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Religion, belief and employment

Explore the UK legal position and main issues employers face when dealing with religious discrimination in the workplace.

Introduction

Religion and belief discrimination is illegal in the UK and is listed as a protected characteristic in the Equality Act 2010. It arises when someone is unfairly disadvantaged for reasons related to their religion or their beliefs. Protection is given to those with any religion, or any religious or philosophical beliefs as well as those without a religion or belief. There is no definitive list of religions or beliefs.

This factsheet offers an overview of the different types of discrimination with specific examples of how they apply to religious and belief discrimination. It suggests good employment practices to ensure everyone has fair access and opportunity to progress in work, regardless of their religion or beliefs.

Explore our viewpoint on [religion and belief](#) in more detail, along with actions for government and recommendations for employers.

What is religion or belief discrimination?

This form of discrimination happens if someone suffers an unfair disadvantage for reasons related to their religion or belief. 'Belief' means any religious or philosophical belief, or a lack of belief, so for example a person can be discriminated against for being an atheist. To be protected a belief must satisfy a number of criteria, including that it's an important aspect of the way in which a person behaves in conducting their life.

The legislation doesn't give a list of groups that are covered but case law has confirmed that the following religions or beliefs have been covered under the discrimination

provisions: Muslim, Christian, Hindu, Jewish, Sikh, Buddhist, Pagan, Humanist and Atheist beliefs. Other beliefs which have been protected by the Act include: environmental or 'green' beliefs in the importance of climate change, animal welfare, anti-hunting, spiritualism, and beliefs in the psychic field. Some political beliefs have been found to be protected by the Equality Act. Separately, the law now provides that those dismissed for their political affiliations can claim unfair dismissal - even if they've not met the qualifying period of two years' employment normally required before bringing a claim.

Research has found a significant mismatch between HR policies and actual workplace cultures in relation to religious beliefs and diversity. Only a quarter of workers agree that their organisations promote an understanding of religious beliefs and diversity, according to a [report from consultancy ComRes](#). In contrast, almost all the HR managers surveyed said their organisations promoted religious inclusion and diversity.

Prejudice against Muslims in the labour market and workplace has increased in recent years and is prone to fluctuation depending on world events. [Research by The Centre for the Study of Ethnicity and Citizenship](#) at the University of Bristol revealed that Muslim men are three-quarters less likely to be employed than their white Christian counterparts.

The UK legal position

In Great Britain, legislation against discrimination on the grounds of religion and belief is contained in the Equality Act 2010. The situation in Northern Ireland is covered on our factsheet on the [employment law differences between Northern Ireland and Great Britain](#).

The Equality and Human Rights Commission (EHRC) has published guidance on [religious discrimination](#) and the [Equality Act](#) including a [Code of practice on employment](#). Whilst not legally binding documents, the codes give important guidance on good practice and failure to follow them may be taken into account by tribunals or courts. CIPD members can find out more in our [Religious discrimination law Q&As](#).

Our [Brexit hub](#) has more on what the implications of leaving the EU might be for UK employment law.

Types of discrimination

Within the Equality Act 2010 there are a number of different types of discrimination. These apply to the protected characteristics which includes religion and belief.

Direct discrimination

This applies to all protected characteristics. It's treating someone less favourably than another person because of a protected characteristic that they have. For example, it's refusing to employ an individual because they are a Sikh.

Indirect discrimination

Indirect discrimination occurs when:

1. a provision, criterion or practice is applied to all, **and:**
2. it puts a group with a protected characteristic at a disadvantage when compared with another group
3. an individual is put at a disadvantage
4. the employer cannot show it to be a proportionate means of achieving a legitimate aim.

For example, if a uniform policy requires all individuals to dress in exactly the same way without modification and this means that some people can't wear an item of clothing they regard as part of their faith. This would be indirect discrimination unless the employer could show that the uniform requirement was justified.

Associative discrimination

This is treating someone less favourably because they associate with an individual who has a protected characteristic. For example, treating someone less favourably because they spend their spare time socialising with people of a certain religious group, even though they don't hold the same religious beliefs.

Perceptive discrimination

This is treating someone less favourably because it's perceived that they have a protected characteristic, whether they do or not. For example, not recruiting someone because it's thought they have a certain religious belief when they don't.

Victimisation

Victimisation occurs when someone is treated less favourably because they've made or supported a complaint, or raised a grievance under the Equality Act 2010. It also applies if it's thought that they have made a complaint. A comparator isn't required for a claim of victimisation. Post-employment victimisation can occur - for example, refusing to give a reference to someone who had made a complaint under the Equality Act 2010 - although the Act has some grey areas concerning post-employment victimisation.

Harassment

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

There's no longer any specific legislation making employers liable for harassment that comes from a third party (for example, a customer). However an employer can still be liable as a result of numerous other legal duties, for example breach of contract, direct discrimination and under the Protection from Harassment Act 1997. This, and good practice, mean that employers should continue to take steps to protect employees from all forms of harassment.

Find out more in our [factsheet on workplace bullying and harassment](#).

Occupational Requirement

Very unusually, there may be an Occupational Requirement to employ a person of a particular religion. If so, certain exceptions from the law are permitted covering selection, promotion and training. The employer must be able to show that there's a genuine need, taking account of the type of work. For example, an NHS Trust may seek a Roman Catholic healthcare chaplain who can administer end of life care prayers to Roman Catholic patients, whereas it would not be acceptable to specify that a hospital cleaner must be of the Catholic faith.

There's also an exemption for 'employers with an ethos based on a religion or belief'. This allows employers to place advertisements for jobs requiring a person to be of specific religion as long as it can be objectively justified, which can be difficult to evidence robustly. The religious requirement must be crucial to the post.

In the retail and betting business only, there is a special right for employees to opt out of Sunday working by giving their employer three months' written notice. Workers employed only to work on Sundays cannot opt out and agency staff are not included.

Positive action

Employers can take positive action, for example to address under-representation or other forms of disadvantage within the workforce. The provisions are complex and must be handled very carefully. Different provisions apply concerning positive action relating to recruitment and promotion. See [guidance from the EHRC](#).

Good employment practices

People professionals have a key role in creating fair and inclusive workplaces. As part of coherent inclusion, diversity and employee engagement strategies, employers should undertake thorough reviews or equality analyses of policies and working practices to remove unfair discrimination and bias.

Our viewpoint on religion and belief gives recommendations for employers, with additional information below.

Inclusion policy

Although there's no legal requirement to have a written inclusion and diversity policy, it's a good idea to produce and actively use one. In some discrimination claims, employers may have a defence if they can show that they took all reasonable steps to prevent the discrimination occurring. Having a comprehensive current policy, and recent relevant training will help employers to distance themselves from liability for acts such as harassment by an individual perpetrator employed by them. A policy also demonstrates the organisation takes its legal and moral obligations towards being a diverse and inclusive employer seriously. It can also encourage employees to treat others equally.

Communication, training and embracing difference

Key steps include:

- Communicate a firm commitment to workplace inclusion. Ensure equality policies and statements are easily accessible to all and contain reference to religion and belief.
- Ensure all employees understand their personal responsibility to treat colleagues with respect. Make it clear the organisation has a zero-tolerance approach to bullying, harassment and discrimination. Provide examples of the standards of behaviour required of everyone, what bullying, harassment and discrimination with respect to religion and philosophical belief looks like, and the consequences of breaking the behaviour codes.
- Ensure staff know how to report instances of bullying, harassment or discrimination on the basis of religion or belief, and feel able to do so. Deal proactively with all complaints of inappropriate behaviour swiftly, seriously and compassionately.
- Ensure line managers understand their role in addressing all complaints and make

sure all employees understand their personal responsibility to treat colleagues with respect. Use a variety of communication methods and channels to do this.

- Work with employee networks, and encourage employee voice to understand specific issues in the organisation, how staff can be better supported, and then work collaboratively in communicating the importance of inclusion and diversity to the rest of the organisation.
- Work closely with managers to ensure they implement people management practices fairly, and provide tailored support from HR teams to requests to accommodate religious observance, such as dress code or flexible working.
- Be respectful of an employee's religious practices. This includes being sensitive to employee's needs in terms of uniforms, dietary requirements in staff catering or providing a room for prayer. Acas guidance covers time off for religious observance.
- Make sure work events are inclusive, providing non-alcoholic drinks is essential, and being mindful of offsite locations can ensure every employee enjoys the events. Offering a range of foods and labelling them is good practice, as some religious groups have specific dietary requirements.
- Consider a calendar of religious holidays to support religious diversity at work, which can make staff feel they can celebrate religious occasions and help people understand the significance of religious festivals to colleagues of different faiths, including any considerations within the work environment.

Reviewing employment practices

- Ensure recruitment and selection processes are fair and not open to discrimination on the basis of religion or philosophical belief. For example, take care in drafting advertisements to avoid discrimination and stereotyping through language and images and aim to attract candidates from diverse sources. Be sensitive when arranging dates for interviews. Indicate if any genuine Occupational Requirements apply.
- Incorporate a diversity statement in every job advert. Have links to the organisation's inclusion and diversity webpage where people can find out more about the organisation's commitment.
- Operate transparent and consistent appraisal and performance management processes and check that career paths and promotion and training opportunities are inclusive for all employees.

- Review policies and procedures, and terms and conditions of employment to ensure fairness and legal compliance and that they don't discriminate on the basis of religion or belief. Invite staff feedback on draft policies, for example through relevant employee resource groups.

Useful contacts and further reading

Contacts

[Acas - Discrimination, bullying and harassment](#)

[GOV.UK - Employers: preventing discrimination](#)

[Equality and Human Rights Commission - Religion or belief in the workplace](#)

[Government Equalities Office](#)

[Employers Network on Equality and Inclusion \(incorporates old Employers Forum on Belief\)](#)

Books and reports

ACAS. (2018) *Religion or belief discrimination: key points for the workplace*. London: Acas.

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GROSCHL, S. and BENDL, R. (2015) *Managing religious diversity in the workplace: examples from around the world*. Farnham: Gower.

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RUBENSTEIN, M. (2021) *Discrimination: a guide to the relevant case law*. 34th ed. London: Michael Rubenstein Publishing.

Journal articles

FICKLESS, J. (2019) A sense of belonging: heeding the call for religious diversity. *Workspan*. January. Reviewed in *In a Nutshell*, issue 84.

PITT, G. (2011) Keeping the faith: trends and tensions in religion or belief discrimination. *Industrial Law Journal*. Vol 40, No 4, December. pp384-404.

POLAND, H. (2020) Update to race, religion and belief discrimination legislation. *People Management* (online). 10 August.

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This factsheet was last updated by Lisa Ayling, solicitor and employment law specialist, and Jill Miller.