

CALL FOR EVIDENCE REPORT

Religion or belief in the workplace and service delivery

Findings from a call for evidence

Executive summary

Martin Mitchell and Kelsey Beninger,
with Alice Donald and Erica Howard

NatCen Social Research

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For further information about the Commission's work on religion or belief, please contact:

Post: David Perfect
Research Team
Equality and Human Rights Commission
Arndale House
The Arndale Centre
Manchester M4 3AQ

Email: david.perfect@equalityhumanrights.com

Website: www.equalityhumanrights.com

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correspondence@equalityhumanrights.com

Executive summary

Introduction and methodology

In August 2014, the Equality and Human Rights Commission (EHRC) launched a call for evidence on religion or belief in the workplace and service delivery. The aim was to explore the direct and personal experiences of employees and service users concerning religion or belief, as well as the views of employers, service providers, relevant organisations and the legal and advice sectors. The call for evidence, which was conducted by NatCen Social Research (NatCen) on behalf of the EHRC, continued until October 2014 and covered England, Scotland and Wales.

In total **2,483 individuals or organisations** took part. This consisted of 1,636 employees, 67 employers, 468 service users, 108 service providers, 181 organisations and 23 representatives from the legal or advice sectors. The call for evidence was a qualitative, not quantitative, exercise and while it sought to gather as wide a range of experiences and views as possible, it is not possible to say how prevalent these are in the wider population.

Key findings

- The call for evidence gathered a wide range of both positive and negative experiences of religion or belief in the workplace and service delivery by employees, employers, service users and service providers.
- Positive experiences included respondents describing workplaces with an inclusive environment in which employees and employers were able to discuss openly the impact of religion or belief on employees or customers. Some respondents of different religions also reported they were easily able to take time off to celebrate religious holidays.
- Some employees or service users stated that they had experienced no or few negative issues in their workplace or in receiving a service which they attributed

to the view of employers or service providers that religion or belief was a private matter and should not be discussed in the workplace or the service.

- Some employees and students stated that they had encountered hostile and unwelcoming environments in relation to the holding, or not holding, of a religion or belief. The issues raised concerned the recruitment process, working conditions, including the wearing of religious clothing or symbols, promotion and progression, and time off work for religious holidays and holy days. Some reported that particular beliefs were mocked or dismissed in the workplace or classroom, or criticised as unwelcome 'preaching' or proselytising, or the expression of hurtful or derogatory remarks aimed at particular groups.
- Employees and employers reported that requests relating to religion or belief issues were not always fairly dealt with in the workplace and some called for better guidance on how to achieve this.
- Many participants were concerned about the right balance between the freedom to express religious views and the right of others to be free from discrimination or harassment. Specific issues raised included conscientious objection in relation to marriage of same sex couples and how to protect employees from harassment and discrimination by staff, customers or service users with a religion. There was a marked divergence of opinion about when it was desirable and appropriate to discuss religious beliefs with service users during the delivery of a service.
- A group of service providers with a religious ethos expressed concerns about reductions in funding opportunities from the public and private sectors.
- Some participants viewed the current equality and human rights legal framework relating to religion or belief favourably, arguing that it provided a single robust framework to deal with discrimination and equality. Others were broadly favourable, but felt a pluralistic approach had not yet gone far enough. A third group viewed the law negatively, with some Christian employers, service users and providers considering that Christianity had lost status as a result of the legal framework.

General issues

Uneven understanding of religion or belief issues

Employees and service users described a range of positive and negative experiences relating to their religion or belief in the workplace and in service delivery

and the responses of their employers and service providers to religion or belief issues. There were:

- **Uneven responses from employers and service providers.** Responses were divided into proactive and inclusive practices, practices and views based on misunderstandings about religion or belief issues, and resistance to an acknowledgement that such issues had a place in public life.
- **Different reasons for the view that there were no or few religion or belief issues in the workplace or service delivery.** Some employees or service users stated that they had experienced no or few negative issues in their workplace or service because an inclusive environment had been created. For example, they felt that different religious views and other beliefs were treated with mutual respect in the workplace or service. Other employees or service users argued that there were no issues because religion or belief was treated as a 'private' matter and not discussed publicly. The adoption of this position sometimes followed disagreements among employees that had arisen when religion or belief had been discussed.
- Clear divisions between participants who said they did and did not know where to look for advice on religion or belief issues.

Specific issues

Hostile and unwelcoming work and studying environments

Employees and students said they had encountered hostile and unwelcoming environments in relation to holding, or not holding, a religion or belief. Specific issues highlighted were:

- **Perceived discrimination.** Some employees felt discriminated against in relation to recruitment processes, work conditions, promotion and progression, and time off work for religious holidays and holy days. Participants from the legal and advice sector referred to employees wanting to take time off for work for religious holidays and also to the wearing of religious dress and religious symbols.
- **Perceived harassment of employees and students.** This was linked to dismissive attitudes towards, and the mocking of, particular religions and beliefs, unwelcome 'preaching' or proselytising, and the expression of views that were hurtful or derogatory towards other faiths and/or towards lesbian, gay, bisexual and transgender (LGBT) people. Pupils with and without religious beliefs also described being mocked and ridiculed by teachers because of their beliefs.

- **Fear of repercussions.** Some employees felt unable to challenge the discrimination or harassment they felt they had experienced, or their sense of alienation because they feared repercussions; experienced pressures from managers not to complain; and/or lacked confidence that the situation would change.

Inclusive and fair work conditions

Employers, service providers and organisations argued that religion or belief issues in the workplace should be dealt with in fair and inclusive ways to avoid generating problems among employees without a religion or belief. The matters raised included:

- **Increased resentment.** Non-religious staff were resentful when they believed that religious colleagues received more favourable treatment in relation to time off and time away from work and/or where religious colleagues used spaces (e.g. meeting rooms) that were not meant solely for religious purposes.
- **Reduced productivity and health and hygiene concerns.** Employers and managers were concerned in some cases that some religious observance led to reduced productivity and health and hygiene concerns (e.g. employees fainting when fasting, or infection control issues arising from the desire to wear headscarves in surgical theatres).
- **Difficulties in discussing problems.** Some employers and managers felt that it was difficult to discuss religious beliefs and observances with some staff in a reasonable way without them making a complaint.

Employers, employees and service providers emphasised the need for a better understanding of when, and in what ways, requests relating to an individual's religion or belief should be accepted. They also wanted better signposting to information, or new information on, when a request had to be considered, and how to provide a proportionate response to such requests.

Expression of religious views or discrimination

There was a great deal of concern across the different stakeholder groups about how to strike the right balance between the expression of religious views and the right for other employees to be free from discrimination or harassment. Some religious participants took the freedom to express religious views to be an absolute right even though this is not the case under the European Convention on Human Rights. Three main issues arose:

- **Conscientious objection in relation to marriage of same sex couples.** Some Christian legal commentators, and some Christian employees and service providers, expressed the view that requiring employees to be directly involved in marriage of same sex couples was against their 'religious conscience'. Some legal participants asked whether it was necessary to look again at a concept of 'sufficient accommodation' of religious beliefs in employment, although concern was expressed about what message this sent out in relation to equality for LGB employees and service users.
- **Protection of employees from harassment and discrimination by staff, customers or service users with a religion.** Some employers wanted to know how they should deal with such harassment, unwelcome proselytising and discrimination against their staff and by one employee towards another. This was especially the case when discriminatory views were expressed about women and LGBT staff.
- **Conflicting aspects of equality legislation on religion or belief and sexual orientation.** Representatives from some organisations said that the failure to address which rights prevailed when different protected characteristics were affected had led to a perception of a hierarchy of rights (especially sexual orientation being seen to 'trump' religion or belief).

Balance of the rights of service providers and users

Service providers and users discussed the extent to which it was desirable and appropriate to discuss religious beliefs and views during the provision of a service to the public. A particular concern was whether the religion or belief of the provider or the service user was the most important. Some service providers wanted to tell their users about their beliefs, while others were more concerned that services should be tailored to the religious, spiritual or wellbeing needs of the user. In health and social care environments, some respondents were concerned about practitioners outlining their own beliefs to vulnerable patients and clients. In addition, one organisation reported that staff and service users were harassed by groups with a religious ethos outside clinics offering pregnancy advice and abortion services.

Fair and appropriate access to services

Some service users and service providers suggested that there needed to be fairer provision of services between religious and non-religious groups. Across a range of sectors, there were reports of perceived unequal, unfair and inappropriate access to information, services, activities and facilities:

- **Education.** A number of service users described school admission policies that were perceived as being advantageous to people with a particular religious belief; referred to unbalanced religious or non-religious curricula in teaching; and suggested that Christian students were advantaged relative to other students holding other religious beliefs in the timing of holidays. Among service providers, there were also participants who perceived teaching to be one-sided or said that teaching materials had been censored in order to avoid causing offence to particular groups.
- **Health services.** A number of service users discussed health service admissions and patient appointment reminder procedures which excluded or disadvantaged some groups; less favourable or inappropriate access to health services; poor staff attitudes towards religious and/or LGB patients; and forms of dress, such as the hijab, that some considered inappropriate for certain contexts.
- **Social care and social services.** Some service users considered that social workers were unfairly judging potential adopters of children because of their religious beliefs. Others felt that there was a limited availability of care homes which were not run with a religious ethos.
- **Leisure services.** Among Christian participants, some service users felt excluded from sports events on Sundays, while others were critical of libraries for not stocking particular Christian publications.
- **Shops and restaurants.** Some service users argued that food and drink products (e.g. halal, vegan and kosher foods or alcohol) were inadequately labelled in shops and restaurants. Restricted opening hours for religious reasons were also criticised.
- **Police and criminal justice.** Some service users complained that the police dealt with noise caused by religious festivals more leniently than other noise complaints. Some non-religious participants argued that they felt they received worse treatment in court because they refused to swear Christian oaths.
- **Housing.** A few participants reported that tenancies were refused to non-religious people. Others said that signing legal documents under oath was inappropriate for non-religious people.
- **Transport.** Among service users it was mentioned that pupils had been denied access to school buses because of their religious denomination; conversely, others reported that Christians had preferential treatment in town centre parking on Sundays.

- **Other services.** Participants in the call for evidence also mentioned the exclusion of LGB people from religious communion; the assumption by default that funerals should be religious; and that the media is either too religious or too secular.

How far service users and providers experienced a sense of unfairness or discrimination was also affected by the extent to which:

- Service users, clients or customers could **go elsewhere** if they experienced unfair treatment or discrimination.
- Providers who experienced discrimination had **other potential customers**.
- Religious and other beliefs were **expressed in positive and respectful, or negative and forceful**, ways to others.

Funding for organisations with a religious ethos

A group of service providers with a religious ethos were concerned that their ability to contribute to society was being undermined by a reduction in public and private charitable funding in voluntary and community settings. Some believed they had been excluded from funding opportunities because they were faith-based organisations or because the contracting organisation assumed that they could not serve the whole community in an inclusive way. Suggestions to address this included:

- Promoting better awareness of the social good that religious organisations achieve.
- Discussing with local authorities how best to support religion or belief needs in the local community.
- Building relationships of trust with funders.
- Emphasising the outcomes achieved through past provision.

More generally, service providers called for improved guidance on procurement and contracting processes.

Views on the effectiveness of current legislation

Differing views on a pluralistic approach to religion and belief

Views about current equality and human rights legislation tended to differ depending on whether participants felt that protection of a wider, more 'plural' range of religions and beliefs – including having no religion or belief – was a positive or negative development. Some Christian respondents and those from other religions or who held non-religious beliefs tended to see protection of a wide range of religions and beliefs as a positive development. By contrast, some evangelical Christians felt that Christian beliefs had lost their place in society and that this made it more difficult for them to express these beliefs in the workplace and in service delivery. Different factors were highlighted depending on how a plural approach was viewed:

- **Wholly positive development.** Current equality and human rights legislation was seen by a range of participants as creating greater recognition of the diversity of religions and beliefs in society in order to achieve greater equality between them. The legislation also offered protection for the first time to people without religious beliefs.
- **Partly positive development.** This opinion was broadly similar to the 'wholly positive view', but its adherents argued that the pluralistic approach had not gone far enough (for example, non-religious categories and beliefs were not covered when information was being collected, and other religious and non-religious contributions were ignored in remembrance ceremonies). Another view held by participants from minority religions was that the overall legal framework was good but that there was continuing perceived discrimination and unfair treatment in a number of situations.
- **Loss of status.** This view was particularly expressed by a group of Christian employers, service users and providers who formed one of three groups:
 - The first group felt that there was **less respect for religious beliefs** and/or for Christianity and that the legislation had had the unanticipated consequence of making it more difficult to express their views in positive ways. Some participants had set up single or multi-faith groups in their workplaces to try to counter this perceived trend.
 - The second felt that they or their employees **should be able conscientiously to object to specific aspects of equality legislation**, such as marriage of same sex couples, the discussion of other religions and sex education in schools.

- The third **wanted to be able to discriminate** on the basis of their religion in employment (for example, when recruiting new staff) and when providing goods, services and facilities.

Other views of effectiveness

One view was that the current legal framework was **effective** because it provided a single robust framework for dealing with discrimination and inequality. Another view was that the regulation and implementation of the framework were **less effective**, either because the EHRC lacked sufficient enforcement powers, or because of the introduction of Employment Tribunal fees and reductions in Legal Aid. The ability of companies to dissolve and re-open under a new name to avoid paying damages for discrimination was also mentioned.

One suggestion to improve the effectiveness of the current situation was better signposting to, and navigation of, practical guidance, including the compilation of checklists of factors that employers or service providers should take into consideration. Greater clarity on how to make complaints, especially in relation to the provision of goods, services and facilities, was also required