



# Cultural diversity in the workplace

## > A guide for employers working with Jewish 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.**

This guide provides tips and things to think about when working with Jewish employees. It explains some common Jewish practices such as observance of Shabbat (Sabbath), religious festivals and kosher dietary requirements.

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

### What is discrimination?

The *Equal Opportunity Act 2010* 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, 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, and
- 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.

### Do you manage or work with Jewish people?

The information below explains some common practices that may be relevant to Jewish people in the workplace. Exploring ways to accommodate these practices will help you meet your obligations under the Equal Opportunity Act.

## Prayer

### Shabbat services

Shabbat is a day of rest for observant Jewish people. This lasts from sunset on Friday, through to nightfall on Saturday. Shabbat services are held in synagogues (the Jewish communal place of worship). Some people will therefore be concerned about being asked to perform additional hours of work on Friday night and over the weekend.

It is important to note the timing of the beginning of Shabbat is particularly relevant to winter, when sunset occurs earlier and some services may be conducted at an earlier time.

In such cases, it may be possible for a Jewish employee needing to attend Shabbat services before the end of the work day on a Friday, to make up the time by starting work earlier, performing work at another time, or another agreed arrangement.

#### Examples of religious discrimination

A Jewish employee recruited to work at a large company asks to be allowed to leave earlier on Friday evenings during winter to attend Shabbat services. The company has the staff to cover for her in the early evening on Fridays. She could attend work earlier on Fridays to make up the time. The employer refuses to consider this request 'because she shouldn't be given special treatment'. This refusal could amount to indirect discrimination, which is not reasonable in the circumstances.

A company sets job interviews late in the day on a Friday and is unwilling to contemplate another time. This could indirectly discriminate against Jewish employees (or candidates) who need to attend Shabbat services.

## Dress and appearance

Some people within Jewish traditions observe various practices regarding dress and appearance, while many Jewish people simply wear the clothing they find appealing. Some observant Jewish men wear a skullcap (known as kippa or yarmulke) on their heads as a symbolic reminder that God is above them. Orthodox Jewish men may grow beards as a sign of religious observance. Some married Orthodox Jewish women cover their hair with a scarf, hat or wig as a sign of modesty.

There is no set religious clothing and practices vary greatly in different Jewish traditions and among individuals.

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

#### Example of discrimination because of religion – 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 Jewish employees who wish to dress modestly, cover their hair or wear a kippa. This is indirect discrimination.

## Touch and personal space

Although many Jewish traditions do not prescribe the way men and women interact around one another, some Jewish traditions (particularly Orthodox traditions) encourage both men and women to act with modesty. For some people, this will mean that physical contact and touching (for a minority, even 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 religion – 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 Jewish people or individuals of other religious groups, whose religions do not permit such physical contact between the sexes.

## Important religious events

### Shabbat

As noted above, Shabbat is a day of rest and an important religious event for observant Jewish people. This lasts from sunset on Friday, through to nightfall on Saturday. Observant Jewish people attend services in Synagogues during Shabbat. Some Orthodox Jewish people strictly adhere to the religious requirement of refraining from any type of workday activity including driving or writing, whereas many other Jewish people may only avoid activities directly related to earning a living.

## Jewish holidays

There are various Holy days in the Jewish calendar. The timing of holidays varies each year according to the lunar calendar. These festivals include:

- Passover (Pesach): lasting 8 days during March or April, this festival marks the deliverance of the Israelites from slavery in Egypt. Leavened bread is not eaten during this period.
- Shavuot, in May or June, marks the time when Jewish people received the Ten Commandments / Torah and were free to serve God.
- New Year (Rosh Hashana), a two-day festival in September or October, is the anniversary of creation, traditionally spent in prayer.
- Day of Atonement (Yom Kippur) in September or October, is the holiest day of the Jewish calendar, a 25 hour period of fasting and prayer for forgiveness.
- Tabernacles (Sukkot), lasting seven days, begins five days after Yom Kippur. This festival recalls the vulnerability of the Israelites as they wandered in search of the Promised Land.
- Channukah, the Festival of Lights, an 8 day festival, marks a victory over Hellenic invaders and re-purification of the Temple in Jerusalem.

On these days, as on the Sabbath, strictly observant Jewish people are required not to perform work. It is important to note that levels of observance do vary among individual people. Many affected employees will commonly request annual leave for Jewish holidays, but may also enquire whether an organisation offers another form of leave, for example, religious leave.

### Examples: reasonable accommodation of religious activities

An employer agrees to allow a Jewish employee to start at 8am and leave at 4pm on Fridays during winter so that they can attend Shabbat congregational services.

A small travel agent organising tours to Beijing encounters one of its busiest periods during the first weeks of September. The agency negotiates with a Jewish employee to facilitate annual leave to cover the holiest day in the Jewish calendar, the Day of Atonement, rather than also permitting a longer period of leave to incorporate another festival beginning 5 days later.

## Understanding kosher dietary requirements

Many Jewish people follow dietary prescriptions set out in the Torah. These requirements set out the types of meat and sea food that are kosher/permitted to be eaten, foods that may not be eaten, the manner in which meat must be slaughtered and prepared for consumption and the foods that must not be mixed together.

Given that it is often difficult to know the origin and nature of complex ingredients in processed and prepared foods, observant Jewish people tend only to consume items that have been certified as kosher by a religious authority or eat at restaurants known to comply with Jewish dietary requirements. Sometimes a vegetarian option will be suitable, but people who observe more strict practices may not be able to eat vegetarian food prepared in a kitchen where meat is also prepared.

### Example: reasonable accommodation of dietary requirements

An organisation often has lunch meetings. A Jewish employee is unable to eat most of the menu as it is not kosher. After talking with the employee, the organisation provides a kosher alternative.

## Some tips when working with Jewish employees

- Let all your employees know you are happy to accommodate different faiths and talk to them about their needs.
- Be sensitive to religious or cultural differences. In certain Jewish traditions, personal modesty is important. Some Jewish people may wear religious clothing, or they may be unwilling to have physical contact with an unrelated person of the opposite sex, as a sign of personal modesty.
- Where possible, source kosher food. If this is not possible, employees should be given choices that meet Jewish dietary requirements.
- Don't assume every Jewish person's behaviour is influenced by their religion or that everyone will practice it in the same way. Levels of observance among Jewish people vary greatly depending on their individual circumstances. Background, upbringing and personal choices all influence how a person practices their religion.

## 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.



## Victorian Equal Opportunity & Human Rights Commission

### Need more information?

Take a look at our training and consultancy services  
Online [humanrightscommission.vic.gov.au/education](http://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	<a href="mailto:employers@veohrc.vic.gov.au">employers@veohrc.vic.gov.au</a>
Website	<a href="http://humanrightscommission.vic.gov.au">humanrightscommission.vic.gov.au</a>

### Accessible formats

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### 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](mailto: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.