

ITEM FOR STAFFING COMMITTEE – 23 APRIL 2014

PROPOSED POLICY ON RELIGIOUS OBSERVANCE DURING WORKING HOURS

Submitted by: Executive Management Team

Portfolio: Finance and Resources

Purpose of the Report

To obtain the Committee's approval for a proposed policy regarding arrangements for employees in respect of religious observance during working hours.

Recommendation

That the policy detailed at Appendix A be approved.

1. Background/Issues

1.1 The Borough Council aims to fulfil its responsibilities as an equal opportunities employer and to create a working environment based on good relations between all employees with a shared commitment to respecting dignity and diversity.

1.2 To this end, it is recognised good practice to have a policy in place regarding the arrangements relating to religious observance during working hours and the development and implementation of such a policy has been approved by the Staffing Committee as part of its agreed work schedule.

1.3 Legal advice received regarding the provision of washroom facilities/designated Quiet Rooms is as follows:

"You are not obliged to have to provide washroom facilities near the designated quiet room.

As you are not obliged to provide a quiet room (although it is good practice to consider this), it is also your choice whether you want to provide a quiet room at each site or have one room for all sites (presumably much will depend on how large the room is and whether it can accommodate the numbers of staff you anticipate will use it). The same would apply to those employees based at other sites; you would need to decide whether to provide these facilities or not and it will probably be dependent on whether it is possible or not."

1.4 It is considered that any quiet room facility provided at the Civic Offices could also be made available to employees of partner organisations based in the building. A copy of the proposed policy is attached at Appendix A.

1.5 The trade unions were provided with a draft copy of the policy on 7 March 2014. Their view is that their support for implementation of the policy would be dependant on quiet room facilities being provided at all of the council's workplaces.

- 1.6 The proposed policy was considered by the Employees Consultative Committee on 24 March 2014. The Committee recommended that the policy be adopted. The trade unions were of the view that the policy should only be adopted if 'quiet rooms' were provided at all workplaces.

2. Legal and Statutory Requirements

- 2.1 The council is not required by law to have a policy on religious observance during working hours and is not obliged to provide 'quiet room' facilities. However, it is recognised good employment practice to do so and to provide quiet room facilities where practicable and this is in accordance with the Equalities Act 2010.

3. Equality Impact Assessment

- 3.1 Not having a religious observance at work policy in place could be detrimental to some categories of employees.

4. Financial and Resource Implications

- 4.1 'Quiet Rooms' will only be provided where appropriate space is available and it is practicable to do so.
- 4.2 There may be some minimal resource required to administer room bookings but it is anticipated this will be undertaken from within existing clerical resources.

5. Major Risks

- 5.1 None identified.

6. List of Appendices

Appendix A – Proposed Policy on Religious Observance During Working Hours

7. Earlier Committee Resolutions

Employees Consultative Committee – 24 March 2014

**POLICY ON RELIGIOUS OBSERVANCE
DURING WORKING HOURS**

DRAFT

Version 6
March 2014

Introduction

Newcastle under Lyme Borough Council supports people with different religions and beliefs and aims to protect them against discrimination. It will seek to create a working environment based on good relations between all employees with a shared commitment to respecting dignity and diversity.

It will encourage its employees to respect the freedom of individuals to live their life in accordance with their beliefs without discrimination.

The aim of this policy is to ensure that the rights of individuals of different religions and beliefs are fairly and reasonably balanced against the council's service delivery needs.

Scope of Policy

The policy applies to all employees of any religion or belief. However, employees have no right to force their beliefs on others. Any attempt at canvassing, coercion or bullying of others to comply with a particular belief will be dealt with under the council's Workplace Bullying and Harassment Policy and Procedure and the appropriate disciplinary action will be taken. For example; distribution of hate literature, propaganda or making offensive remarks.

This Policy has been assessed for its impact on equality issues using the Service Impact Assessment Toolkit, the results of which have been published separately. Findings from the assessment have been used to develop the policy.

It is the council's policy to ask all employees, on a voluntary basis, to disclose their religion or belief so that any religious needs can be assessed and fair consideration given to what facilities and arrangements it might reasonably provide for staff. While no employee is obliged to disclose their religion, belief or religious practices, employees are encouraged to do so for this reason and for equalities monitoring purposes. Information held will be kept confidential, published only in a manner that does not disclose the religion or belief of any particular individual and in accordance with the requirements of the Equality Act 2010.

Religious Observance and Hours of Work

All employees, regardless of religion or belief, are required to work their contracted hours and follow the reasonable instructions of management to maintain the delivery of services to residents and the undertaking of the council's public functions.

Managers should make every reasonable attempt to ensure that those whose religion requires them to pray at certain times during the day are free to do so and on request, should alter an employee's working pattern so that start/finish times are varied and breaks can be granted at times that coincide with their needs for religious observance. For example, an extra hour at midday on Friday, or not to work beyond sunset on Friday, or on a Saturday should be accommodated taking into account the needs of the service and whether or not such arrangements might cause disturbance or disruption to other members of staff and/or their work or work patterns.

Such time off will normally be via the Flexible Working Hours Scheme or, if appropriate, by taking annual leave, lieu leave or unpaid leave (eg, leave for days that are of religious significance).

Employees that have particular prayer requirements should put in a written request to their manager who will try to ensure that the Quiet Room is a suitable place for prayer and is

available when required.

Leave for Religious Festivals

Every effort will be made to accommodate employees that want to use some of their annual leave entitlement on days that are of religious significance to them. Such requests will be prioritised and granted in line with the needs of the service. Requests will also be balanced against the priorities and rights of other employees.

However, where an employee requests time off at a particularly busy time or at a time when the employee's absence would otherwise cause difficulties for the service, or where the amount of time off requested is unreasonable or excessive (taking into account the needs of the service), the council reserves the right to refuse to grant some or all on any of the time off requested.

Quiet Room

The council will provide dedicated Quiet Rooms at the Civic Offices and the Knutton Lane Depot for contemplation and prayer which is available to all employees. Employees who choose to use the room provided for the purposes of quiet contemplation or rest are requested to respect the rights of other individuals to observe their personal religion or beliefs.

Consideration will be given to arrangements being put in place to make any Quiet Room facility provided at the Civic Offices available to employees of partner organizations who share the building.

Employees who wish to use the room for the reasons stated above are entitled to do so whenever it is vacant. See Appendix A 'Use of the Quiet Room'.

Grievance Procedure

Any member of staff who feels their request has not been treated fairly and in accordance with this policy should firstly try to resolve the matter through discussion with their manager. If the matter is unresolved the employee should follow the council's Grievance Procedure.

Related Policies

- Workplace Bullying and Harassment Policy
- Code of Conduct
- Flexible Working Hours Policy
- Disciplinary Procedure
- Grievance Procedure
- Recruitment and Selection Policy and Procedure

Policy Review

This Policy will be reviewed as appropriate should there be any legislative changes or any other influencing factors.

Appendix A

Use of the Quiet Room

Employees requiring to use the room should firstly check its availability and book the room via HR (Operational Services Admin for Depot Quiet Room).

Employees who require anything for use within the room, e.g. a prayer mat, should provide this themselves. All personal items should be removed from the room after use and the room should be left clean and tidy.

There should be no religious items displayed on the walls.

The room should only be used for the purposes set out in this policy unless permission is given by management for use of a different nature. In normal circumstances this should not affect any permitted use as described in this policy.

All users of the room will be reminded to be respectful of other users.

Any enquiries or complaints about Quiet Rooms or their use should be sent to the Head of Human Resources.

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