be given to the request. 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.

Some religions and beliefs require their followers to wear certain items of jewellery or have certain markings on their skin. Unjustifiable policies and rules not allowing jewellery, tattoos or other markings may constitute indirect discrimination. For example, in addition to wearing a wedding ring, many Hindu women wear a necklace (Mangal Sutra) which is placed around their neck during the wedding ceremony and is highly symbolic.

**Further Information**

For further information and advice on religion and belief please contact your Human Resources Adviser or Assistant. For details of who your Adviser and Assistant are please go to [http://www.nottingham.ac.uk/hr/contactus](http://www.nottingham.ac.uk/hr/contactus)