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OUR POSITION STATEMENT ON RELIGION AND BELIEF

At the British Council, we recognise, acknowledge and respect religious diversity. We believe that discussions and interactions based on respect between people of different faiths or none, enrich and deepen our cultural relations work. This work is informed by human rights principles. Many human rights treaties guarantee freedom of thought, conscience and religion and encompass not just the freedom to hold personal thoughts and convictions, but also to be able to manifest them individually or with others, publicly or in private. They forbid discrimination against individuals who have, or wish to have, different beliefs and prohibit the use of coercion to make someone hold or change their religion or belief. This is entirely consistent with our organisational values and stance.

We do not support or promote any specific religion or belief. We believe that a position of what might best be described as ‘impartiality’ in this area enables us to work most effectively with a wide range of people and organisations holding varied religions or beliefs, or none. We encourage and aim to nurture what joins us as an international community, without ignoring tensions related to religion and belief; this includes tensions between members within a particular religion or belief. We know tensions can lead to separation, divisions, polarisation and a range of negative impacts, including unfair treatment.

Issues of ethnicity, race and nationality are complex and can be made more so by religious belief. Given this, our approach to diversity has inclusion at its heart. It therefore aims to help ensure our encounters and our cultural relations work foster inclusion and social justice and, in the spirit of mutuality, bring benefit for the UK and the countries it interacts with.

Specific reference is made to religion and belief in our Equality Policy and Equality, Diversity and Inclusion Strategy and this dedicated Religion and Belief Equality Guide is available to all staff and contacts. We recognise that religion or belief is often central to how individuals, communities and nations see themselves, their identities and how daily life is conducted. We value and respect the religious diversity of our staff and the communities and countries in which we operate. We make every endeavour to improve understanding between cultures and, where appropriate, ensure that varied needs and preferences are taken account of. In doing so, we do not promote one religion or belief over another.

Whilst we explore and aim to create common ground, we do not draw back from our belief that all states and societies – be they ‘religious’ or ‘secular’ – should be open to reasonable and balanced debate. We take due care not to undermine this by, for example, using symbols or displaying slogans which might be seen as religious propaganda, or that are discriminatory, or associated with discrimination against a particular religion or belief. We do not define topics as ‘off limit’. We state in our Equality Policy that we do not interfere with the legitimate freedom of artistic or intellectual expression, investigation or discussion, recognising the UK supports a broad spectrum of such expression and discussion and we try to share this, where appropriate, in our work with other people and countries.

Faith groups include a variety of denominations, beliefs, traditions and practices; people from different genders, ethnic backgrounds and cultures, different social backgrounds, ages, abilities and sexual orientations/identities. So we are not dealing with homogeneous entities. We keep this in mind and aim to work in a spirit of partnership, enquiry and understanding, looking to achieve mutual benefit and inclusion in all we do. If there are conflicting demands, we aim to carefully consider how to reconcile them. For example, if a particular cultural and religious need conflicts with work requirements, or participation in our programmes or classes, we aim to adopt a flexible approach that allows for reasonable accommodation so that meeting faith obligations within the requirements of work or our activities is made possible. Our experience confirms that it is indeed

1 Throughout this Guide, reference to religion and belief includes non-belief (i.e. those who do not follow any religion).
generally possible to accommodate religious obligations and/or ceremonies or festivals in relation to our staff, participants and partners in this way. People of a specific religion or belief should not generally, however, have terms and conditions which are more favourable than those without such a belief.

**INTRODUCTION**

This revised Religion and Belief Equality Guide builds on guidance we first produced in 2008 to try to ensure our work reflects good practice in the area of religion and belief. The guidance is necessary because we believe increased understanding of the role of religion and belief is an important contributor to strengthening cultural relations.

The Guide has a focus on the United Kingdom (UK) because this is where the British Council headquarters are and, of course, all of the British Council’s work is in some way concerned with the UK. Further, key policies emanate from the UK and need to reflect a range of obligations, including legal obligations, which we address later on in the Guide. However, the Guide applies across all our offices, wherever local conditions allow, and is relevant to all our work, including work commissioned and undertaken by third parties.

The Guide has 3 parts. Part 1 sets the context and identifies good practice, some of which is drawn from British Council work and from the experiences of colleagues. Part 2 has a focus on the legislation. Part 3 contains some Frequently Asked Questions, some useful resources and web-links providing more related information.

The Guide as a whole draws on resources detailed in the appendix, including the UK’s Arbitration and Conciliation Advisory Service (ACAS) Religion and Belief in the Workplace Guide. In addition, links are provided that detail relevant legislation in place in the UK and beyond.

The Guide will be kept under review by the Diversity Unit with the aim of a biennial update and refresh.
PART 1

TERMINOLOGY, CULTURAL RELATIONS AND GOOD PRACTICE

TERMINOLOGY

The term ‘religion’ refers to both the personal practices related to communal faith and to group rituals and communication stemming from shared conviction. However, in the UK and elsewhere courts are ultimately responsible for interpreting the meaning of religion and belief in instances where unjustified discrimination is being alleged.

In order to be protected under the Great Britain Equality Act 2010\(^2\), a religion or belief must be recognised as being cogent, serious, cohesive and compatible with human dignity. There is specific reference to the Baha’i faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Rastafarianism, Sikhism and Zoroastrianism\(^3\) and to denominations or branches of a religion e.g. Catholics or Protestants in Christianity. Recognised beliefs include Humanism, Pacifism and Atheism. Political beliefs are specifically excluded. The Act also protects people without a religion or belief.

Freedom of thought, conscience, religion or belief is guaranteed by many human rights treaties. Article 18 of the United Nations Declaration on Human Rights states, ‘Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief, and freedom, either alone or in community with others.’

Bearing these principles in mind should help us, wherever we undertake our work, to ensure we take a comprehensive approach to addressing issues of religion and belief.

CULTURAL RELATIONS

As a cultural relations organisation, our main purpose is to bring people with different views and backgrounds together to share and learn from each other. Respecting people’s religion or belief is crucial to this process and contributes greatly to our success. We do not support or promote any specific religion or belief. We believe that a position of what might best be described as openness and ‘impartiality’ in this area enables us to work most effectively with others.

We encourage and aim to nurture what joins us as an international community, without ignoring the tensions which lead to separation. We view and welcome religious diversity as part of cultural diversity and believe there is much of value arising from discussions between those with different beliefs, based on mutual respect and understanding.

We are aware that questions of ethnicity, race and nationality are made more potent by religious difference and we are also aware that there are, unfortunately, many examples of violence, unjustified religious discrimination and underlying tensions within particular religious, ethnic or racial groups. Worldwide, communities are increasingly polarised along the fault-lines of a particular religion or belief.

History demonstrates that people have faced, and continue to face, persecution on grounds of religion or belief. Across the continents, from indigenous belief to agnosticism, the growing

\(^2\) The Equality Act 2010 is legislation that applies in Great Britain (England, Wales and Scotland, not in Northern Ireland). Northern Ireland is covered by the Fair Employment and Treatment (NI) Order 1998.

\(^3\) For descriptions of these religions see [http://www.bbc.co.uk/religion/religions/](http://www.bbc.co.uk/religion/religions/)
extremism of some religious views is a contributing feature of contemporary conflict. Terrorism, ground wars and tensions between and within Europe, America, Africa and Middle Eastern nations have been seen as fundamental tensions between Islam and Christianity (which is sometimes unhelpfully aligned to ‘western’ ideas).

The issue of religious discrimination has perhaps become more urgent given the rise of Islamophobia across the UK and other countries, particularly after the events of 11 September 2001 in the USA. In many parts of the world there is increasing anti-semitism and complex ethnic religious and inter-religious violence. However at the same time the UK and many other countries now enjoy greater religious diversity than ever before, with all world religions now practiced peacefully by a range of societies and communities, many of which are starting to find a more public voice.

This plurality extends beyond the more established faiths to embrace a range of philosophical and non-devotional outlooks, including Secularism, Atheism, Humanism and Agnosticism. Alongside this are developments in inter-faith dialogue. These seek to build co-operation and understanding between differing faith communities in response to both unjustified religious discrimination, as well as tensions and factions arising from religious difference. We support this quest for greater respect, tolerance, cooperation and understanding.

Outside the UK the practices and approaches referred to in this Guide have increasing resonance. All too frequently, irrespective of where we are geographically situated, we are reminded of the importance of paying attention to the dangers of unjustified religious discrimination and of the need to develop positive attitudes and behaviours that mitigate this and foster respect.

The UK approach
The UK has a complex relationship with religion. There is still a link between the Head of State and the established Church. The Queen is Head of Church and State and this can lead to confusion about the extent to which the UK is ‘a Christian country’, whilst some hold that the UK is in fact a ‘post-Christian’ country.

In the UK, “Evidence relating to the religion or belief ‘landscape’ is contradictory and contested (especially in Census data). However, some trends are clear: a decline in affiliation to historic churches; a rise in those stating that they have no religion; and (particularly in England) an increase in faiths associated with post-war and postcolonial immigration, especially Islam. Other trends are also apparent: for example, the growth of independent and black majority churches and the greater significance attached to their religion by minority religious communities compared to those that state a Christian affiliation. Overall, the landscape is complex and geographically variable; it is not possible to establish a clear trend towards the population or social institutions of Britain as a whole becoming either more or less 'religious' or 'secular'.” (Religion or Belief Equality and Human Rights in England and Wales, EHRC 2012).

For the British Council
Abiding differences between people and communities can result in tension, can divide and separate, and result in unfair treatment. Given this, our diversity work has inclusion at its heart. It aims to

“Living in this part of world, I was raised up as an atheist, and the media environment is very different from that in the west. I was reading a report from The Guardian the other day which mentions the right of blasphemy in France. Well, English is my second language, but I’ve always thought blasphemy as derogatory and never thought there was a right to blaspheme. Till that moment, it hit me that we are living in such different and diverse worlds, though we talk about globalisation on a daily basis. I agree that these topics are sensitive and nuanced but thanks to you all for raising this mail exchange here so that we can share our thoughts and perhaps understand each other more and most importantly to respect each other more…” (A colleague from China responding to a discussion about free speech and blasphemy on the Global Diversity mailbase)
help ensure our encounters and our cultural relations work foster inclusion and social justice and bring mutual benefit for the UK and the countries with which it interacts.

Specific reference is made to religion and belief in our Equality Policy and Equality, Diversity and Inclusion Strategy and there is recognition of the extent to which religion and belief is often central to how we see ourselves and our identities. In particular, our organisational approach aims to convey the message that we value and respect the religious diversity of our staff and the communities in which we operate, and make every endeavour to improve understanding between cultures and, where appropriate, ensure that the needs and preferences of individuals are taken account of.

We recognise that faith groups include a variety of denominations, beliefs, traditions and practices and include people from different genders, ethnic backgrounds and cultures, different social backgrounds, ages, abilities and sexual orientations/identities. Given this, and that we are not dealing with homogeneous entities, we ask that the information contained within this Guide is viewed with this in mind; it is a brief summary of an area as rich as human experience – it is a sketch rather than a final authority. The standards and practices however, must be adhered to at all times, and all of us, managers in particular, have a responsibility to ensure this.

THE CASE FOR GOOD PRACTICE

There is a sound business case for making serious efforts to prevent and eliminate unjustified discrimination in the workplace and to generally improve our practice. It is well established that those who are subjected to such discrimination, harassment or victimisation can be unhappy, de-motivated and significantly less productive; they may resign and formally complain, often in a manner which brings about the involvement of external bodies. Dissatisfied customers and partners, on the other hand, will frequently simply go elsewhere. Spending time addressing unjustified discrimination detracts from our business goals and our reputation, undermines the quality of our work, and damages our efforts to build mutually beneficial relationships. At the most basic level, the cost of staff leaving, the consequent recruitment and training, not to mention the cost of any compensation claims, can disrupt work, cause us to lose customers and partners and potentially undermine our licence to operate.

Example:
In Malaysia we restructured the team so that a member of staff did not have to work with a partner in the alcohol industry and designed a programme so that we offered separate British Council and Guinness awards, ensuring participants of all religions could participate.

We are not legally obliged to provide time and facilities, including prayer facilities, in order to meet the religion or belief observation needs of staff or those we work with. As a general principle however, and in line with good practice, where possible, we should try our best to do so, recognising that we need to exercise judgment about what constitutes the core elements of different beliefs and that different individuals will follow and practice a belief in their own way.

Getting it right can make a real difference

“Her helpfulness made a big difference. It is not an exaggeration to say that I could not have managed to survive without praying comfortably; I would have been very unsettled. She wanted me to be comfortable and as I’d been struggling with being uncomfortable since I arrived particularly because of the cold British weather I was most grateful!” (Visitor to the British Council, London, referring to help received by a colleague from UK Estates)
If there are conflicting demands, we should carefully consider how to reconcile these; for example, if staff have particular cultural and religious needs which might conflict with work requirements. In these instances we might draw on our flexible working arrangements which can allow staff to manage their time in a way that does not undermine their ability to meet their religion or belief obligations within the context of contracted hours and business requirements. Our experience shows that it is generally possible to accommodate religious obligations and/or ceremonies or festivals through flexible working arrangements and annual leave, or perhaps unpaid leave, all with appropriate managerial agreement. People of a certain religion or belief should not, however, have terms and conditions which are more favourable than those without such a belief.

In respect of requests for the accumulation of annual leave or unpaid leave on religious grounds, our position is that these should be given sympathetic consideration and not be refused without strong justification. This holds for the exchange of public holidays for other holy days, such as Eid, Rosh Hashanah, Wesak, Diwali and Guru Nanak’s birthday.

“On the first day of Lent, which is Ash Wednesday, I wanted to take an extended lunch break in order to attend an Ash Wednesday lunch time service. I negotiated this with my line manager who understood and agreed.” (Colleague based in London)

In some countries there are a number of official religions, for example, Indonesia. We therefore have to be aware of the related religious holidays and take account of them in deciding on office opening times and the delivery of our services. This is often achieved through openness and receptivity and a process of negotiation.

We are increasingly able to reasonably accommodate the religion or belief observation needs of staff and visitors. In the UK for example, we have a number of prayer mats (with a built-in compass identifying the direction of Mecca) which are used by staff and by visitors to our offices in London and Manchester. We can also provide meals to cater for halal diets and order meals to cater for kosher and other specific diets on request.

**Call to action:**
Where you work, check if providers of halal, kosher, vegan and other specific diets have been identified, so these can be sourced quickly if requested.

Finally here, we need to be aware that some religiousbelief festivals are aligned with lunar phases and therefore change from year to year; the dates for some festivals do not become clear until quite close to the actual day. There are now several online Religious Festivals and Holidays calendars available online and we encourage use of them, for example:

**Call to action:**
Where you work, check if colleagues are aware of a religious festival and holy day calendar and use it when planning events, meetings and activities.

“I think there are 2 main considerations that we always take into account when planning training and events:
- Religious festivals and holidays: the obvious one where we don’t schedule events on such days and the slightly less obvious one where we revise expectations about what can be achieved during certain periods of the year
- Timetabling: we ensure that sufficient time is given to allow for prayers.” (Colleague from East Asia)
Recruitment and selection
In the course of recruitment and selection, organisations can intentionally or unintentionally unjustifiably discriminate. In order to avoid this:

- Do not set unnecessary selection criteria or standards which might prevent people from applying because of their religion or belief.
- Clarify what the job actually entails so that applicants have the opportunity to fully consider whether there is any chance the job might conflict with their religious or belief convictions, enabling them to make an informed decision about whether or not to apply.
- Select for recruitment or promotion on merit, irrespective of religion/belief. Remember, it is possible to take certain steps to redress the effects of previous inequality including limited opportunity. This is called positive action or sometimes affirmative action and it allows employers to give special encouragement to, or provide specific training for, people from religions/beliefs which are under-represented in the workplace. Positive action can include:
  - training existing staff for work which has historically been the preserve of individuals from a particular religion/belief;
  - advertising to encourage applications from a minority religion/belief, but making it clear that selection will be on merit without reference to religion/belief.
- It is important to note that for positive/affirmative action to be legal it must, generally speaking, be supported by monitoring data. That is, there must be evidence of a shortfall in a particular religious/belief community compared with their presence in the general population.
- If it is felt a genuine occupational requirement related to religion/belief applies to a post, this should be made clear in the advertisement. The reasoning should also be explained in any application pack and during the selection process.

The overall message is: base recruitment and selection decisions (whether for employment or for selection for scholarships, programmes and courses) on relevant, transparent criteria without faith-related considerations, unless there is a genuine requirement not to do so.

Organising training and development
The points below are focussed on training and development but have wider relevance, for example to organising events and activities:

- Encourage everyone, irrespective of their religion/belief, to apply for training, development and secondment opportunities and promotion opportunities.
- If it is reasonable to do so, adapt methods of delivering training or development if current arrangements have the effect of disadvantaging someone because of religion/belief. This may be particularly relevant if training or development takes place outside normal working hours and the work place, such as in a residential environment.
- Review ice breakers and training activities and consider whether they involve the use of language or physical contact and the exchange of personal information that might be inappropriate for some religions/beliefs.
- Consider if social activities, which are frequently a part of training and events, might present difficulties for some religions/beliefs.
- Address specific dietary requirements, for example kosher, halal, vegan and vegetarian food, and consider whether or not it will be appropriate to serve alcohol.
• Build in time within training schedules for religious/belief observance if necessary. This is done routinely in our offices in across the Middle East and North Africa region.
• Where possible and if appropriate, avoid scheduling training on significant religious/belief/cultural festivals such as Diwali, Passover, Ramadan, Chinese New Year, etc. Remember that different groups within the same over-arching religion can sometimes celebrate festivals at different times (e.g. Orthodox Christians celebrate Easter at a different time from other Christians).

Those organising training and development should be sensitive to the needs of participants. People with specific religious/belief requirements have a responsibility to ensure that managers, internal training providers and other staff are, where possible, aware of their specific needs in good time so that there is an opportunity to meet them.

Call to action:
When designing training and development, or other activities if appropriate, use the Guide to Mainstreaming Diversity which will prompt you to review these issues at the start.

Appearance and dress
We take a constructive approach to the variety of individual choices and styles.

We believe that as a general guide, appearance and dress should conform to the current majority view in a society of what constitutes decency; this will vary from country to country and will be informed by a range of factors. The focus here is on appropriateness with reference to decency. It is not for us to stifle the expression of individuality, uniqueness or cultural expression, but to try to avoid unnecessary offence. Where offence is deemed to have been caused, the case will be looked into on an individual basis, with all necessary factors considered to support any action required based on a reasonable assessment of the situation.

As an Events Team we are conscious that people from many different countries, cultures and religions/beliefs attend British Council events; it’s what makes them particularly interesting and stimulating. In addition, it means that we are conscious that the way we dress should reflect a positive image of the British Council and support our cultural relations role. For us this means being smart and trying to ensure that the way we dress conforms with what our experience tells us would be widely held views of decency.” (Events Team Manager, British Council, UK)

We should not do anything to undermine staff wearing clothing or other items that reflect their religion or belief and none of our offices should impose a dress code that would unjustifiably discriminate against someone on grounds of their religion or belief. The European Convention on Human Rights provides a right to freedom of expression within justifiable limits. In Northern Ireland there are particular sensitivities around flags and emblems and the wearing of football shirts and the Union flag can sometimes cause offence.

If uniforms are worn, or if health and safety requirements mean specific clothing like overalls or other forms of protection are needed, as far as possible we must try and ensure that they do not conflict with a person’s religion or belief. If concerns are raised, our approach should be constructive and aim for a satisfactory resolution based on a reasonable assessment of the situation.

Example: An organisation has a dress code which states that men may not wear ponytails. This may indirectly disadvantage Hindu men, some of whom wear a Shika, (small knotted hair worn at the back of the head, as a symbol of their belief). This policy could be unlawfully discriminatory if it cannot be justified.

In some of our English language teaching centres there is a dress code which forbids open-toed sandals, given the cultural and religious sensitivity surrounding exposed feet.
We recognise that some religions or beliefs do not allow undressing or showering in the company of others. This may be an issue in the context of some workplaces or some of our sports, youth and other programme activities where people are working and interacting together over periods of time and in residential situations. Where this is an issue we will seek to ensure separate gender facilities and/or appropriate privacy.

**Dietary requirements**

Some religions or beliefs have specific dietary requirements. These requirements can cover the types of food eaten/not eaten and method of preparation and storage. In respect of these we will:

- Wherever possible, aim to meet them with the support of timely information from colleagues, partners and contacts.
- Consider the refreshments and menus for conferences and other events/meetings in order to try and ensure that we cater for a range of needs and respond to known needs.
- Label food so that everyone knows what the food is and can make an informed choice.
- Serve certain food types separately, for example, pork items on their own, and ensure there is adequate provision for vegetarians.
- Consider how we can support staff through extended periods of fasting which are part of a religious requirement. Some find it helps if the smell of food around them is reduced, or if other colleagues do not eat near them. We recognise however that it may or may not be possible to accommodate this and any support will be based on negotiation.

Where staff, because of a religion or belief, bring their own food into the workplace and request facilities to store and heat this separately from other food to avoid cross-contamination, aim for a mutually acceptable solution. Be sure to take into account not only the food itself, but also anything that may have come into contact with it such as plates, cutlery, cloths and sponges.

**Example:** A worker who, for religious reasons, is vegetarian felt unable to store her lunch in a refrigerator next to the meat sandwiches belonging to a co-worker. Following consultation between parties, the organisation introduced a policy by which all food must be stored in sealed containers and shelves were separately designated ‘meat’ and vegetarian’. This arrangement met the needs of all staff at no cost to the employer. *(ACAS Guide)*

**Monitoring religion and belief**

Equality monitoring is widely accepted good practice in the UK and monitoring religion and belief can tell an organisation much about its staff and their potential needs. Our equality monitoring in the UK has included religion and belief for some time now.

In Northern Ireland there is a legal requirement to monitor community background for all job applicants and employees to comply with specific duties under the Fair Employment and Treatment (NI) Order 1998. Community background is whether an individual is from the Protestant community or the Roman Catholic community, or neither. Regardless of whether individuals actually practice a religion, most people in Northern Ireland are perceived to be members of either the Protestant or Roman Catholic communities. Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions in Northern Ireland, to have due regard to the need to promote equality of opportunity between persons of different religious belief and political opinion.

Outside the UK, religion and belief data is collected at the discretion of the British Council office, taking account of local sensitivities, practices and our desire to extend equality monitoring organisation-wide. This is because doing so could help us begin the process of addressing the high representation of staff from a particular religion in a location where the religious profile of the population differs markedly. One reason this is an issue is because it is considered good practice to aspire to reflective diversity, that is a workforce that reflects the general population in areas such as ethnicity, gender, disability and, increasingly, religion and belief.
PART 2

THE LEGISLATIVE CONTEXT

In Northern Ireland, the Fair Employment and Treatment (NI) Order 1998 prohibits discrimination on religious grounds and specifically unlawful indirect religious discrimination. Employers in Northern Ireland, including the British Council, have to ensure the active practice of fair employment and have to monitor the religious composition of their workforce by regularly reviewing their recruitment, training and promotion practices. The legislation recognises the particular religion-related issues and challenges faced by Northern Ireland. It provides for affirmative action around employment practice and religious belief, and this has been essential in helping prepare the ground for institutions to become more representative. For example, during the 1990s, the Police Service of Northern Ireland was 92% Protestant when serving a population that was 55% Protestant and 40% Catholic. To move towards peace, it was recognised that specific steps were needed to target Catholic recruits. Recent statistics confirm that the serving police officer population was 67% Protestant and 31% Catholic (http://www.psni.police.uk/index/updates/updates_statistics/updates_workforce_composition_figures.htm Accessed online on 8/7/15).

Since December 2003, within the European Union, as a result of a European Directive, it has been illegal to discriminate against people because of their religion or belief in employment or vocational training. This was extended in 2006 in GB to include the provision of goods, facilities and services. It is now, under the GB Equality Act 2010, additionally unlawful to discriminate in education generally, in the exercise of public functions, and in the disposal and management of premises on grounds of religion or belief.

Elsewhere in the world where we have offices, the law covering religion or belief varies.

Call to action:

As it is not practical to overview the legislation of different countries in this Guide, we encourage people to familiarise themselves with the legislation of respective countries as appropriate. Web searches and relevant legal advisers and organisations are a good starting point, although we know many colleagues are very knowledgeable and may be able to provide the information required.

What does UK law⁴ say in detail?

A lot and too much for a Guide, so we have provided some useful links at the end and the following key points:

It is unlawful to discriminate against a person:
- because of their religion or belief;
- because of a perceived religion or belief (here the discriminator perceives a person to have a particular religion or belief and unjustifiably discriminates because of it, whether or not their perception is correct. For example, a service provider might presume someone belongs to a particular religion because of their appearance and so discriminate against them by denying them access to a service. This will result in them having suffered detriment on the grounds of religion even if the perception was mistaken);
- because of someone else’s belief (here someone is refused a service not because s/he belongs to a religion but because the person with them belongs to that religion);

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⁴ The law in the UK is split into two: that which covers Great Britain and that which covers Northern Ireland. The Equality Act 2010 applies in Great Britain. Northern Ireland is covered by the Fair Employment and Treatment (NI) Order 1998.
Unjustified discrimination is unlawful in employment – in the recruitment process in the workplace including pay, terms and conditions, promotions, transfers and training; in matters surrounding dismissal; and sometimes after employment (for example regarding references) - and as stated earlier, in the provision of goods, facilities and services, the disposal and management of premises, in education, and in the exercise of public functions. So we are not just talking about employment matters, but rather about all the ways in which we undertake our work.

Direct discrimination and Indirect discrimination
There are two main but not exclusive ways in which unjustified discrimination takes place, and these are outlined below.

1. Direct discrimination - this involves treating a person less favourably, on grounds of religion/belief, than you treat or would treat others in the same or equivalent circumstances. It may only be justified in the very limited circumstances where a genuine occupational requirement can be shown to apply; we touch on this requirement later on.

2. Indirect discrimination - this means that a ‘provision, criterion or practice’ has been applied to everyone but disadvantages people of a particular religion/belief without a good reason. For example, disliking the fact that some staff come to work with caps on their head and so applying a ‘no headwear’ policy to all staff. The policy, although applied to all employees, disadvantages, for example, Sikh staff who wear turbans for religious reasons.

In contrast to direct discrimination, indirect discrimination is not unlawful if it can be justified. To justify it, an employer or service provider must show that there is a legitimate aim (i.e. a real business need) and that the practice is proportionate to that aim (i.e. necessary and there is no alternative means available) as the following example demonstrates:

A small finance company needs its staff to work late on a Friday afternoon to analyse stock prices in the North American finance market. The figures arrive late on Friday because of the global time differences. During the winter months some staff would like to be released early on Friday afternoon in order to be home before nightfall – a requirement of their religion. They propose to make the time up later during the remainder of the week. The company is not able to agree to this request because the North American figures are necessary to the business, they need to be worked on immediately and the company is too small to have anyone else able to do the work. The requirement to work on Friday afternoon is not unlawful discrimination as it meets a legitimate business aim and there are no alternative means available.

In some organisational settings there is undoubtedly widespread ignorance and indifference towards religion and although this is not unjustified discrimination in itself, it can contribute towards an environment in which unjustified discrimination of all kinds (including ‘unwitting’ and institutionalised discrimination) is able to thrive. We do not believe this generally holds for the British Council, particularly because of our cultural relations role. However we believe dissemination of this Guide and discussion and debate related to religion and belief will help the ongoing process of attuning us to issues of equality, diversity and inclusion.

Bullying, harassment and victimisation
Unjustified discrimination also takes place as a result of bullying and harassment and victimisation. Harassment is a form of direct discrimination and so is unlawful, hurtful, and totally unacceptable. It includes a range of behaviours which whether intentional or not, make a person feel uneasy, humiliated, intimidated or uncomfortable, or cause offence or threaten or appear to threaten job security. Bullying like harassment tends to be a furtive activity that is often unknown until after the event. 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 but consist of a
general culture which, for instance, appears to tolerate the telling of religious jokes.

If harassment takes place at work or at a time and/or place associated with work, for example a
work related social gathering, the organisation may be held responsible for the actions of their staff
as well as the staff being individually responsible for their own actions.

Victimisation is about an individual being treated less favourably because they have made a
complaint, or they intend to make a complaint, about unjustified discrimination or harassment, or
have given evidence, or intend to give evidence, relating to a complaint about unjustified
discrimination or harassment. They may become labelled “troublemaker”, denied promotion or
training, or may be isolated and left out of conversations by their colleagues. If this happens, or if
organisations fail to take reasonable steps to prevent it from happening, they will be liable.
Colleagues have a right not to be victimised for following up a grievance or complaining to an
employment tribunal under the equality legislation, provided the complaint was made in good faith.

Unjustified discrimination, harassment or victimisation following the end of a working relationship
covers issues such as references either written or verbal.

Example: After giving evidence for a colleague who had brought an Employment Tribunal claim against
the organisation on the grounds of religion or belief, a worker applies for promotion. Her application is
rejected even though she shows that she has all the necessary skills and experience. Her manager says
she is not a corporate player because she has given evidence at the Tribunal and as a result should not
be promoted. This would be victimisation.

Contrast the above examples with this one involving a positive approach by an organisation:

Example: A manager is approached by someone from another organisation saying that Mr ‘A’ has
applied for a job and asks for a reference. The manager says that he cannot recommend the worker on
the grounds that he did not ‘fit in’ because he challenged comments made by some Christian colleagues
that inferred he was immoral because he did not have a religious belief, instead of just accepting these
comments, and so was regarded as ‘touchy’. This worker may have been discriminated against on the
grounds of religion or belief (in this case him not having a religious belief) after his working relationship
with the organisation has ended.

Example: A particular religion featured in the media due to an international crisis. Stereotypical,
pejorative and hurtful comments in the workplace started to emerge about all followers of that religion. A
group of distressed workers complained to managers who arranged forums in which issues were
discussed openly. Better understanding helped to resolve the situation.

Exemptions – genuine occupational requirement

Earlier we referred to exemptions from the regulations for ‘genuine occupational requirements’
(GOR). These exemptions are for the limited circumstances where it is necessary to be from a
particular religion to do a certain job. Unlike other anti-discrimination legislation, there is also an
exemption for “employers with an ethos based on a religion or belief”, for instance a care home
managed by a religious charity, which means that they can specify a religion as a job requirement
even if it is not a ‘determining’ (decisive) occupational requirement. This generally does not apply to
the British Council.

When deciding if a GOR applies, organisations have to consider the nature of the work and the
context in which it is carried out. Jobs often change over time and organisations therefore need to
ensure that they give thought to whether the requirement continues to apply, particularly when
recruiting.

Example: A university who specifically requires a Jewish chaplain will be able to appoint a Jewish
person to that role, as that would be a genuine occupational requirement. It is also possible that a
Catholic school could require a head teacher to be a Catholic, but it is unlikely that they could argue that
a gardener has to be Catholic.
An occupational requirement on the grounds of religion or belief must not be used as a basis for unjustified discrimination on other grounds such as race or disability.

The Equality and Human Rights Commission (EHRC) is the official body within Great Britain\(^5\) that promotes and enforces the law banning unjustified discrimination on the grounds of religion or belief. The EHRC helps explain the law and provides guidance to help promote its implementation. The existence of law does not automatically lead to fair treatment; frequently it is leadership and guidance that makes the critical difference and the EHRC provide some of this.

**Prevention**

We have to think carefully about whether we are inadvertently unjustifiably discriminating. For example, if team meetings or the English language tests we administer always take place on a Friday afternoon, this may unjustifiably discriminate against Jewish and Muslim staff for whom Friday afternoon has a particular religious significance, although of course not everyone follows their faith in the same way.

Care needs to be taken when setting meetings to ensure religious/cultural festivals are taken into account. For example, a colleague had to choose between missing an important strategy meeting or missing their family celebrations as the meeting was scheduled for the same time as Chinese New Year.

We can prevent unjustified discrimination by acting on the information outlined in this Guide and ensuring our work is based on a commitment to no unjustified religion or belief discrimination against potential partners, or anyone we work with. Small things can sometimes help a lot as we have indicated. Taking a different organisation from ours, when Bradford Hospitals NHS Trust analysed their ‘missed appointments’ statistics, they found that many patients were missing appointments on religious holidays, and so they distributed a multifaith calendar to help them better plan patients’ treatment.

*The most effective approach, understandably, is to prevent unjustified discrimination happening in the first place.*

As an organisation we explore and create common ground, but we do not draw back from our belief that all societies – be they ‘religious’ or ‘secular’ – should be open to reasonable and balanced debate. We take care not to undermine this by, for example, using or engaging in religious propaganda or displaying slogans or symbols that are unjustifiably discriminatory, or associated with unjustified discrimination against a religious/belief group. However, as we state in our Equality Policy, we do not interfere with the legitimate freedom of artistic or intellectual expression, investigation or discussion. We understand and recognise that there can often be a fine line between what is acceptable and unacceptable and consider each issue and situation on its individual merit or otherwise.

**Example:**

We support Myanmar’s annual ‘Human Rights Film Festival’ (now in its third year). In 2014 the Burmese documentary ‘The Open Sky’ depicted the life of a Muslim woman whose house was burned down during ethno-religious conflict in the town of Meiktila in 2013. This film became the subject of much controversy as it provoked hate speech on social media, which led to its withdrawal from the Festival. We were the first organisation to host a public screening of the film, advertised through careful communications and followed by a long and in-depth discussion of its content with a full house audience. The success of this event led to similar screening and discussion events on other EDI issues, such as gender.

\(^5\) Northern Ireland is covered by the Northern Ireland Equality Commission (ECNI) and Northern Ireland Human Rights Commission (NIHRC).
Complaining about unjustified discrimination

Given that unjustified discrimination can be unintentional or come as a result of thoughtlessness, it is best addressed informally, wherever possible.

Clearly though, it might be necessary to take formal steps and to make use of the grievance and complaints procedures accessible from Essential HR. Union representatives or Staff Associations can offer valuable support in this process, including guidance, advice and information.

If there is not a satisfactory internal resolution to difficulties arising in the UK then a complaint can be taken to an Employment Tribunal.

Outside the UK formal complaints are dealt with in different ways depending on the context. Staff will therefore need to establish the process for addressing their complaint.

Complaints that fall outside the areas of employment and vocational training, including any that relate to the goods or services we provide, should be informed by our complaints procedure.

Concluding comments

Finally, as conveyed at the beginning of this Guide, cultural relations and respect for religious diversity are synonymous. As our main purpose is to bring people with different views and backgrounds together to learn from each other, respecting people’s religion or belief is crucial.

We view and welcome religious diversity as part of cultural diversity and believe there is much of value arising from discussions between people who hold different religions and beliefs, premised on respect and understanding.
FAQs
As we think about and engage with issues of religion or belief, questions and queries arise. Please send your own questions and queries to the Diversity Unit so they can be added. Here are a few we've already debated and responded to:

Question: Is it right that some UK staff openly drink alcohol during Ramadan? Isn't this a disciplinary matter?
Answer: To some extent the answer to this question depends on where alcohol is being consumed. If alcohol is being consumed on British Council premises during the working day, apart from at functions or events, then this might be inappropriate. Any concerns should be raised with relevant parties and escalated through the line as appropriate (and this would apply at any time, not just during Ramadan).

If alcohol is being served at British Council functions and receptions during Ramadan this is not necessarily wrong, but should be reviewed taking account of a range of factors including the legal issues covering the public consumption of alcohol and cultural sensitivities and norms, including the norm to serve alcohol.

If the drinking of alcohol is taking place outside work then the issue is outside the British Council's control, as outside of the workplace people are free to make their own lifestyle choices within parameters, including the relevant legislation.

When the drinking of alcohol affects work then we have a responsibility to take action. As an international organisation we have staff who reflect the world's diversity. Many will be followers of a religious faith, while many others will have no faith. All staff have a responsibility to behave appropriately while at work and to show sensitivity to colleagues and customers, whatever their personal beliefs.

Question: If my religious beliefs are strongly against gay and lesbian people how can the British Council justify imposing their views on me?
Answer: The British Council, like many organisations inside and increasingly outside the UK, has an Equality Policy and an Equality, Diversity and Inclusion Strategy which clearly communicate a commitment to treating people fairly and with dignity, irrespective of their sexual orientation. Whilst we accept that some may disagree with this, it is not permissible for these views to translate into unjustified discriminatory actions against colleagues, or anyone with whom we work. We require certain standards of behaviour in line with our Code of Conduct and a range of policies we have in place and believe that where staff do not feel able to commit to these, the British Council is not the appropriate place for them to work. We of course support people to understand our Equality Policy and other policies and what this requires in terms of behaviours.
Question: Is the British Council going to tolerate people wearing clothing or symbols that are an overt display of religious belief, especially if this isn't in keeping with UK and other cultures where people don't overtly display their religion or belief?

Answer: We expect people to dress appropriately for work and take into account the needs of the job, partners, clients and customers. It is unlikely that clothing or symbols that are an overt display of religious belief will undermine this expectation. Further, we hope, the working environment worldwide is one that is accepting of the expression of religious belief. Within the UK and indeed in other countries many people do not overtly display their religion or belief through clothing or religious symbols, but some do choose to, something which is entirely to be expected in multi-faith societies. This is a different stance from countries which seek to ensure equality by outlawing religious symbols within some areas of life. So yes we do accept the wearing of clothing or symbols that reflect religious belief, within the parameters indicated above.

Question: Some colleagues in my office display religious icons around their desk area that I find distracting as the icons are not those that my faith permits. Can I ask for them to be taken down?

Answer: Individual offices need to decide their own rules about the displaying of personal objects in the workspace, including religious icons and symbols. When doing so they should balance the individual's desire to be reminded of their faith with the rights of others who may be of a different faith or who do not have a religious belief. Whether the workspace can be seen by the public is also another matter to shape this decision, along with the likelihood of other colleagues sharing or entering the workspace. Generally colleagues should be sensitive regarding the appearance of the workspace, respecting those around them and maintaining a professional office environment.

Question: The British Council holds many receptions and dinners but never gives thanks for the food at the beginning of these and I feel uncomfortable about this. Food should be a right but in my country and many other countries it is a privilege and as a cultural relations organisation we should acknowledge this.

Answer: We appreciate the view that thanks should be given before eating food and acknowledge that indeed, in many countries food is a privilege and not the right we would wish it to be and believe it should be. To answer the question directly, it is not a matter of right or wrong. Often people do not know there is an alternative to a religious blessing of food and because they don’t want to cause religious offence, just avoid this. The following ‘alternatives’ might be useful:

“We thank those who produced it, and those who transported it. We thank those who prepared it, and those who serve it. Let us now sit down and enjoy.”

“As we sit down to eat, may we ever be mindful of the needs of others”.

“Let us think thrice while we are gathered here for this meal. First let us think of the people we are with today, and make the most of the pleasure of sharing food and drink together. Then, let us think of the people who made the food and drink and brought it to us, who serve us and wait on us, and who clear up and clean up after us. Finally, let us think of people all over the world, members with us in the human family, who will not have a meal today.”
If the way the above is expressed has a ‘religious feel’ and this causes discomfort, make changes or modifications, or come up with an alternative.

**Question:** Is it wrong to repeatedly invite a colleague to a religious place of worship or a religious event or to want to discuss religion with a colleague who has already indicated that they do not profess any religious belief?

**Answer:** This dynamic is most common in countries where religion is very much part of the cultural life or in instances where colleagues have recently acquired a religious faith and are keen to discuss this with others. It can be uncomfortable for many people on the receiving end, particularly if they feel that their views are not being heard and respected. Although the invitations may be borne out of a natural curiosity and often a genuine desire to be inclusive, if they are unwelcome and repeated, they could be considered as harassment. The openness we aspire to about different religious faiths extends to openness and acceptance that many people do not subscribe to any religious faith. There needs to be acceptance of different positions and understanding about other views and perspectives without judgment and without wanting to change people’s minds.
**USEFUL RESOURCES**

**Equality and Human Rights Commission**: information about religion and belief and what the Equality Act says  

**ACAS**: Religion or Belief and the Workplace Guide  

**BBC**: information on different religions  
[http://www.bbc.co.uk/religion/religions/](http://www.bbc.co.uk/religion/religions/)

**The National Secular Society**: you can find a discussion on discrimination as it might affect non-believers at  
[http://www.secularism.org.uk](http://www.secularism.org.uk)

**EHRC**: Religion or Belief Equality and Human Rights in England and Wales (EHRC Research Report 84)  

**Equality Commission Northern Ireland**  
[www.equalityni.org](http://www.equalityni.org)

**Human Rights Commission Northern Ireland**  
[www.nihrc.org](http://www.nihrc.org)