

## **Annexe 4: Religion or belief guidance**

### **Context**

The NMC recognises the diversity that exists in all four countries across the United Kingdom in which it operates and acknowledges the variety of different religion and beliefs practised by its stakeholders and staff as a result of this diversity. The NMC employs approximately 250+ staff many of whom are from a range of religious backgrounds and thus recognises the need to ensure equality of opportunity exists for all employees, irrespective of their religion and/or belief (this includes non-belief).

The NMC also recognises the value in raising awareness of different faiths and practices and ensure this is reflected in staff development and training.

These Guidelines have been drawn up to:

- Provide staff (and those working on its behalf) with advice and guidance thus raising their awareness of faith issues whilst working with colleagues;
- Provide a reference guide on religion or belief that would assist the NMC to fulfil its statutory obligations towards registrants and stakeholders.
- Assist managers to implement employment practices which do not discriminate against employees on the grounds of religion or belief, including those who are not affiliated to any religion.
- Enable the NMC to consider how best to monitor its workforce on the basis of religion or belief to enable it to consider the impact of its policies and implement appropriate actions, thus ensuring the NMC continues to meet the needs of both registrants and staff.

More details on genuine occupational requirements, and a breakdown of religious festivals, dress code etc is available via the NMC website ([www.nmc-uk.org](http://www.nmc-uk.org)).

## **The guidelines**

These guidelines apply to all aspects of employment including recruitment, terms and conditions, promotions, transfers, dismissals and training, and make it unlawful on the grounds of religion or belief to:

- Discriminate directly against someone because they follow, or are perceived to follow a particular religion or belief
- Discriminate indirectly against anyone through policies, selection criteria, employment rules or any other practices that have the effect of disadvantaging people of a particular religion or belief
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone because of their religion or belief or the belief of those who the individual associates
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on the grounds of religion or belief.
- Discriminate against someone after the working relationship has ended.

### ***Genuine occupational requirement***

In very limited circumstances, exceptions may be made for an employer to treat people differently if it is a *genuine occupational requirement* that the job holder must be of a particular religion or belief. When deciding if this applies, it is necessary to consider the nature of the work and the context in which it is carried out. In the context of the work of the NMC, it is unlikely that this requirement will be exercised without rigorous justification.

When deciding if this section applies, the NMC will consider the nature of the work and the context in which it is carried out. The NMC recognises that jobs may change over time in which case it will consider whether the requirement continues to apply particularly when recruiting. It is envisaged that this exception will only apply in very limited circumstances.

### **Human Rights Act 1998**

This Act brought into domestic legislation most of the European Convention on Human Rights. One of the Articles of this Convention is the right to freedom of thought, conscience and religion (Article 9). This is a qualified right, in other words, there are some exceptions with respect to it. But in general the effect of this legislation is that it requires public bodies, in the carrying out of their duties to take account, in a proactive way, the right of an individual to hold a religion and practice it.

### **Race Relations Act 1976**

In the United Kingdom, the Race Relations Act 1976 does not specifically mention religion, but ways have been found to provide limited protection under the Act to some religious groups, which have the characteristics of an ethnic group. The recognition of a religious community as an ethnic group provides them with protection from both direct and indirect discrimination. Sikhs and Jews are therefore protected

groups under the Act but Muslims, Hindus and Rastafarians are not. This is a complicated issue and religious groups should not be confused with ethnic groups.

### **Fair Employment (Northern Ireland) Acts 1976 and 1989**

Religion is defined as being any religion, religious belief or similar philosophical belief but not political belief. However, the Fair Employment (Northern Ireland) Acts 1976 and 1989 make it unlawful in Northern Ireland to discriminate on the grounds of religion and political belief. As a regulatory body that covers the four countries including Northern Ireland, the NMC will comply with this legislation.

### **Equality impact assessment of policies & procedures on the basis of religion**

All the NMC's functions, policies, strategies and procedures will be screened and assessed to determine their relevance to meeting the General Duties under the Race, Disability and Gender Equality Duties. As part of the NMCs commitment to implementing an inclusive equality impact assessment process, function and policies, etc, will be assessed to ensure they do not discriminate on the grounds of religion or belief.

### **Balancing religious requirements with organisational needs**

How do these guidelines apply to the NMC's statutory functions?

#### *Fitness to Practise*

In its role of assessing, monitoring and adjudicating on fitness to practise hearings, this Directorate will come into direct contact with registrants and members of the public who have made complaints. The Fitness to Practise Directorate will need to be aware and take account of the various religion and beliefs of both groups of people when setting up, conducting hearings (especially when asking registrants to take the oath) and communicating with them. Therefore the guidelines outlined below should be taken into account in these proceedings.

As well as having regard to the religion or belief of registrants, the NMC also provides a service to complainants by keeping them informed of the progress of proceedings, inviting them to attend and give evidence. The NMC will have due regard to the religion and faith of complainants when establishing meetings, avoiding where possible, dates on which they cannot attend due their religious observance.

### *Standards and registration*

A large proportion of NMC staff are involved in maintaining the NMC register of 689,000 nurses, midwives and specialist community public health nurses and ensuring high professional standards are maintained in order to protect the public. It is important that all staff within this directorate are not only aware of the different backgrounds, cultures and practices of the registrants, but to also have some knowledge of the different faiths and practices which would assist them to understand and cater for the individual needs of registrants or those making enquiries of those on the register.

### *Midwifery*

As a substantial part of this department's work is setting standards for local supervising authorities and statutory supervision of midwives it is important for staff to develop awareness of diverse cultures and the different faiths that exist in the four countries to cater for individual needs.

### *Critical support functions of the NMC*

Even though support functions of the NMC do not engage with registrants and members of the public in the same way as those mentioned above, nonetheless it is important to state that neither staff, nor those the NMC contracts with to undertake work on its behalf, will be permitted to discriminate against people on the grounds of their religion or belief.

### *Communication*

These guidelines will be made available to all members of staff, registrants and stakeholders.

The NMC is committed to eliminating and will not tolerate, any form of discrimination and will actively work to promote equality of opportunity throughout the organisation.

## **Areas of good practice**

### **Recruitment**

The Organisational Development Directorate will ensure:

- Advertising is best undertaken in a form that is accessible to a diverse audience;
- Be clear about the skills required when advertising posts and only set necessary selection criteria or standards, differentiating from those which are merely desirable or reflect the personal preferences of the selector; unnecessary selection criterion or standards which might prevent people from applying because of their religion or belief should be avoided;
- Allow flexibility around interview/selection processes avoiding significant religious dates. This information should be obtained from the applicant prior to interview;
- Ensure those involved in the selection and interview process receive relevant training on the employment equality (religion or belief) regulations and the requirements of the NMC.

Job interviewers should not expect all interviewees to shake hands as this could cause offence. Interviewers should be sensitive to this issue and should not draw a negative inference for an interviewee's reluctance or refusal to shake hands.

### **Time off for religious observance**

NMC employees are currently entitled to a fixed number of statutory holidays, which includes public holidays including Christmas and Easter. It is recognised that employees from other religious backgrounds or beliefs will wish to have time off for festivals related to them. Requests for time off for this purpose should be treated with the utmost seriousness, bearing in mind the significance of the event for the individual concerned. The employee should give reasonable notice of the required time off and this should be granted by the manager.

As good practice, senior managers should enquire if their staff have any religious requirements that the organisation needs to consider prior to setting annual team plans and workforce planning. It is the responsibility of the staff member concerned to provide as much notice as possible of their religious needs. Leave may be taken as annual leave, flexi leave [or TOIL (Time Off In Lieu)] as appropriate. Managers should be aware that many religious festivals do not have fixed dates and that the precise date may be known just days before the festival.

### **Religious observance at the NMC**

The following are some aspects to consider when arranging meetings, hearings, training events or interviews:

- Times within work schedules for religious observance, within reason;

- Special dietary requirements, for example kosher, halal and/or vegetarian food. It is always useful to provide a vegetarian option and to have options to pork and beef dishes;
- Be aware to avoid ice breakers and training activities that use language or physical contact that might be inappropriate for some beliefs;
- Avoid holding events during significant religious/belief festivals such as Ramadan, Rosh Hashanah and Diwali.

More guidance on certain religious observances are given below.

Although the NMC will aim to accommodate individual religious needs, this will be at the discretion of senior management taking into account the need to ensure organisational responsibilities are met.

### **Place of worship**

Although under the Regulations the NMC is not required to provide a prayer room, it is good practice to try to be aware that there may be a need to provide a space as and when required. This is particularly important when arranging conferences, seminars, meetings and hearings to which a diverse group of people have been invited.

Employees may also request time to pray and in some cases it may be possible to accommodate this request within the workplace e.g. allowing short periods of time in a quiet space/ prayer room for pray. If an employee requires to leave work early on a regular basis for the purposes of prayer, a request should be made to the manager who should consider the request.

Where an employee requests a quiet and private space in which to pray, managers should try wherever possible to facilitate this.

### **Dress**

The NMC recognises that some people from different faiths may wish to wear clothing consistent with their beliefs. Flexibility and reasonableness may be required by managers in exercising their discretion in relation to this issue, and further guidance should be sought from the OD/HR/E&D Directorate.

Employees should be able to dress in a way that reflects their culture, religion and identity and with which they are comfortable. Employees from all backgrounds will be expected to dress in a manner that does not conflict with Health and Safety requirements.

No employee should be stereotyped or discriminated because of their cultural dress. Negative stereotyping should be challenged through training, discussion and briefings.

## **Dietary requirements**

Many people will have dietary requirements related to their religion. The staff canteen will work to ensure that there are food options that will meet the needs of all employees.

Meeting organisers should ensure that where food is being provided at any meeting or event, a range of options is available that will meet the needs of those attending. In all cases, different foods, such as halal, pork and vegetarian dishes should be separated and clearly labelled. It is the responsibility of the person organising the meeting and ordering the food to ascertain the needs of participants and ensure dietary requirements are properly met.

Some employees may not attend meetings where alcohol is being served. This should be considered in terms of the target group attending any function and wherever possible the serving of alcohol should be avoided.

Employees organising any social events should be as inclusive as possible, bearing in mind cultural and religious diversity within the workforce.

Some religions require extended periods of fasting. Managers should consider how they can support staff through this period.

## **Cultural issues**

Cultural practices may be related to religious background or to ethnic/family background and can vary enormously even within particular religious or ethnic groups. It is important that employees are respectful of each other's cultural backgrounds and do not judge the behaviour of others in terms of a particular cultural 'norm' or standard.

## **Compassionate leave**

For some religions/beliefs there may be a long period of mourning. Employees from particular faiths may need to arrange or attend a funeral overseas which may necessitate an extended period of leave from work. Employees will be entitled to compassionate leave of up to three days under the Authorised Absence Policy which also allows for extension of this period in 'extenuating circumstances' at the discretion of the Chief Executive. Beyond that employees will need to take annual leave and/or unpaid leave, to be negotiated with their Line Manager.

## **Handling complaints**

The NMC has a formal disciplinary and grievance procedure in place for employees and members of the public affected by any form of discrimination, victimisation or harassment. This can be made available on request from the OD/HR Directorate or can be found on the NMC's intranet and internet sites.

## **Other useful sources**

- ACAS (The Advisory, Conciliation and Arbitration Service) – this provides a comprehensive confidential service, answering questions on employment rights and work related matters. <http://www.acas.org.uk>