

# Guidance for workers



**faith and belief**

# Introduction

We all deserve to have our beliefs respected at work. But many workers still face discrimination because of their religious beliefs.

It's against the law for an employer to treat you worse than your co-workers because of your religion or beliefs. And you should never face harassment or bullying because of your beliefs.

This is true if you're a member of a major organised religion, if you're a member of a smaller religion or sect, if you practice collective worship, if you have no religion, or if you have any profound belief that affects your way of life.

Your employer shouldn't indirectly discriminate either, by having requirements that are harder for you to meet than for people with other religious beliefs, unless they can be objectively justified. And they can't discriminate against you because they wrongly believe you're a member of a certain religion.

If you feel you're experiencing religious discrimination, you can take action to enforce your rights.

Very often, the best way to solve problems is to join with co-workers and try to reach agreement with your employer on how to make the workplace fairer for everyone.

This guide will give you some introductory information to what members with religious beliefs or of faiths are entitled to.

## What does the law say about religious belief?

The Equality Act 2010 protects employees from discrimination, harassment and victimisation because of religion or belief.



All protected beliefs are equal, so one protected belief cannot override another. An employee can also be protected because they do not have a religion or belief. Discrimination on the grounds of religious and philosophical belief is illegal.

The Human Rights Act 1998 states that you have the right to belong to a religion or hold a religious belief and to change it, as well as to show that belief. The only exceptions are if that display or expression of belief were to come into conflict with the rights and freedoms of others, public safety and order, health, or morals.

## What are the four types of discrimination under the equality act?

**Direct discrimination** is where you are treated badly because of your religion, belief or lack of religion, or belief (for example, treating someone less favourably because they are a Hindu). It's also direct discrimination if you face discrimination by association (e.g. if you are treated badly because of a friend or colleague or family member's religion). And if someone thinks you hold a religion or belief, even if you don't, this is direct discrimination by perception.

**Indirect discrimination** is where a policy, provision or criteria, applies equally to everyone but has the effect of unfavourably impacting people of a certain religion or belief or of no belief.

Unless an employer can show that their provisions are objectively justified (by being proportionate, appropriate and necessary to achieve a legitimate aim), this is unlawful.



**Harassment** is unwanted conduct that relates to a person's religion or belief. It has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It might include bullying, jokes, gossip, threats or exclusion.

**Victimisation** is where someone is treated badly because they have made or supported a complaint about discrimination.

## What is a philosophical belief?

Under the Equality Act 2010, philosophical as well as religious belief is protected.

The Equality Act defines a philosophical belief as a belief that is genuinely held, not just an opinion based on current information, a weighty and substantial aspect of human life and behaviour, clear, logical, convincing, serious and important, and worthy of respect in a democratic society- being compatible with human dignity and not conflicting with the fundamental rights of others.

Supporting a political party would not count under the act, but a political philosophy that significantly impacts how you live your life may be protected. Examples of philosophical beliefs are humanism and veganism.

## How are requests for changes to working conditions for religious reasons treated?

You can go to your employer with a request to change your working conditions because of your religion or belief or lack of religion or belief.



Your employer should consider your request carefully on an individual basis.

They should think about how easy it would be to accept your request, their business needs, the effect on you and other employees. They would need to justify their decision.

If your employer refuses your request, and their policy would particularly disadvantage anyone who shared your religion, belief or lack thereof, then this could be indirect discrimination. The employer would only be able to refuse such a request if they had an objective justification for doing so. Objective justification means two things- firstly, the policy has a legitimate aim, and secondly, that it is proportionate, appropriate and necessary to achieve that aim. Rather than 'a proportionate, appropriate and necessary'.

You should not be treated worse in any way because you have made a request. If your employer agrees to a request from one employee, they don't have to agree to others- each should be considered on its own merits.

However, it's generally best practice to have a policy on matters that are likely to come up frequently. And your employer should consult with staff and unions about working conditions.

## **What can I do if I have been discriminated against because of my religious beliefs?**

It is illegal to discriminate on the grounds of religion or belief, or lack of religion or belief. This includes in recruitment, access to training and access to promotion.



If you cannot resolve the issue informally, you should seek advice from your Community rep or Service Centre ([servicecentre@community-tu.org](mailto:servicecentre@community-tu.org)).

If the issue progresses to legal proceedings, it's important to know there is no minimum length of employment required to allow you to bring a claim under the Equality Act. Discrimination is always unlawful.

## Frequently asked questions

### Can I take time in my working day to pray?

You can request that your employer makes changes to your working conditions to allow you to pray. Your employer doesn't have to grant the request but should consider it.

You might for example, request that your breaks coincide with prayer times, shorten lunch breaks and use the remaining time for prayer, or ask for flexibility in your working hours to fit around prayer. It's great if your company can provide a quiet room for prayer and reflection.

If your employer doesn't have a space available, they should discuss with you how they might be able to help- for example, if you could use a certain room at a specific time of day.

It's good practice for your employer to have a company policy on this, as it's a topic that's likely to generate multiple requests.

If your employer refuses your request for a prayer room without a good reason, this is likely to be discriminatory, particularly if they already provide comparable facilities for staff.



## Is my employer allowed to have dress code that forbids me from expressing my religious belief?

Employers should always consult with staff about dress codes. When creating a dress code policy, they should ensure that it does not directly or indirectly discriminate against employees of, or of no, religion or belief.

Your employer shouldn't have requirements that are harder for people of religious beliefs to meet unless they can be objectively justified- otherwise this could amount to indirect discrimination. Banning a specific religious symbol or dress code, for example a ban on head scarves, would be unlawful direct discrimination.

Any rules your employer has about dress or appearance must be for business reasons, and should be proportionate, appropriate and necessary. For example, your employer may be justified in asking you to remove a symbol or type of dress if it creates a health and safety risk.

If you request it, your employer can agree to a change in your uniform on religious grounds but have everyone else continue to dress as per the code.

They should always consider each individual request to change a dress code or uniform policy on its own merits- depending on the role, and any risks or requirements related to it.

There have been cases in France and Belgium where bans on all religious symbols and beliefs have been classed as lawful, because they were found by the European courts to be proportionate means to the aim of demonstrating neutrality in services.



But the constitutional situation in Britain is different. This means that it's unlikely that any employment tribunal would accept an argument in the UK that neutrality is a legitimate aim which justified the banning of all religious symbols and dress.

## **Am I allowed to opt out of certain parts of my job because of my religious beliefs?**

Your employer should consider your request and approve it if it is possible and reasonable. However, if there are good business reasons for refusing the request and the refusal is proportionate then they can justify not agreeing e.g. if this places too much extra work on other staff, if the task is essential to the role, or if it would cause serious disruption to the business.

## **What does the law say about refusing to work with someone because their lifestyle or belief conflicts with my religious beliefs?**

You must not refuse to provide a service to a customer, or work with a colleague or client because of their religion, sexual orientation, gender reassignment, race, disability, marriage or civil partnership.

If you do so this is discrimination and your employer could take disciplinary action against you.

## **Can my employer ban me from talking about my religion or belief at work?**

Your employer should not try to ban discussion of religion or belief.





They may be justified in putting some restrictions in place if this is done for reasons like protecting the rights of others, protecting the organisation's reputation, or preventing an authority figure from forcing their personal views on others.

If someone forcefully imposes talking about their beliefs on others, this could be harassment.

## **What can workplaces do to support people of religion or belief (or none)?**

Employers should consider any requests for flexibility for religious reasons carefully and on their own merits. They should also be very cautious before banning signs of religious belief.

It's good practice to consider everyone in food provisions, both in the staff canteen and at social events. That could mean including vegetarian, alcohol-free, Kosher and Halal options.

Employers should consider diversity of religious belief when creating bereavement practices- some people may have specific requirements for mourning periods, for example.

They should also consider that some people may wish to take time to pray during the day and include this in their break policies where possible.

It's also good practice if the work and holiday schedule is flexible as this will allow individuals to take time away from work for religious holidays or observation.

If there is demand, it's good practice for employers to provide a quiet room for prayer and reflection.



Employers should consider whether they are inadvertently discriminating indirectly, for example, if interviews are held in hotel bars, this may indirectly discriminate against prospective workers who are uncomfortable with indirectly associating with alcohol, or visiting licensed premises. Or if team meetings are always held on Friday afternoons this could discriminate against Jewish and Muslim staff who have religious commitments at this time.

## **Can I finish work early on a Friday to be home before dusk, for the sabbath?**

Some Jewish workers may want to finish work early on a Friday, particularly during the winter, to be home before dusk.

This request would need to be considered by your employer, on its individual merits.

If there is a legitimate business reason why you would need to be working late on a Friday- for example, data arrives on a Friday afternoon, but needs to be processed as it's necessary to the business- then your employer could be justified in refusing your request.

Alternatively, if there was a proportionate means of supporting your request then your employer should grant it.

## **How can I support a colleague who is fasting for Ramadan?**

Fasting is a part of all the Abrahamic religions. The examples that follow explain how you can support Muslim colleagues who are fasting during Ramadan.



Some Muslims who may not be observant during the rest of the year may participate in Ramadan. Islam is a faith of people from all races and backgrounds so don't assume who in your team will be observing Ramadan. There may be Muslim workers who won't be fasting, this could be for a number of reasons.

Be sympathetic to colleagues who are fasting- during Ramadan people will be fasting from dawn till dusk, which can be up to 17 hours without food or drink when Ramadan falls in the summer. Ramadan also involves getting up early and eating late. Don't assume that all your Muslim colleagues want to be treated differently because they are fasting but be open to having a conversation about it.

People who are fasting won't expect those who aren't observing Ramadan to do the same, so it's okay to make drinks for the team or eat your lunch. However, be sensitive, for example, don't offer biscuits to someone who is fasting!

## **How can my employer support me if I am fasting during Ramadan?**

Line managers should make it easy for team members to let them know that they are fasting. They should have one-on-one conversation with workers who will be observing Ramadan.

To support a colleague who is fasting, employers can be flexible with working hours- many people may ask to start their day earlier and finish earlier, so that they can work during the most productive parts of the day. They may also ask to take a shorter lunch break or work through lunch.



Employers don't have to agree to the request, but they should only refuse if there is a legitimate business need that they cannot meet in another way. If the refusal cannot be justified it could be indirect discrimination.

Line managers should be open to discussing support and adjustments for someone during Ramadan. Some may want annual leave to celebrate Eid, or to take the final two weeks of Ramadan as time to focus and worship. This should be treated like an annual leave request, and managers should try to accommodate it if possible. Managers should be flexible, for example, allowing workers regular breaks for afternoon prayers if requested.

Finally, managers should understand that Ramadan falls at a different time each year. That's because Islam uses the lunar calendar. There is often some uncertainty about which day Eid will fall because it depends on moon sightings, so be prepared for your Muslim colleagues not to know the exact date. This may also impact on when they can work and how much notice they can give you, as Eid can last up to three days.

## Useful resources

### ACAS

[archive.acas.org.uk/religionorbelief](https://archive.acas.org.uk/religionorbelief)

### The Equality and Human Rights Commission

[www.equalityhumanrights.com/en/religion-or-belief-workplace](https://www.equalityhumanrights.com/en/religion-or-belief-workplace)

### The TUC

[worksmart.org.uk/work-rights/discrimination/religious-discrimination](https://worksmart.org.uk/work-rights/discrimination/religious-discrimination)





**We are Community. The modern union for a changing world.**  
**Tel:** 0800 389 6332 • **Email:** [equalities@community-tu.org](mailto:equalities@community-tu.org)