

# 12CP BARRISTERS EMPLOYMENT

FACT 10

## RELIGION AND BELIEF IN THE WORKPLACE

Respecting people's religious and philosophical beliefs at work can be more challenging than it might seem. Different employees show their beliefs in different and often complex ways; sometimes by means that do not seem compatible with genuine business requirements such as uniform policies or hours of work

Sometimes, respecting the rights of an employee's religion is in conflict with rules or policies designed to protect the rights of other employees, such as those of homosexual employees or those of a different religion.

Employers need to be aware of both the protections against discrimination on grounds of religion or belief in the Equality Act 2010 and the rights afforded to employees to manifest their religion under the Human Rights Act 1998.

Recent domestic and European case law suggests that where rules or policies potentially place restrictions in practice on employee's rights to express their religion, employers need to be able to 1) point to a legitimate aim behind such a rule or policy and 2) show that the rule or policy was a proportionate means of achieving that aim. All employers would be well advised to review any policy that might touch upon religious freedoms, such as those dealing with uniforms, in the light of this guidance.

If in doubt seek advice as this is another area where compensation is not capped and mistakes can prove costly. We can help you ensure that employees are treated with dignity and respect whilst still maintaining important business objectives. Help can also be found at [www.equalityhumanrights.com/advice-and-guidance/your-rights/religion-and-belief/](http://www.equalityhumanrights.com/advice-and-guidance/your-rights/religion-and-belief/)

