

# **Management Guidance on Prayer Breaks and Religious Observance**

**HR Service**

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## **1. Introduction**

This Guidance document summarises the Council's provisions for prayer breaks and religious observances in the workplace by promoting a positive and equitable approach. The Guidance applies to all employees other than school-based staff for whom separate arrangements apply.

## **2. Recruitment**

The Council's job application form enables applicants to advise the Council of where specific adjustments may be needed during the interview process or for the job itself to accommodate the applicant's religion/belief.

Your HR Adviser can provide you with guidance on:

- Flexibility over interview times and dates to avoid important religious festivals where possible.
- Religious and cultural differences, expectations, and requirements of applicants. For example, awareness that some applicants will avoid eye contact for religious reasons or may not wish to shake hands.
- The impact on job specification requirements e.g. applicants requiring Friday afternoons for prayer, extended lunch breaks, adjusting working hours/days – flexible arrival and departure times, use of lunch time in exchange for early departure or attending religious activities, staggered work hours and adjusting working arrangements e.g. remote/flexible working.
- The preparation of job references and the impact of including an employee's religious requirements in responses.

Managers will also be provided with guidance on the preparation of job references and the impact of their response in terms of religion/belief and other discrimination.

### **Genuine Occupational Requirement (GOR)**

As with other discrimination legislation, in exceptional circumstances, an occupational requirement can be claimed, where it is necessary for the relevant duties to be carried out by someone of specific religion or belief. Your HR Adviser can provide specific advice although this is unlikely to have a major effect in the Council.

## **3. Fair treatment at work and disciplinary procedure**

The Council's Fair Treatment at Work Policy and Procedure forms the basis for reporting issues of religious discrimination. The examples of disciplinary offences provided in the Disciplinary Procedure cover all forms of discrimination including offensive language. All staff are made aware of their obligations not to act in a discriminatory manner and that behaviour amounting to discrimination, harassment or victimisation will not be tolerated.

## **4. Dress code/appearance**

The Council does not have a corporate dress code but expects all employees to dress appropriately to project a good image of the Council and to fulfil health & safety requirements. Some religions have particular dress requirements, which can be accommodated subject to Health & Safety and business needs. If, however, an employee's dress conflicts with health & safety requirements, the Council may consider this unreasonable. Further advice may be obtained from HR Service.

## **5. Time off arrangements**

Reasonable time off for prayer breaks can be accommodated in existing working arrangements. This time would need to be made up, either through the flexi-time scheme or otherwise by local agreement with the line manager.

In some cases, where the flexi-time scheme does not operate, days off for religious observances can be requested through the normal annual leave procedure or through the Council's TOIL procedures where these apply. Where it is not possible to take annual leave or TOIL, employees can request time off as unpaid special leave.

## **6. Working patterns**

In circumstances where the needs of the service require a change in the existing working arrangements, or sections where the working pattern varies with the needs of the service, it may be possible to objectively justify a requirement for employees to work shifts at times or on days that they do not wish to work for religious reasons. However, before a decision is made, managers are advised to contact the HR Service in the first instance to discuss and explore further alternatives.

Although managers are encouraged to seriously consider requests to accommodate employees' religious needs, the focus must be on operational efficiency and effectiveness when making a decision on requests for time off and/or change in working patterns for religious reasons.

## **7. Accommodation requirements in the workplace**

The relevant regulations do not require employers to enter into significant expenditure and/or building alterations for religious needs, and in any event, many needs will involve little or no change. Therefore when the Council's offices close during the Christmas period, a request by a non-Christian to work because they do not celebrate Christmas can be refused due to the financial impact of opening the offices at this time. This also covers any extra statutory day granted to Council employees during the Christmas period.

### **Provision of 'Quiet Room'**

The pressures on Council accommodation mean that the provision of a dedicated quiet room is not currently considered operationally feasible.

Individuals requiring facilities should be encouraged to discuss their needs with their manager to see if they can be accommodated within the department. Alternatively, where this is not possible, a room can be booked through the usual room booking arrangement for up to one hour during the lunch period subject to availability. This can include block bookings. All bookings will be carefully monitored to ensure all groups/individuals can be accommodated and to assess demand.

### **Room booking procedure**

When booking a meeting room, it is essential that the booking form state that the room is booked for 'religious observance' and the name of the religion/belief specified on the booking form. This will be used for monitoring purposes only.

If a room, for whatever reason, is not available, the individual should ask if a room has already been booked for religious observance and if so, consideration should be given to the sharing of facilities.