

Who is this for? LSC staff | LSC provider partners | The general reader

RELIGION OR BELIEF: PRACTICE MAKES PERFECT?

The **Employment Equality (Religion or Belief) Regulation** was passed in **2003**. Since then its provisions have been extended, by the **Equality Act 2006**, to cover the provision of goods and services as well as employment and training. It could be argued that more people now consider their religion or belief to be a significant aspect of their public, as opposed to their private, identity. As a consequence, the millennium has heralded a noticeable rise in the place and space afforded to religion in the public arena, which means you should consider how confident you are about responding fairly to this additional aspect of your staff and learners' lives.

What do we mean by religion or belief – within a legal context?

The definition of religion and belief is quite broad and covers 'major' religions (and associated branches), 'minority' religions (e.g. Buddhism, Scientology), and those with non-religious beliefs (e.g. humanists, secularists). However, to qualify for protection legally, the 'belief' requires a degree of cogency, seriousness, substance and consistency and may require being 'tested' in court. In essence, though, a belief system is one that has a significant impact on the way people live their lives and/or that has a set of principles which guide people's everyday interaction and relationships with others. So what does this mean for you?

Public organisations and those delivering services on their behalf should not discriminate against employees or learners on the basis of their religion, belief or non-belief. People should have the freedom to worship and manifest their religion and belief without discrimination, as well as being able to make their own mind up about religion and belief and how they practise this.

RELIGION IN BIRMINGHAM | SOME FACTS

Religion/Non-religion groupings in Birmingham (2001 Census) %

Buddhist	0.3	Christian	59.1
Hindu	1.9	Jewish	0.2
Muslim	14.3	None	12.4
Sikh	2.9	Others	0.3

EXAMPLES | RELIGION & BELIEF DISCRIMINATION

Direct

A college advertises for a Community Engagement Officer who is a practising Catholic.

Indirect

The 'Key Skills' day of a fork lift truck driving course, at which 90% attendance by learners is required to pass the course, is only delivered on a Friday.

Harassment

A female, Muslim learner is being constantly criticised by her fellow learners because of her western style of dress.

Victimisation

A member of staff, who is an atheist, is considered unsuitable for promotion since he made a formal complaint about being excluded from staff consultations around religion and belief.

Limitations to the right to religion or belief

However, while the right of people to have a religion or belief is absolute, the right to practise a religion or belief in a particular way is of course subject to limitations. People can only enjoy those rights if they are balanced with other people's rights and interests. For example, a religious group that commits violence or promotes antipathy against others is not allowed by law to practise its religion in that way. Similarly religious organisations, or those who hold specific religious beliefs, cannot legally use these beliefs to justify discrimination against others (i.e. because of their non-belief, gender or sexual orientation).

Getting the balance right – some guidance

As an employer and in delivering services, you may find yourself facing difficult decisions in trying to cater for people's religion or belief needs. This is particularly true when limited resources are available and when staff and learners are from a wide variety of religious or belief backgrounds, including the non-religious. Staff and learners' expectations about, for example, food, codes of dress, and religious observance at work whilst learning – should be responded to fairly and pragmatically.

EXAMPLES | RELIGION & BELIEF DISCRIMINATION

<p>Request for a particular type of food/food preparation.</p>	<p>The inclusive, not exclusive response</p> <p>Meat prepared in accordance with particular religious demands may well be unsuitable or offensive to others. Ensuring a vegetarian option may be both the fairer and more economic option.</p>
<p>Request for a prayer room.</p>	<p>The inclusive, not exclusive response</p> <p>If you have available space and/or resources, provide a <i>quiet room</i> for use by all staff – governed by a clear set of rules about behaviour within it.</p>
<p>1. Request to wear or not wear particular forms of clothes.</p> <p>2. Request to wear/ carry religious symbols.</p>	<p>The inclusive, not exclusive response</p> <p>1. Review your at work/learning clothing policy. Check health and safety, communication, visibility requirements of the post or learning setting – base your policy on this and ensure staff and learners are aware of this.</p> <p>2. As above: if the symbols of the religion constitute a danger to health and safety or would hinder the ability of the staff member or learner to do their job/ engage in learning effectively then they are clearly not permissible. Engaging in dialogue and mutual negotiation is the healthiest option!</p> <p>Good practice example</p> <p>College staff and Sikh learners negotiated around the carrying of the kirpan (dagger) on College premises. Sikh learners agreed, whilst on College premises, to wear a neck chain with a small, symbolic kirpan instead.</p>