

**Joint Agreement on Guidance for Religion or Belief
Equality in Employment in Further Education Colleges**

Between

The Association of Colleges (AoC)

And

Association for College Management (ACM)

Association of Teachers & Lecturers (ATL)

GMB

Transport & General Workers' Union (T&G)

UNISON

University and College Union (UCU)

January 2008

1 Introduction

- 1.1 This Joint Agreement on Guidance has been developed to support Colleges to meet their legal obligations under the Employment Equality (Religion or Belief) Regulations 2003 [SI 2003/1660], which make it unlawful to discriminate against employees, applicants and former employees on grounds of religion or belief. The Regulations implement the aspects of the EC Equal Treatment Framework Directive [No.2000/78] which sets out a framework for eliminating discrimination in employment, or occupational inequalities, based on religion or belief.
- 1.2 Religion means any religion and belief means any religious or philosophical belief. References to religion or belief include where an individual has a lack of religion or a lack of belief. Those with no religion or belief are therefore also covered. Throughout this guidance these terms will be covered by the single term 'belief systems'.

2 Our Commitment

- 2.1 The College celebrates and values the diversity brought to its workforce by individuals, and believes that the College will benefit from engaging employees from a variety of religious or non-religious backgrounds, and with a range of belief systems thus allowing it to meet the needs of, and provide positive role models for, a diverse student population within a multicultural society. The College is committed to equality of treatment for all employees. This will apply to the operation and implementation of all its employment policies. The College aims to treat all employees with respect and dignity, and seeks to provide a positive working environment free from discrimination, harassment or victimisation on the grounds of religion or belief.
- 2.2 The College undertakes to eliminate discrimination on the grounds of belief systems, whether overt or covert. Its aims should be to create a positive inclusive ethos where issues of stereo-typing and discrimination can be discussed openly with a shared commitment to challenging and preventing discrimination, respecting diversity and difference, and encouraging good relations between people of different belief systems.
- 2.3 Although this guidance refers to 'employees' throughout, the College recognises its wider responsibilities to provide a dignified and positive working environment free from discrimination on grounds of religion or belief for all who work on the College premises.

3 Legal Duties

- 3.1 The College undertakes to fulfil all the legal duties established by:
 - the Employment Equality [Religion or Belief] Regulations 2003 ["The Regulations"]; and
 - the Equality Act 2006 ["the Act"].

- 3.2 This legislation makes it unlawful to discriminate against employees, either directly or indirectly on the grounds of religion or belief in all aspects of employment (refer to Section 4) and the provision of goods and services.
- 3.3 The College should be aware of the range of other legislative provisions which relate to religion or belief discrimination, including:
- the EC Framework Directive for Equal Treatment 2000/78/EC;
 - the Human Rights Act 1998, protects the right of freedom of ‘thought, conscience and religion’;
 - the Protection from Harassment Act 1977;
 - the Employment Act 1989, which exempts male Sikhs from wearing protective headgear in certain circumstances; and
 - the Crime and Security Act 2001, which creates a new category of “religiously aggravated” criminal offences, including religiously aggravated harassment.
- 3.4 The law protects individuals from discrimination on grounds of religion, religious belief and philosophical belief. Ultimately it will be up to the Courts and Tribunals to decide which religions or beliefs are covered by the legislation so it is not possible to provide definitive guidance. However, those listed in the appendix attached are some of the most commonly practised religions in Britain (Source: ACAS Guidance Religion or Belief and the Workplace). They are listed in alphabetical order for ease of reference. However, there are many more and this list should not be considered to be exhaustive. The same ACAS guidance also makes it clear that belief systems, such as humanism, are covered by the law.

4 Meeting the legal duties

4.1 Recruitment and Selection

The College will not discriminate on grounds of belief systems in the way it recruits and selects employees.

4.2 Training and Promotion

The College will ensure that all employees regardless of their belief systems have equal access to training, promotion and other aspects of career development.

4.3 Dismissal

The College will ensure that there is no discrimination on the grounds of belief systems in relation to dismissal of employees. In particular, should a redundancy occur, it will ensure that religion and belief is not a factor in the selection of those to be made redundant.

4.4 **Bullying and Harassment**

Bullying and harassment on the grounds of religion or belief should be viewed by the College as a very serious disciplinary offence, which may in certain circumstances lead to dismissal, or, if an employee is harassed by a student, the expulsion of that student.

4.5 **Terms and Condition of Employment**

The College will ensure that any benefits [facilities and services] which it offers to employees will be equally available to all, regardless of their belief systems.

4.6 **References**

The College should ensure that, where a reference is provided to employees who are leaving, it will not be influenced in any way by the belief systems of the departing employee.

5 **Ensuring Equality**

5.1 The College values all its employees equally, and should endeavour to create an environment in which all employees, whatever their belief systems, feel equally valued and welcome, and where discriminatory behaviour is not tolerated. This policy is based on the principle that all employees have a right to their own belief system, but no right to enforce it on others.

5.2 The College is committed to a working environment in which everyone is treated equally and with respect. The College will aim to eliminate discrimination on the grounds of belief systems in its structures and employment practices as well as to encourage change in individual behaviour, and ensure equality of opportunity and treatment for all employees regardless of their belief systems.

5.3 The College environment, in terms of its pictures, images, publicity materials, literature etc. should aim to present images that promote diversity, including diverse religious and cultural backgrounds.

5.4 Abuse, harassment or bullying on the grounds of belief systems (e.g. name-calling, derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) are serious disciplinary offences, and will be dealt with under the appropriate procedure.

5.5 Written materials, graffiti, music or speeches directed against any particular belief systems with the aim of vilification or incitement to hatred and violence will not be tolerated. The College undertakes to remove any such material whenever it appears.

5.6 The College recognises that the right to freedom of thought is absolute, but the right to manifest beliefs is qualified by the need to protect the rights and freedoms of others. Any attempt at coercing others to comply with a particular belief system, for example through distribution of literature, threats or offensive remarks will result in disciplinary action. The College

acknowledges that atheists and agnostics have as much right to employment protection and respect for their beliefs as do adherents of religions.

- 5.7 Issues of belief systems should be included in all equality training and internal attitudinal surveys, monitoring of complaints etc. The results of monitoring will be published.
- 5.8 The College should provide space, if available, for employees who wish to meet to share religious experience during break times as long as no attempt is made to convert or recruit others at work, or to pressure other employees to join in.

6 Monitoring (optional clause)

Although not a requirement of the Regulations in England and Wales, colleges may wish to consider monitoring religion or belief. Colleges in Northern Ireland are subject to s.75 of the Northern Ireland Act 1998, which places a statutory duty on them to monitor equality of opportunity on various grounds, including religion or belief.

- 6.1 The College is committed to ensuring that it is making progress in achieving equal treatment for employees regardless of their belief system. To ensure that progress is made, it may undertake monitoring of the following in relation to belief systems:
- Job application and selection success rates;
 - the take up and outcomes of grievance and harassment procedures;
 - the content of equality training;
 - a question in anonymous employee attitude surveys;
 - information from exit interview;
 - language and images used in internal and external communication.
- 6.2 The College recognises that there is no legal obligation to monitor individual employees regarding their belief systems. It undertakes to keep the question of whether such monitoring should occur under review with the recognised trade unions and other relevant employee groups. If it is agreed to undertake such monitoring it will be explained to employees that there is no legal obligation to answer the question, that the results will be used to combat discrimination, and that the information is entirely confidential.
- 6.3 Once the results of any monitoring are available, the College will consider relevant action to reduce any disadvantage suffered by employees of any particular belief system.

7 Facilities

- 7.1 The College should be mindful of cultural and religious norms in relation to dress. The wearing of items arising from particular cultural/religious norms [e.g. hijab, kippah and mangal sutra] is seen as part of a welcome diversity of

styles and cultures within the College; however they need to satisfy health and safety requirements.

- 7.2 The College should provide, if possible, a quiet space for prayer/contemplation, with suitable washing facilities nearby, for the use of employees and students regardless of their belief systems.
- 7.3 Everyone is required to work according to their contract of employment, including the number of days of annual leave overall and the annual hours worked. Where an employee makes a request for annual leave for a day related to a belief system, every attempt should be made to meet the request taking into account the needs of the college.
- 7.4 The College should treat sympathetically requests for unpaid extended leave of absence for religious purposes, such as pilgrimages, births, weddings, deaths in another country etc. Such requests will be granted if reasonable and practicable and in line with the needs of the business.
- 7.5 The College should undertake to assess the demand [from employees and students] for food that meets religious dietary requirements [e.g. vegetarian, kosher, halal] by monitoring employees and students on this issue at the start of each academic year.

8 Division of responsibilities

8.1 Governors are responsible for ensuring that:

- People with different belief systems are given an equal opportunity to be members of the Corporation, and in the event of significant under-representation of any group, the Corporation should consider what steps can properly be taken to address that under-representation.
- The College's strategic plan includes a commitment to religion or belief equality;
- Equality training features as part of the College's strategic plan;
- They are aware of the Corporation's statutory responsibilities in relation to religion or belief..

8.2 Managers are responsible for ensuring that:

- the College Principal/Chief Executive and Senior Management Team are responsible for taking the lead in creating a positive, inclusive ethos that challenges inappropriate or discriminatory behaviour;
- they are aware of the College's statutory duties in relation to religion or belief;

- all aspects of College policy and activity are sensitive to issues of religion or belief;
- the procedures for the recruitment and promotion of employees enshrine best practice in equal opportunities;
- the College's publicity materials present appropriate positive and non-stereotypical messages about people from diverse religions and with a diverse range of beliefs;
- appropriate training and development is provided to support the appreciation and understanding of diversity in relation to religion or belief.

8.3 Employees are responsible for ensuring that:

- they are aware of the College's statutory duties in relation to religion or belief;
- they may challenge or where appropriate should report inappropriate behaviour by learners, work placement providers, outside contractors or other employees, whether intentional or unintentional;

9 Publicising policy and progress

9.1 To the public (including learners, work placement providers and employees):

- College's commitment to equality, including equality on the grounds of religion or belief, should be highlighted in prospectus, annual reports and annual financial statement.
- A summary of the reports of monitoring information (where applicable) could be included in annual reports and annual financial statements, where this does not breach individual confidentiality.

9.2 To employees:

- All employees will have access to or receive a full copy of the policy.
- The employee induction programme should highlight the College's commitment to equality on the grounds of religion or belief, action to be taken by employees who suffer discrimination and the action to be taken against any perpetrators of such discrimination.

10 Complaints

10.1 The College should seek to provide a supportive environment for employees who make claims of discrimination or harassment.

- 10.2 Acts of discrimination, harassment, victimisation or abuse on grounds of religion or belief will be treated as a serious disciplinary offence.
- 10.3 Employees who feel they are being discriminated against on grounds of their religion or belief should raise the matter under the Harassment or Grievance Procedure.
- 10.4 If, in the course of their work, employees suffer discrimination on grounds of their religion or belief from members of the public, the college should take appropriate action and provide appropriate support.
- 10.5 Any behaviour of a discriminatory nature on the grounds of religion or belief directed against employees by students should be dealt with under the appropriate disciplinary procedure.

11 General

This Joint Agreement on Guidance should not be read in isolation, but cross-referenced with all relevant College employment policies and other policies agreed by the corporation.

12 Review and consultation

- 12.1 This Joint Agreement on Guidance should be reviewed on a regular basis in accordance with legislative developments and the need for good practice.
- 12.2 As part of the review the [Equality Forum] will seek and take into account the views of stakeholders including the consultation/negotiating arrangements within the College, and appropriate equality bodies, e.g. CEHR.

13 Implementation



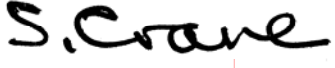




- 13.1 The College, working in partnership with the recognised trade unions and employee representatives, should seek to ensure that all employment policies and procedures (e.g. Recruitment and Selection Procedure) are non-discriminatory, and that monitoring and positive action processes are regularly reviewed and monitored.

14 Definition of Joint Agreement

The Agreement on this guidance is intended as a recommendation to Colleges on ensuring equality on grounds of religion or belief in employment practices.

JOINT AGREEMENT ON GUIDANCE FOR
RELIGION OR BELIEF EQUALITY

SIGNATURES OF THE PARTIES TO THIS
AGREEMENT:

AoC	
ACM	
ATL	
GMB	
TGWU	
UNISON	
UCU	

Date of Commencement of this Agreement:
January 2008