

Ramadan – employment issues



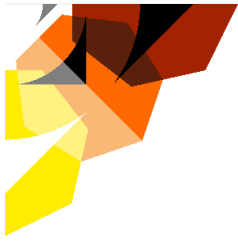
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During the Islamic holy month of Ramadan, practising Muslims will fast from sunrise to sunset for a period of 30 days. This InBrief looks at the issues employers need to be aware of during Ramadan and how they can support their staff.

What is Ramadan?

Ramadan, the ninth month of the Islamic calendar, is celebrated by Muslims throughout the world. It is a holy month and a time for prayer, reflection, family and community. During Ramadan Muslims fast during daylight hours: between sunrise and sunset. While fasting they abstain from any food and drink (including water). At sunset, the fast is broken by iftar. During iftar, family (including children) and members of the community celebrate together eating a range of traditional foods. Before sunrise on the next day, suhur, a pre-dawn meal is eaten.

Ramadan ends with Eid-al-Fitr at the start of the following month. During Eid, after prayers, Muslims celebrate the ending of the month of fasting, children are given presents and families and local communities visit each other or meet up. Eid starts at sunset on the night of the first sighting of the new moon. It is celebrated over one to three days, though one day is more typical in the UK. The day after the start of Eid is normally taken as a holiday.

Although Ramadan is a joyful time, those celebrating it will have long days, particularly if they are involved in preparing the suhur. Those that are employed may be tired and may find that the fasting affects their work, particularly later in the month.

When is Ramadan?

The Islamic calendar is based on lunar months and, as mentioned above, Ramadan is the ninth month. Looked at from the perspective of the standard solar (Gregorian) calendar, its timing varies by ten to eleven days each year. In 2022, Ramadan will start in early April; by 2030 it will start in early January.

Because fasting takes place during hours of daylight, the longer those hours the greater the impact. In northern Europe the impact will be greatest when Ramadan occurs in the summer.

Practical steps to support employees during Ramadan

Although there are various steps that may be taken to support employees, employers should not assume that all Muslim employees will observe Ramadan in the same way or that those who are fasting will want their employer to make special arrangements.

Employers should seek to create an environment in which employees feel able to tell colleagues and managers that they are fasting. They should be open to discussing whether fasting has an impact and encourage employees to suggest any measures that may be helpful.

Working hours and breaks

Employees who are fasting from sunrise to sunset may feel tired and less productive towards the end of the working day. They may prefer to start and finish work earlier.

Employees may wish to work during their lunch break (or part of it) so as to be able to leave early. If they feel tired, they should be encouraged to take frequent breaks, particularly if they are engaged in routine and monotonous work. Although employees may want to work through their breaks, an employer should bear in mind the working time requirement for a break of at least 20 minutes during any period of work that lasts six hours or more.

Business lunches and meetings

If an employee is expected to attend business lunches while fasting during Ramadan, that has the potential to cause an obvious issue. Employers should not make such an employee feel pressured into attending. But they should avoid making assumptions - for example, that a Muslim employee will not want to attend. The best approach may be to ask a question in a sensitive way or to fix the business lunch at a different time.

For other meetings, something as simple as avoiding having biscuits on the table could demonstrate sensitivity to a Muslim colleague's observance of Ramadan.



Leave requests

Employers may receive requests to take holiday during Ramadan and, in particular, at the end of Ramadan during Eid. Where Ramadan falls during summer months, this may give rise to operational difficulties because there may already be significant numbers of staff requesting annual leave. Employers should try to ensure that staff are able to take time off. For many, Eid is to Muslims as Christmas is to Christians. If you do not expect staff to work on Christmas Day, you should not expect Muslim staff to work during the celebration of Eid.

The start of Eid is dependent on the sighting of a new moon which might be affected by cloud-cover. So, employees may not always be specific about the exact dates that they wish to take leave. In practice, most Muslims wait for an official sighting of the new moon (as confirmed by their local mosque) rather than looking at the sky themselves. Eid will be celebrated the next day. Employers should be aware of the possibility that holiday requests may be changed at the last minute.

Monitoring performance

Although most Muslims are well practised at coping with the demands of Ramadan, if output is closely monitored there may be a drop in performance towards the end of the working day, particularly as the month proceeds. Employers should ensure that line managers are aware of the potential impact and should consider whether it is appropriate to make allowances for any downturn in performance, particularly where performance data forms part of an annual appraisal or affects matters such as annual bonus, promotion or career progression.

Recruitment

Job applicants who are fasting may prefer to have an interview scheduled during a morning rather than an afternoon when they may have been fasting for

several hours. Employers should try to accommodate reasonable requests when scheduling interviews.

Prayer room

Aside from fasting, Ramadan is a time when Muslims reflect on their faith. They may pray more than would be usual during the rest of the year. If requested, employers should consider offering a quiet space where staff may pray undisturbed. It should be available to all staff, regardless of religion. Muslim men and women pray separately. It may be necessary to provide a screen or to allocate different times for use of the room.

Discrimination issues

Religion is a protected characteristic under equality legislation. Although there is the potential for a claim of direct discrimination, harassment or victimisation, in the context of Ramadan a claim of indirect discrimination seems most relevant.

In relation to religion, indirect discrimination occurs where a practice or policy – such as start and finish times, hours, holiday procedures and pretty much any arrangement associated with work – applies to everyone but particularly disadvantages a group of people who share a religion (e.g. Muslims). The practice or policy will be unlawful unless the employer can show that it has a legitimate aim and that applying that practice or policy is a proportionate means of achieving that aim.

In most cases, as long as there is a genuine business need, an employer will be able to jump the first hurdle by showing that a potentially indirectly discriminatory practice or policy has a legitimate aim.

The real issue then becomes whether or not the practice or policy is proportionate. This involves a balance between the effect of the practice or policy and the reasons for applying it (which may include the impact on other staff).

A key question is often whether the aim of the practice or policy can be achieved in a way that lessens or removes the discriminatory impact.

There are no formal rights to adjustment of hours, to a prayer room or to leave work during Ramadan or over Eid. But an unreasonable refusal risks a claim of discrimination, particularly if there has been no consideration as to whether an exception to a practice or policy might be made. The best advice is to discuss things in an open way, to be flexible and reasonable and, if the employer decides not to modify a practice or policy to be clear why it is doing so – and what the consequences of modifying it would be.

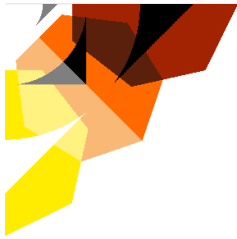
Note that direct discrimination (which cannot be justified) may occur where an employer fails to make allowances for followers of one religion but does make allowances for others. For example, allowing Jewish workers time off for prayer but not Muslim workers. Inappropriate comments or jokes about those who are observing Ramadan will also be unlawful harassment related to religion.

Religious observance policies

Employers should consider developing a specific policy on religious observance. This can help formalise the employer's approach to dealing with the practical issues outlined above. It will also provide a useful resource for both line managers and employees.

This policy should deal with the employer's approach to all religions. For example, it should cover the extent to which Jewish staff observing the Sabbath can adjust their work schedule in order to get home before sunset.

More generally, employers should raise awareness of the existence of different groups that celebrate at different times throughout the year. Diversity training can be part of this, but even something as simple as placing a calendar of religious events on the staff noticeboard or intranet can help.



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