

New EHRC guidance on religion and belief



The Equality and Human Rights Commission has issued guidance for employers on religion and belief in the workplace, including several FAQs. Here, we take a look at the main areas of the guidance and some FAQ responses.

Time Off Work

An employee has asked not to work on Sundays for religious reasons. Do I have to agree to this? No, not automatically, but you should give the request serious consideration. If your business operates seven days a week, having enough staff is likely to be a genuine operations need. Specific rules apply to people who work in shops; they have the right to opt out of working on a Sunday.

Food and Dietary Requirements

Do I need to cater for the food requirements of employees with various religions or beliefs in a workplace canteen? Not automatically, no. If you refuse a request to provide particular foods for religion and belief reasons, you would need to be able to objectively justify this. It may be that providing a vegetarian as well as a meat option would meet the needs of the vast majority of staff.

Dress Codes and Religious Symbols

Can I insist that an employee removes a religious symbol or type of religious dress if it breaches our health and safety policy? Yes but you must be clear why the religious symbol poses a health and safety risk. See if there is another way around the problem – a religious symbol on a necklace may pose a health and safety problem but if it is worn as a brooch, it may no longer pose that risk.

Opting Out Of Work Duties

What should I do if an employee says that they will not handle alcohol as part of their work for religious reasons? You do not have to accept an employee's request not to handle alcohol, however, you must give it proper consideration. Think about the cost, disruption and wider impact on the business and the impact on others.

Expressing Personal Views and Beliefs

What can I do about my employees expressing personal religious or other beliefs on social media? You will need to strike a balance between an individual's right to freedom of expression and to a private life and the rights of others, including your own organisation's interests. An important factor is whether the employee expresses personal views in a work-related context or as a private individual. The best approach for employers is to have a clear social media policy which includes guidelines on what online conduct is acceptable and what is not.

Summary

- Employees can make claims of direct and indirect religious discrimination;
- It is open for employers to objectively justify indirect discrimination if the needs of the business are strong enough;
- Philosophical beliefs also receive protection and should be dealt with in the same way as religious beliefs;
- As indicated above, serious thought should be given to requests from employees and you should always note down your thought processes in case you ever need to defend them.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.