



Cultural diversity in the workplace

> A guide for employers working with Muslim employees

Employers have a responsibility to make sure that people who work with you are treated fairly and with respect. This can require flexibility to accommodate people of different religions and beliefs.

Do you manage or work with Muslims?

This guide explains some common Islamic practices such as daily prayers, observance of Ramadan, wearing the hijab, beards and halal dietary requirements. Accommodating these practices for Muslim employees will help you meet your obligations under the *Equal Opportunity Act 2010*.

A better understanding of different religions and cultures can help you to meet your legal obligations and attract and retain the best possible staff – whatever their religion or belief.

This is general information only. It's important to bear in mind that people practice their faith in different ways and you shouldn't assume that every Muslim's behaviour is influenced by their religion. It's best not to make assumptions about what people need or do. Take an open approach and let your employees know you are happy to talk about any needs they have.

What is discrimination?

The Equal Opportunity Act protects people from discrimination in a variety of areas of public life. Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as:

- race, including nationality and ethnicity
- religion
- age
- sex
- disability.

Discrimination is against the law in areas of public life including employment, which covers full-time, part-time, casual and contract work and work paid by commission.

The law prohibits discrimination at all stages of the employment process, including:

- recruitment
- terms of employment
- access to training or opportunities for promotion or transfer
- being dismissed, retrenched or demoted for a discriminatory reason.

The Equal Opportunity Act has introduced a positive duty requiring all organisations covered by the law – including employers – to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation

Instead of allowing organisations to simply react to complaints of discrimination when they happen, the Act requires people to be proactive and take steps to prevent discriminatory practices.

For more information about the Equal Opportunity Act, please contact the Commission.

The following information explains some Islamic practices that may be relevant in the workplace.

Prayer

Praying at work

It is common for Muslims to pray five times a day, the first just before sunrise and last around two hours after sunset, each prayer taking about five minutes.

In a normal workday (9am to 5pm), Muslims generally pray twice at work, at lunch time (1pm) and late afternoon (4pm). Before prayer, Muslims must wash their faces, hands and feet with clean water. Worship may be performed in any quiet, dry, clean place.

Friday congregational prayer (Juma)

Friday is the day for congregational worship, called Juma. Prayer takes place at a mosque during the noontime prayer and includes an address or sermon, and lasts a total of 45–60 minutes. A Muslim employee can usually attend Friday prayers in an extended lunch break. Worktime may be made up by either coming in earlier, staying late, or another agreed arrangement.

Examples of religious discrimination

A Muslim employee working for a large company asks for time off at specific times to observe her daily prayers. The company has the staff to cover for her during these times. The employer refuses this request 'because she shouldn't be given special treatment and extra breaks'. This refusal could amount to indirect discrimination which is not reasonable in the circumstances.

A company sets job interviews on a Friday afternoon. This could indirectly discriminate against Muslims who need to attend Friday congregational prayers and who may not be able attend the interview.

Dress and appearance

Islam requires that men and women wear modest clothing. However, there is no set 'Islamic clothing' and practices vary in different traditions.

Some Muslim women may cover their hair with a veil called the hijab. Some Muslim men may wear a beard for religious reasons.

Employers can ask Muslim workers to adhere to reasonable standards of dress, but reasonable modifications should be adopted (for example, a hijab can be in the same colour and worn as part of the organisation's uniform or a man with a beard might be asked to wear a hair net or mask to comply with health and safety rules).

Example of discrimination because of dress and appearance

A company introduces a uniform which does not permit head coverings and requires female employees to wear knee-length skirts. This applies to all employees but disadvantages female Muslim employees who may choose to wear the hijab or long skirts. This is indirect discrimination.

Touch and personal space

Islam encourages both men and women to act with modesty. For some people, this will mean that direct eye contact and touching (including shaking hands), is avoided between men and women who are not related. If you are unsure about this, you can usually take your prompt from the other person, eg wait and see whether they offer their hand to shake.

Example of discrimination because of physical contact

An organisation arranges for employees to attend a compulsory team-building course including group exercises. The tasks require physical contact between men and women. This may indirectly discriminate against Muslims or individuals of other religious groups, whose religions do not permit such physical contact between the sexes.

Important religious events

Ramadan

Muslims may observe Ramadan (fasting) for a month each year.

During Ramadan, Muslims do not eat or drink from dawn to sunset, breaking their fast with a meal at sunset. Employers and co-workers can help by understanding the significance of Ramadan and showing a willingness to make minor allowances for its physical demands. Special consideration can be given to such things as requests for vacation time and flexible morning or evening work schedules.

Try to avoid the following for Muslim employees during Ramadan:

- heavy manual labour
- meetings including lunch
- meetings after 5pm
- scheduling social events involving food.

The timing for Ramadan is determined by the Islamic lunar calendar, so the dates it falls on will change from year to year.

Muslim holidays

Eid-ul-Fitr marks the end of Ramadan. It is a day of rejoicing, with prayers in the morning, a festive meal and visiting family, friends, neighbours, the sick, and elderly. The other important religious holiday is Eid-ul-Adha, which marks the end of the pilgrimage to Mecca, and is two months after Eid-ul-Fitr.

Pilgrimage

Hajj, or the pilgrimage to Mecca in Saudi Arabia, is one of the 'five pillars' of Islam. It is generally expected that every able-bodied Muslim who can afford to will make this pilgrimage at least once in their lifetime.

The ritual of pilgrimage may last five days, but considerable variations exist in trip arrangements, and group travel may take 10–21 days.

Example of reasonable accommodation of religious activities

An employer agrees to allow a Muslim employee to start at 8am and leave at 4pm during Ramadan so that they can be home for the end of the day's fast.

Understanding halal

Halal is an Arabic word meaning lawful or permitted. It is the standard of conduct for Muslims, prescribed in the Qur'an (Muslim scripture). The opposite of halal is haram, meaning unlawful or prohibited. Halal and haram apply to all facets of life. They are commonly used to describe cosmetics, pharmaceuticals, food products, ingredients and food preparation materials. Alcohol is prohibited, as is any pork produce. Halal meat is meat that has been slaughtered according to Islamic practice.

Example of reasonable accommodation of dietary requirements

An organisation often has breakfast meetings where meat products are available. A Muslim employee is unable to eat the meat as it is not halal. After talking with the employee, the organisation provides a vegetarian alternative for breakfast.

Some tips when working with Muslim employees

- Let your employees know you are happy to accommodate different faiths and talk to them about their needs.
- Provide a clean and quiet room that can operate as a prayer room.
- Be sensitive to cultural differences. In certain Muslim cultures, direct eye contact is impolite.
- Personal modesty is important for Muslims. Some Muslims might be reluctant to shake hands with an unrelated person of the opposite sex, as a sign of personal modesty.
- Where possible, source halal food. If this is not possible, employees should be given choices that meet Muslim dietary requirements (such as vegetables, eggs, milk and fish).
- Some Muslims may be reluctant to take part in social gatherings where alcohol is served. This should not be interpreted as bad manners or unfriendliness.
- Don't ask Muslim employees to serve or sell haram products, such as alcoholic beverages.
- Ask when Ramadan starts and finishes, and avoid working lunches during this time. Allow Muslims to take a break at sunset to break their fast and pray and, if possible, enable Muslim staff to take a shorter lunch break in return for an earlier finish.
- During Ramadan try to schedule meetings with Muslim staff in the morning or early afternoon.
- Don't assume every Muslim's behaviour is influenced by their religion or that everyone will practice their religion in the same way. How devout a person is, their national origin, culture, upbringing and personal choices all play a part.

About the Commission

The Commission is an independent statutory body that promotes equal opportunity, human rights and racial and religious tolerance. The Commission has functions under three laws:

- *Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006.*

These laws require the Commission to:

- provide information and education about rights and responsibilities under these laws
- help people resolve disputes about discrimination, sexual harassment, victimisation and racial and religious vilification
- conduct research and investigations
- help organisations comply with their responsibilities under these laws
- report to the Victorian Government.

Muslim Legal Network

66-68 Jeffcott Street, West Melbourne 3003

Phone: (03) 9328 2067

Email: muslim.legal.network@gmail.com

Web: muslimlegalnetwork.com



Victorian Equal Opportunity & Human Rights Commission

Need more information?

Take a look at our training and consultancy services
Online humanrightscommission.vic.gov.au/education

Contact the Commission:

Enquiry Line	1300 292 153 or (03) 9032 3583
Fax	1300 891 858
TTY	1300 289 621
Interpreters	1300 152 494
Email	employers@veohrc.vic.gov.au
Website	humanrightscommission.vic.gov.au

Accessible formats

This publication is available to download from our website at humanrightscommission.vic.gov.au/resources in PDF and RTF. Please contact the Commission if you require other accessible formats.

We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at communications@veohrc.vic.gov.au.

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Disclaimer: This information is intended as a guide only. It is not a substitute for legal advice.