



# **Cultural & Religious Observance Policy**

October 2019

To be reviewed Oct 2020

**James Montgomery Academy Trust**

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## **CULTURAL AND RELIGIOUS OBSERVANCE POLICY**

### **1.0 Introduction**

The JMAT's current Equal Opportunities in Employment Policy commits the JMAT to affording all people equal opportunity and amongst the different strands of equalities we state that people will not receive less favourable treatment on the grounds of religion or belief.

The JMAT celebrates and values the diversity brought to its workforce through individuals, and aims to create an environment where the cultural, religious and non-religious beliefs of all its employees are respected.

Recognising and celebrating diversity helps to:

- Eliminate unlawful discrimination
- Recruit and retain talented job seekers and employees from all communities
- Provide better services to the diverse communities of Rotherham through understanding, awareness and appreciation of the needs of those communities

In December 2003 legislation came into force outlawing discrimination on the grounds of religion and or belief. The Employment Equality (Religion or Belief) Regulations 2003 provide protection against discrimination within employment. This legislation therefore imposes a legal obligation to back up our stated aim of not discriminating on these grounds.

The regulations do not explicitly define religion or belief. Employment Tribunals or Courts that are called on to make a decision on what constitutes a religion or belief where the issue is disputed are likely to consider such factors as collective worship, a clear belief system and a profound belief affecting a persons way of life or view of the world.

The main religions and faiths we consider will be covered by the Regulations and in keeping with the current workforce include:

- |                |           |
|----------------|-----------|
| ▪ Buddhism     | ▪ Islam   |
| ▪ Christianity | ▪ Judaism |
| ▪ Hinduism     | ▪ Sikhism |

Head Teachers should consider what flexible working arrangements they can operate within their service in order to allow employees to observe their religious beliefs. It is a principle of this policy that Head Teachers need to create a culture within their schools which is sensitive and sympathetic to those employees who may take up these options to observe their religious beliefs. The following sections of this policy set out advice on some of the key considerations in promoting cultural and religious observance at work and the options available to Head Teachers to support their members of staff.

As Head Teachers are required to be flexible and sympathetic to religious and cultural needs employees too are expected to make reasonable and early requests for support in meeting their needs.

## **2.0 Cultural and Religious Observance**

### **2.1 Prayer**

Head Teachers 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 the JMAT's policies for flexible working, annual leave or unpaid leave. It may not be possible to grant requests for time away from work in every circumstance due to service needs, however, where it is not possible to accommodate such requests Head Teachers must have a legitimate business need and every effort must first have been made to find some means of accommodating the request.

Where employees need to take a substantial amount of time to attend prayers or where the required time is less than half a day, Head Teachers may consider requests to take a proportion of a day's annual leave or unpaid leave if term-time only. In this case, it may be useful to convert annual leave into hours to facilitate the calculation or alternatively leave can be accommodated within flexible working arrangements.

Departments must consider as part of their accommodation strategy identifying quiet/contemplation areas or rooms where prayer or contemplation during the day can take place, without adversely affecting other employees. This could include designating meeting rooms as being available for observance at certain times of the day in accordance with the needs of employees in the building/unit. Consideration to the availability of space or rooms for observance should be given when designing new accommodation layouts.

### **2.2 Changing and washing facilities**

Some beliefs may require employees 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.

### **2.3 Working time and Overtime**

Where a job requires an employee to work hours which impact on their religious needs reasonable adjustments should be considered balanced against the service delivery requirements placed on the School. The reasons for working patterns should be clearly explained to any interviewees.

### **2.4 Leave for Religious Festivals**

**Support Staff** - Individuals may request time off for particular religious festivals. There are no provisions in the regulations for additional time to be granted in such circumstances, therefore employee requests to book annual leave or flexi-leave at these times should be considered sympathetically.

**Teachers** – Attendance at a religious ceremony or observation of a religious festival which the teacher is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order is allowed paid time off not exceeding three days annually.

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. The sighting of the moon is currently confirmed by mosques locally. This can mean that different communities observe the same festival on different days.

Head Teachers should initially consider those employees who express a preference to provide cover (where cover is required) over religious holiday periods because they do not coincide with observance of their own faith. This would be subject to the person having the necessary skills to carry out such work, the availability of the work location, staff safety and building security.

## **2.5 Extended Leave**

Any requests for extended leave to go on a pilgrimage or for leave in order to travel abroad for births, weddings or deaths should be dealt with sympathetically. If the extended leave exceeds the annual holiday entitlement, then unpaid leave may be made available to facilitate the break please refer to the special leave policy

## **3.0 Dietary Requirements**

Some religions observe dietary restrictions (e.g. vegan, vegetarian, kosher, halal. If members of staff are provided with a mid-day meal or events, consideration needs to be given to different dietary needs in advance to ensure that these requests are catered for.

It is good practice to present food in separate trays/plates according to it being vegan, vegetarian, fish, halal/kosher and other meat. Placing different types of food on one plate from which people can make their own choices may be seen as offensive.

Where employees bring food in to the workplace, they may need to store and heat this in line with dietary requirements e.g. Muslims and Jewish employees will wish to ensure that their food does not come into 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 for example where possible separate shelves in fridges should be utilised. It is good practice for Head Teachers to consult employees on such issues and find mutually acceptable solutions to any problems.

### **3.1 Fasting**

Some religions require individuals to fast at various times of the year, and Head Teachers need to be aware of the significance of this to individual employees. Head Teachers and colleagues should make every attempt to be sympathetic during this time, examples of this might include not eating in front of the fasting colleague, and being flexible (if possible) in terms of start/finish times, meal breaks etc. A key issue is that Head Teachers should feel free to talk to employees about their needs as the needs of individuals may differ.

## **4.0 Cultural Issues**

### **4.1 General**

Employees 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. This may apply to issues such as body language and eye contact. For instance, interviewing panels should not expect all interviewees to shake hands as this may cause offence. Interviewers should be sensitive to this issue and refusal to shake hands should not be viewed negatively. If in any doubt wait for the candidate to offer their hand first.

It is also good practice when producing communications which refer to religious or cultural celebrations to avoid abbreviating the full names of such celebrations, for example, by always referring to Christmas. Abbreviating the full title can cause offence to those who practice the related faith.

### **5.0 Offensive Actions or Behaviour**

Any behaviour or actions taken in breach of this policy will be dealt with under the JMAT's Disciplinary procedure.

This policy aims to ensure fair treatment of individuals regardless of their religion, belief or non-belief. It is based on the principle that people have the right to their own belief system or not to subscribe to any religion but not to engage in activities or acts which result in the destruction of the rights of others.

Any attempt at coercing or threatening others to comply with a particular belief system i.e. through threats or offensive remarks may also result in disciplinary action.

The JMAT's Dignity at Work policy seeks to address mistreatment at work including bullying or harassment on religious and cultural grounds and employees have the right to pursue complaints under this policy.

**6.0 Review** This policy will be regularly reviewed and updated in line with legislative changes. This policy can be made available in other languages and formats on request.