

EMPLOYERS GUIDE

Cultural diversity in the workplace

A guide for employers working with Muslim employees

Do you manage or work with Muslims?

As an employer, you have a responsibility to make sure that the people who work with you are treated fairly and with respect. Sometimes this may mean you need to be flexible to accommodate people of different cultural backgrounds and beliefs.

This guide provides tips and things to think about when working with Muslim employees. It explains some common cultural practices among Muslims.

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 workers know you are happy to talk about any needs they have.

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 positive duty

Under the *Equal Opportunity Act 2010*, employers also have a positive duty to eliminate discrimination, sexual harassment, and victimisation as far as possible.

Victoria is unique in having a positive duty, which places a focus on preventing unlawful behaviour. It helps organisations put a healthy workplace culture in place, just as occupational health and safety laws require employers to take appropriate steps to ensure injuries don't occur.

Read about [some examples of the positive duty](#) and the [six minimum standards](#).

Cultural information

The following information explains some Islamic traditions and cultures that may be relevant in the workplace. This information does not reflect the opinions and views of all Muslim people and communities.

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 – once at approximately 1pm and again at approximately 4pm. Some Muslims, however, combine their prayers and pray at approximately 1pm only. Prayer times vary marginally as calculations are based on the phases of the moon.

Example of discrimination

Kareem applies for a position with a finance company but despite meeting all the selection criteria he doesn't get an interview.

When he calls the company's human resources manager to ask why he wasn't shortlisted, he is told there was a very strong field of candidates and if he didn't get shortlisted it was because he didn't have the necessary qualifications or meet the selection criteria.

Kareem clarifies that he does have the qualifications to which the manager responds:

“Look, I don't think you'll fit in our organisation as we're an Australian company.”

This is discrimination because of Kareem's race and/or religion.

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 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.

Before prayer, Muslims must perform ablution. This is a ritual washing where they wash their faces, hands and feet with clean water. Many Muslims keep a small vessel of water in the toilet for use after visiting the toilet.

Worship may be performed in any quiet, dry, clean place where a prayer mat can be used. The workplace may allocate employees with storage space to keep their prayer mats in when not in use.

Friday congregational prayer (Juma)

Friday is the day for congregational worship, called Juma. Prayer services take place at a mosque during the noontime prayers and include an address or sermon. The entire service lasts approximately 45–60 minutes. A Muslim employee can usually attend Friday prayers in an extended lunch break. Work hours may be made up by either coming in earlier, staying late, or another agreed arrangement.

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 keep 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 follow 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 and/or long skirts.

This is 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 such as by waiting to see whether they first 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 discriminate against Muslims or individuals of other religious groups, whose beliefs do not permit such physical contact between the sexes.

Important religious events

Ramadan

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

The timing for Ramadan comes from the Islamic lunar calendar, so the dates it falls on will change from year to 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 which include lunch
- meetings after 5pm
- scheduling social events involving food.

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 breaking of the fast (iftar).

Muslim holidays

Eid-al-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-al-Adha, which marks the end of the pilgrimage to Mecca, and is two months after Eid-al-Fitr.

Some Muslims also commemorate an annual period of mourning during the first 10 days of Moharram - the 1st month in the Islamic Lunar calendar. During this month, black clothing is worn. The 10th day is particularly significant and is known as the Day of Ashura. Muslims may require leave on the 10th day as they hold commemorative ceremonies.

Religious holidays or events are calculated using the lunar calendar based on verifications of moon sighting by either visual method or scientific method. As a result, key dates may vary among Muslim communities, and two employees may celebrate or commemorate key religious events or holidays on different days.

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.

Understanding halal

Halal is an Arabic word meaning lawful or permitted. It is the standard of conduct for Muslims, prescribed in the Qur'an or Koran (Muslim scripture). The opposite of halal is haram, meaning unlawful or prohibited. Halal and haram apply to all facets of life.

These terms 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 agrees to appoint a caterer who sources meat from a halal-certified butcher.

Tips for building positive relationships at work

- 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.

- As in a range of cultures, pointing to the soles of the feet of a Muslim can be considered disrespectful.
- 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 Victorian Equal Opportunity and Human Rights Commission is an independent organisation with responsibilities under Victoria's human rights laws. Our role is to protect and promote human rights in Victoria. We do this through a range of functions and services.

These laws require the Commission to:

- provide information about equal opportunity and human rights
- provide education and consultancy to create fairer organisations
- help resolve complaints
- carry out research and investigations to address systemic discrimination
- advocate for stronger laws, and monitor and enforce existing legislation.

More information

For more information, please contact our friendly Enquiries Team, or visit humanrights.vic.gov.au/for-organisations

Commission staff are available from 10am – 4pm, Monday to Friday.

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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

Published by the Victorian Equal Opportunity and Human Rights Commission, Level 3, 204 Lygon Street, Carlton Victoria 3053. May 2022.

Disclaimer: This information is provided as a guide only. It is not a substitute for legal advice. This information has been prepared to support employers to meet their obligations under the *Equal Opportunity Act 2010*. There may be other laws that also apply to your workplace.

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