

# Human Resources

## Religion or Belief (Support for Employees) Policy

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South Yorkshire  
Fire & Rescue  
WORKING FOR A SAFER  
SOUTH YORKSHIRE

## **INTRODUCTION**

1. South Yorkshire Fire and Rescue (SYFR) is committed to creating an environment where the cultural, religious and non-religious beliefs of all employees are respected. As part of its commitment to equality and diversity SYFR is also committed to ensure that individuals do not receive less favourable treatment on the grounds of their religious or philosophical beliefs (or lack of).
2. Recognising and celebrating diversity helps to:
  - eliminate direct / indirect discrimination, harassment or victimisation
  - recruit and retain talented job seekers and employees from all communities
  - provide better services to all communities of South Yorkshire via an awareness and understanding of the needs of those communities
3. A key principle behind this policy is that line managers actively engage with employees to discuss requirements and respond to each case individually and sensitively. An environment should be created where such discussions can take place whilst ensuring that confidentiality is maintained and respected.
4. SYFR is committed to promoting a positive working environment where the dignity and respect, to which all employees are entitled, is not undermined. No employee should be treated less favourably on the grounds of race, gender or gender reassignment, disability, sexual orientation, religion or spiritual belief, colour, nationality, national or ethnic origin, marital/parental status, family ties, trade union or political belief, hours worked, or any other reason, either directly or indirectly.

## **SCOPE**

5. Current legislation defines religion or belief as 'any religion, religious belief or philosophical belief that has a clear belief system or profound belief that affects the way of life or view of the world of the believer' (see paragraph 8). SYFR, in defining philosophical belief, recognises the guidance set down by EAT (Grainger plc V Nicholson 2009) as detailed in paragraph 9, which acknowledges the environment and climate change as examples of such beliefs.

## **DEFINITION**

6. Where reference is made to a uniformed member of staff, this includes wholetime, RDS and Control.

## **LEGISLATION**

7. The principal legislation governing discrimination on the grounds of religion or belief is the Equality Act 2010. The Act represents the most significant overhaul of the discrimination legislation since the 1970s. The key legislation governing religion or belief prior to the Equality Act was the Employment Equality (Religion or Belief) Regulations 2003 which came into force on 2 December 2003.
8. These Regulations implemented the religious discrimination aspects of EC Equal Treatment Framework Directive (2000/78/EC). In addition, the following aspects of the European Human Rights Convention are relevant and will be relied on by some employees:

- Article 9 - guarantees freedom of thought, conscience and religion
- Article 14 - provides that rights and freedoms shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Other legislation which may apply to religious discrimination claims includes:

- Racial and Religious Hatred Act 2006
- Protection from Harassment Act 1997
- Employment Rights Act 1996 (especially sections 45 and 101 which protect shop and betting workers who do not wish to work on Sundays)
- Independent Schools (Employment of Teachers in Schools with a Religious Character) Regulations 2003 (SI 2003/2037)

9. Religion or Belief is defined in the Equality Act as

- Any religious belief provided the religion has a clear structure or belief system. Denominations or sects within a religion can be considered a protected religion or religious belief.
- A philosophical belief (defined by the EAT Grainger plc v Nicholson 2009) should:
  - Be genuinely held
  - Be a belief and not an opinion or viewpoint, based on the present state of information available
  - Be a belief as to a weighty and substantial aspect of human life and behaviour
  - Attain a certain level of cogency, seriousness, cohesion and importance
  - Be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others

10. It is as unlawful to discriminate against a person for NOT holding a particular (if any) religious or philosophical belief as it is to discriminate against someone for holding a religious or philosophical belief.

11. SYFR will take such steps as are reasonably practicable to prevent any third party from harassing an employee in the course of their employment. Any employee subject to harassment from a third party must inform their manager to enable appropriate steps to be taken.

12. The Advisory Conciliation and Arbitration Service (ACAS) lists some of the most commonly practiced religions and beliefs in Britain but this list is not exhaustive. The religions included in the list are:

Baha'i	Buddhism	Christianity
Hinduism	Islam	Jainism
Judaism	Parsi	Paganism
Sikhism	Zoroastrians (Parsi)	

### TIME OFF FOR RELIGIOUS OBSERVANCE

13. Whilst there is no statutory right for time off for religious observance or religious festivals, SYFR is committed to respecting the religion and / or beliefs of employees. Individuals may request to take leave from their leave entitlement to participate in their religious celebrations, festivals or ceremonies. On occasions not covered by statutory bank holidays (Christmas and Easter), unpaid special leave will be granted subject to the exigencies of the organisation.

Operational requirements will be considered where a number of requests are submitted.

14. Employees should consider that there may be a number of colleagues who would like to take such leave at the same time and should therefore give as much notice as possible when requesting this leave (see SYFR Ramadan Guidelines / Flexible Working Policy).
15. For some Muslim holy days, the precise timing can only be fixed a few days before the actual event on the confirmed sighting of the moon. Line managers must be aware that the sighting of the moon is currently confirmed by local mosques and this may result in different communities observing the same festival on different days (see SYFR Ramadan Guidelines).

## **PROCEDURE FOR LEAVE FOR RELIGIOUS OBSERVANCE**

16. Any employee wishing to apply for more flexible working arrangements under this policy must in the first instance highlight their need to their line manager in writing. Their exact requirements should be detailed, for example the frequency of need, length of time required, location etc.
17. The line manager will then consult with Employment Services and consider whether flexible working arrangements can be accommodated within their specific function / watch in order to support the employees request. A meeting will be held in order to discuss the request and a joint assessment of needs will be carried out (see SYFR Ramadan Guidelines). After consultation, Employment Services will confirm the outcome in writing to the employee and indicate any contractual changes. The new arrangements will be subject to regular review.
18. Line managers are required to be flexible and sympathetic to religious and cultural needs, and equally employees are expected to make reasonable and early requests in order to ensure support in meeting their needs.

## **RELIGIOUS OBSERVANCE - PRAYER**

19. Line managers should make every attempt to ensure that those employees whose religion or belief requires them to pray at certain times of the day are free to do so using SYFR's policies for Flexible Working, Annual Leave Order or Special Leave (see Special Leave Policy for further information).
20. Due to operational requirements, it may not be possible to grant requests for time away from work in every circumstance. Where this is not possible, line managers must have a legitimate explanation for refusal, and only after every effort has been made to find some means of accommodating the request.
21. Where a uniformed employee needs to take a substantial amount of time away from work to attend prayers, their line manager may consider a request to take a proportion of any time in lieu that is owed to the individual. This will be subject to availability requirements within the watch.
22. Where a support employee needs to take a substantial amount of time away from work to attend prayers, their line manager may consider a request to take a proportion of any time accrued via the flexi scheme. The minimum attendance required for a standard working day is six hours. In certain cases, a manager may waive this requirement, for example by permitting a full-time employee to work a five hour day (subject to organisational requirements) as long as their flexi-balance concurs with flexi-scheme regulations (see Flexi-Scheme booklet for further information).

23. Religious needs must be taken into account when scheduling interviews and meetings. For example, regular meetings on a Friday afternoon may inadvertently disadvantage Jewish and Muslim staff; meetings later in the afternoon may impact in individuals during periods of fasting.
24. Line Managers should encourage an open environment with employees in order to ensure such requirements are highlighted in advance.
25. Training will be made available for all individuals to raise their awareness / understanding around the requirements of anyone wishing to observe their religion or belief through prayer / quiet time.

### **PRAYER / STATION FACILITIES**

26. Each individual function / watch must identify a quiet area or room where prayer or contemplation during the day can take place. This should not adversely affect other employees or compromise the privacy of the individual. Meeting rooms could be designated as being available for observance at certain times of the day in accordance with the needs of employees within the function/watch. Line managers should ensure that all employees, new starters and visitors are aware of the location of such facilities and of any specific times where privacy in these locations should be respected.
27. The use of quiet / prayer rooms will be monitored by Line Managers to ensure that they are used appropriately and meet the needs of all individuals wishing to use these facilities in accordance with their specific needs.
28. SYFR will carry out audits of the facilities provided at each location (e.g. quiet / prayer rooms, mixed gender showers) to review their appropriateness.

### **MODESTY**

29. Training and guidance will be made available for individuals to understand how different religious groups and individuals interpret the requirement to behave with modesty. Some activities which may be considered immodest include:-
  - Shaking hands with a member of the opposite sex
  - Being alone in a room with a member of the opposite sex
  - Showering or changing clothing in the company of others
  - Having their photograph taken
30. Individuals should be aware of language / comments made in public that may offend followers of certain religion or beliefs and avoid these.

### **CHANGING AND WASHING FACILITIES**

31. Some employees will need to wash or change their clothing at work before prayer. Ways to assist employees to meet the ritual requirements of their religion should be explored with staff and measures put in place where possible. Line managers should consider appropriate options and discuss their suitability with the relevant employees.

## **WORKING TIME AND OVERTIME**

32. Certain posts require an employee to work hours which may impact upon their religious needs. Reasonable adjustments should be balanced against the safety critical service delivery requirements placed upon SYFR. The reasons for working patterns should be clearly explained to any prospective candidates at interview.
33. Any planned overtime should take into account those employees who do not work beyond sunset on Friday or work weekends due to their religious beliefs forbidding them to do so, for example Jewish employees. In these circumstances employees shall not be forced or pressured to work at these times.
34. Unplanned overtime may require employees to work at short notice during periods which may conflict with their religious beliefs, for example if a watch is called to an incident towards the end of shift and subsequently requires their attendance beyond their normal finish time. In such circumstances, it will normally not be possible to accommodate such beliefs due to the safety critical nature of the role and this must be clearly communicated to all employees.

## **DRESS CODE**

35. Where employees are asked to wear uniforms, account should be taken of dress requirements in relation to religion/belief. Flexibility should be applied in relation to requests to adapt uniform codes to match dress requirements, for example providing women the option to wear loose trousers where their religion requires them to cover their legs or allowing items of jewellery and markings that are traditional within some religions or belief to be worn. Unjustifiable rules may constitute indirect discrimination.
36. The only exception to the above is where health and safety requirements mean that for certain tasks, specific items of clothing within their PPE need to be worn. The wearing of certain jewellery could also present a health and safety risk. Health and Safety requirements will **be** the overriding factor in all circumstances.
37. For operational reasons, where a hazard clearly exists, employees who wear beards on religious grounds will have to be prepared to modify or remove their beards to such an extent as to impact on the safety of breathing apparatus. Any such restrictions are subject to H&S implications and will be reviewed according to best practice. Should this require policy amendment, SYFR will publish any revisions in accordance with current communication methods.

## **CATERING**

38. SYFR will comply with equality legislation when procuring and commissioning catering provision and will conduct contract monitoring for services provided by external suppliers.

## **DIETARY REQUIREMENTS**

39. Some religions observe dietary restrictions; these restrictions include Vegan, Vegetarian, Kosher, Halal etc. When catering for training courses or events, consideration needs to be given in advance to different dietary needs to ensure that these requests are catered for using the appropriate procedures.

40. Some employees will not attend functions or meetings where alcohol is being served. In addition, when organising social events Line Managers should try and be as inclusive as possible, bearing in mind the cultural and religious diversity within the workforce.
41. Where employees bring food in to the workplace, they may need to store and heat this in line with dietary requirements, for example Muslims and Jewish employees will wish to ensure that their food does not come in to contact with pork and non-Halal food and vegetarians may wish to ensure their food is kept away from all meat. Staff need to be sensitive to these needs and where possible separate shelves in fridges should be utilised. It is good practice for managers to consult employees on such issues and find mutually acceptable solutions to any potential problems.
42. Consideration should also be given to the use and storage of utensils or anything that has been in contact with certain foods (such as pans, cloths / sponges) to ensure that individuals are able to meet their specific dietary requirements. Specific requirements should be discussed with Line Managers and Station managers/managers in charge of facilities should provide guidance for staff on use of refrigerators etc.

## **FASTING**

43. Individuals from a number of religions are required to fast at various times of the year (e.g. Christians / Muslims). Line Managers and colleagues should be aware of the significance of fasting to individual employees and consider how they can support them through such a period. This may include refraining from eating in front of the fasting colleague and Line Managers offering flexibility in terms of start / finish times, meal breaks etc (see SYFR Ramadan Guidance).
44. The H&S implications of fasting vary by role and guidance can be provided via Employment Services manager (from OHU)/Equality and Diversity Manager. For further information see also SYFR Ramadan Guidance.

## **CONDUCT**

45. Individuals should be respectful of each other's cultural backgrounds and should not judge the behaviour of others in terms of a particular cultural "norm" or standard. Any behaviour or actions taken in breach of this policy will be dealt with under the disciplinary procedure (see the Dignity at Work Policy for further information).
46. In line with SYFR's Dignity at Work Policy, all employees (and contractors) will conduct themselves in a manner which is respectful of religion or belief.

**If you require any further guidance on this document, please contact  
Human Resources**