

Guidance

G1375

Religious Observance guidelines

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1 Purpose

The purpose of this Guidance is to support Transport for London's Equality and Inclusion Policy. They have been produced to brief managers on dealing with the needs of employees with certain religious observances in relation to employment and workplace requirements. These guidelines outline the principles of compliance with our Equality and Inclusion policy which reflects TfL's statutory obligations.

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2 Scope

This Guidance applies to all of employees of TfL, Docklands Light Railway Limited, Rail for London Limited, London Bus Services Limited, London Buses Limited, Victoria Coach Station Limited who are on TfL employment contracts (Pay bands 1-5 and Directors) and those staff on predecessor organisations employment contracts where the individual has transferred to the employment of TfL.

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3 Background

The Equality Act 2010 makes it unlawful to discriminate against workers because of their religious beliefs.

TfL's Bullying and Harassment policy states that no employee or potential employee should endure unfair discrimination or be subjected to harassment because of their religion or belief.

Consequently, managers should make every effort to accommodate individual requests, whilst bearing in mind the overall business needs and requirements. In some cases local arrangements could be made, with the agreement and flexibility of both managers and colleagues who may be required to cover or change their shifts, in order to achieve a situation acceptable to all. Where requests for time off to observe religious practices cannot be accommodated, TfL must be able to demonstrate that all possible and reasonable avenues towards granting the request have been thoroughly considered.

3.1 Definitions

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. It should be serious, genuinely and sincerely held, and worthy of respect in a democratic society. It should also be compatible with human dignity and should not conflict with the fundamental rights of others. The law protects adherents to all the generally recognised religions, as well as druids and pagans, for example. It also protects people without any religion or belief, including humanists and atheists, who have a profound belief or clear belief system affecting the way they view the world.

Direct discrimination means that staff or job applicants must not be treated less favourably than others because they follow, are perceived to follow, or do not follow a particular religion or belief. For example, it is unlawful not to employ someone, dismiss them, refuse to provide them with training or deny them promotion because they follow or do not follow a particular religion or belief.

Indirect discrimination means that TfL must not have selection criteria, policies, employment rules or other practices which although they are applied to all employees, have the effect of disadvantaging people of a particular religion or belief unless the practice can be justified. Indirect discrimination is unlawful whether it is intentional or not.

Harassment includes behaviour that is offensive, intimidating, hostile, degrading or humiliating. It may be intentional, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of religious jokes.

Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment. They may become labelled "trouble makers", denied promotion or training or be ostracised by their colleagues.

4 Practical Considerations

4.1 Religious observance in the workplace

Some religions require their followers to pray at specific times during the day. Staff may therefore request access to an appropriate quiet place (or prayer room) to undertake their religious observance. Where possible and practical, quiet/multi faith rooms are provided in TfL buildings. TfL is spread over a large number of sites, including office, operational and maintenance departments and it is therefore important to maintain a balance between including staff needs, service delivery demands and opportunities to provide suitable facilities. Guidelines on setting up a quiet/multi faith room are available from the HR Equality & Inclusion team, and managers are advised to contact this team if they receive any requests for such a room to be set up.

4.2 Festivals/observance days

Many religions or beliefs have special festival or spiritual observance days. Staff may request annual leave in order to celebrate festivals or attend ceremonies. Managers should consider sympathetically such a request where it is reasonable and practical for staff to be away from work, and they have sufficient annual leave entitlement in hand, or where a flexible working arrangement can be agreed (if the individual's request is for a permanent change to their working arrangements).

Where it may be practical for one or a small number to be absent it might be difficult if numerous such requests are made. In these circumstances, the manager should discuss the matter with staff affected, with the aim of balancing the needs of the business and those of other employees.

Managers should carefully consider whether their criteria for deciding who should and who should not be granted leave may indirectly discriminate. Staff are asked to give as much notice as possible when requesting leave and in doing so should also consider that there may be a number of their colleagues who would like leave at the same time. Managers should also be aware that some religious or belief festivals are

aligned with lunar phases and therefore dates change from year to year. The dates for some festivals do not become clear until quite close to the actual day. Discussion and flexibility between staff and managers will usually result in a mutually acceptable compromise. Managers should also take care not to disadvantage those workers who do not hold any specific religion or belief.

When making decisions under these guidelines, managers should carefully consider any impact that their decisions are likely to have on members of staff and seek advice from HR where there may be a conflict between staff members and/or between the business needs and those of the employee making the request.

Reference can be made to TfL's annual faith and cultural calendar, available on the intranet : http://source.tfl/pdfs/FaithCalendar_2014_Final.pdf.

4.3 Diet and changing facilities

Some religions or beliefs have specific dietary requirements. If staff bring food into the workplace, they may need to store and heat food separately from other food. Muslims for example will wish to ensure that their food is not in contact with pork (or anything that may have been in contact with pork). Some religions require extended periods of fasting and managers may wish to consider how they can support staff through such periods. However, care should be taken to ensure that unreasonable extra burdens are not placed on other staff which may cause conflict or claims of discrimination.

Some religions or beliefs do allow individuals to undress or shower in the company of others. Managers should note that insistence on same-sex communal shower and changing facilities could constitute indirect discrimination or harassment, as it may disadvantage or offend staff of a particular religion or belief whose requirement for modesty extends to changing their clothing in the presence of others, even of the same sex.

4.4 Uniform/dress codes

TfL aims to be flexible and reasonable concerning clothing relating to a person's religion and will permit the wearing of clothing consistent with a particular religion where it is practical and safe to do so.

LU operational employees should refer to the following documents:

'Looking at the Business'

<http://luintranet.tfl/static/documents/strategy-commercial/dress-code.pdf>

Staff Appearance Standard
[S5327](#)

5 Religious practices

A variety of religions are practised by TfL employees. Many employees are not familiar with the requirements of religion or belief other than their own. As a result, they may be unintentionally insensitive to others needs for flexibility in the demands made on them by their employment. Line managers should deal with such matters by proactively promoting awareness of diversity and support of colleagues from

different faith backgrounds. Further support is available from HR for managers who have any concerns in this area.

Not all members of each religion or belief follow all the practices and observances; neither will every member of each religion or belief request time off for each and every festival. In some instances, an adjustment to the working day to allow time to attend a prayer meeting before or after work may be all that is requested. In many instances nothing will be requested.

6 Person accountable for this document

You must record the Band 4 or 5 manager accountable for keeping this document up to date.

Name	Job title
Jo Page	HR policy manager (The HR Policy team owns this document and its supporting papers.)

7 References

Document no.	Title or URL
	Equality Act 2010
	Equality and Inclusion policy on Working at TfL – TfL's HR policies
	TfL's Bullying and Harrassment policy on Working at TfL- TfL's HR policies
S5237	LU Staff Appearance Standard
	Dress code

8 Document History

Any proposed change to this document must go through the TfL Management Change Control process.

Issue no.	Date	Changes	Author
A1	2004	Religious observance guidelines	
A2	April 2015	Revision to out of date guidelines from 2004 in line TfL change control 03693	Kirsteen Singers
A3	April 2015	Revision to correct references to policy and scope in line with TfL change control 3725	Kirsteen Singers
A4	June 2015	Clarify scope in line with TfL change control 3890	Kirsteen Singers