

EIS Member briefing: Time off for Religious Observance

Introduction

Religion or belief is a protected characteristic in the Equality Act (2010), which means workers are protected against discrimination or disadvantage based on religion or belief.

Scotland aspires to be a Fair Work Nation¹. Fair Work is work that offers effective voice, opportunity, security, fulfilment and respect. Inclusive leave policies are essential to ensuring work is 'Fair' for workers holding religious beliefs.

There is no automatic right to take time off during religious holidays, but policies that only grant time off during, for example Christian holidays, may disadvantage colleagues who observe other religions.

Inclusive leave policies that consider religious observance and the needs of workers who hold various religious beliefs, may contribute positively to advancing the diversity within the education profession which is an explicit aim of the Scottish Government². It is important that the understanding and practice around these policies are proactive and supportive for all workers.

The purpose of this briefing is to provide an overview of some of the workplace issues identified in relation to religious observance and offer points to inform local negotiations via branch or local association secretaries, in order to improve policies and practice.

For support in individual cases, members should contact their trade union representative in the first instance.

¹ <https://fairworkconvention.scot>

² <https://www.gov.scot/publications/teaching-diverse-scotland-increasing-retaining-minority-ethnic-teachers-3-years/>

Summary

- Provisions for time off for religious observance vary greatly across employers and there is limited evidence regarding the numbers and relative success of requests for leave, or provision such as facilities for in-school observance (for example, prayer rooms or time out during the school day).
- Requesting time off for religious observance can be a stressful experience for many, compounded by a lack of understanding by the employer as to the nature of religious festivals, and their importance. Too often, members are left to rely on informal arrangements or on the goodwill of individual managers as the consideration of requests are often discretionary.
- Local Associations and Branches may wish to consider reviewing policies and negotiate for improvements to time off for religious observance, making reference to the Fair Work Framework, Scottish Government targets to improve the diversity in the profession, and the Equality Act (2010).
- Where issues are encountered, or identified in terms of members' lack of access to time off for religious observance, Local Associations or Branches may wish to gather evidence on the scale of the issue and present a case to LNCT or the College employer for improvements.

Background

The following resolution was approved by the 2022 EIS Annual General Meeting:

“That this AGM calls on Council to investigate and report on current practices across Local Authorities in relation to time off for religious observance and to use the findings to develop a briefing for Local Associations with recommendations to seek to remedy any issues identified, in the pursuit of equitable and fair work for all.”

The EIS Equality Committee received information, of varying length and detail from 28 local authorities. Key findings from the report were presented to the Equality Committee prior to the development of this briefing. [A briefing has also been issued to EIS Local Association Secretaries.](#)

Issues identified

The difference in entitlement varies greatly between local authorities, with no standardised approach to granting time off (days out) for religious observance.

Few Councils appear to have specific policies relating to religious observance taking place during the school day, such as for prayer time.

Some Councils appear to have no such policy whatsoever. In many cases, applications or even informal requests (where there is no policy) are considered on an individual basis, opening the potential for differential treatment, depending on local knowledge regarding the religion and protected characteristics.

The low numbers cited for applications received by local authorities may be due to several factors including lack of communication/ awareness about entitlement or other barriers.

Anecdotally, members of the EIS BAME Network have raised concerns about requests for religious observance not being granted in some cases, and about a lack of understanding and support from managers or colleagues which can have a significant stress and mental health impact, affecting belonging, professional identity and ultimately, retention for the member involved.

Recommendations

Policies on religious observance should be inclusive and responsive to members' needs, in the pursuit of Fair Work for all.

Members who are concerned about access to time off for religious observance, should contact their trade union representative for support in the first instance.

Local Associations and Branches may wish to consider:

- Reviewing the special leave or other leave policies and negotiate for improvements so that they are inclusive of religious practices.
- Negotiating for improved entitlements in terms of paid days offered for religious observance, to enhance parity between different religions.
- Requesting or carrying out Equality Impact Assessments of existing policies to inform arguments, consulting with members where appropriate, or informed by knowledge about religious observance requirements for different religions (see below).
- Carrying out information gathering exercises from affected members to strengthen and inform negotiations, where issues are suspected.

Examples of inclusive practice

Examples of inclusive practice in relation to religious observance, may include:

- Staff are aware and informed about religious observance of different religions and the requirements at different times of year, recognising that some religious festivals have dates that change yearly.
- School or College Management are proactive in considering cover at times of the year when religious festivals or events are likely to fall, and seeking information about dates from staff at appropriate times.
- The whole establishment community acknowledges and shares information about religious festivals and observations and highlights that relevant staff and learners will be observing their religion during working hours.
- Arrangements are made for cover to enable prayer time for staff and learners who require this during working hours. A quiet room is allocated for prayer time for staff and learners who require this during working hours.

Affected members may have other ideas about what would be inclusive.

Examples of religious observance

Not all religious festivals or events require time off work to observe. It is also important to note that people of the same religion may observe their religion in a variety of ways, and that there may be different practices or strands within the same religion. Below are *some* examples of key religious observances within some of the religions in Scotland.

Buddhist – Vesak, Bhodi Day, Obon, and others.

Dates follow a lunar calendar and therefore vary in the Gregorian calendar.

Christian - Sundays, Christmas, Lent, Easter and others.

Exact dates vary but many are set as public holidays in the UK. Dates also vary between churches, for example Orthodox Church celebrates Christmas in early January.

Hindu – Holi, Shivaratri, Janmashtami, Dussehra, Chaturthi, Diwali and others.

Exact dates vary as festivals follow a lunisolar calendar.

Jewish - Sunday Sabbath, Rosh Hashanah, Yom Kippur, Hanukkah, Sukkot, Passover and others.

Following a lunisolar calendar, so dates vary in the Gregorian calendar.

Muslim – Ramadan, Eid al-Fitr, Eid al-Adha, Ashura and others.

Following a lunar calendar, so dates shift every year in the Gregorian calendar. Some Muslims observe holidays on slightly different dates, or have additional observances.

Sikh – Sikh New Year, Hola Mohalla, Vaisakhi, Bandi Chhor Divas (coinciding with Diwali) and others.

Following a lunisolar calendar, so dates vary in the Gregorian calendar.

Pagan – Winter Solstice, Imbolc, Beltane, Samhain and others.

Following solar events and Celtic traditions, dates vary.



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