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We have done our best to give you the most accurate advice possible. However, the contents of this document cannot be regarded as formal legal guidance.

foreword

Twelve years ago, the Muslim community published a memorandum submitted to the Home Secretary of the day, calling for the removal of various lacunae in the law, including the need for legislation to outlaw discrimination on religious grounds ('Need for Reform' published by the UK Action Committee on Islamic Affairs, 1993). The Employment Equality (Religion or Belief) Regulations that came into force on 2nd December 2003 were a welcome development as it provided direct protection against religious discrimination in employment and vocational training. The Muslim Council of Britain, together with other religious communities, continues to press for similar legislation to outlaw discrimination in the provision of goods, facilities and services as well.

Legislation of this type bring with them both rights and responsibilities. Muslim institutions who are employers need to be fully cognisant of the Regulations and the special circumstances when it is valid to limit recruitment to adherents of the faith only. The legislation accepts that this exception is required, and allows for organisations to apply a Genuine Occupational Requirement (GOR) to such roles. In order to take advantage of this however, it must be shown that the organisation has defined the religious nature of its work and the ethos it subscribes to and that the job in question justifies the exemption.

The Faithworks team and The Muslim Council of Britain have created this pack to guide you through the process of doing just that. It is particularly important that persons in charge of mosque affairs, the running of Muslim schools and Islamic charities take time to go through it and review their working practices where necessary. Further guidance can be obtained from the Legal Affairs committee of the MCB.

Sir Iqbal AKM Sacranie
Secretary General
The Muslim Council of Britain
August 2005

The Muslim Council of Britain (MCB) was founded in 1997 following extensive consultation amongst Muslim organisations, groups and individuals. The MCB is an inclusive umbrella organisation that represents the interests of Muslims in Britain. It aims to promote cooperation, consensus and unity on Muslim affairs in the United Kingdom and to work for the common good of society as a whole. It works for the eradication of disadvantages and forms of discrimination faced by Muslims. It is committed to encourage and strengthen all efforts being made for the benefit of the Muslim community.

introduction

The primary purpose of this pack is to help your organisation understand and apply the religious discrimination legislation of 2 December 2003. This is important because it makes discrimination on the grounds of religion and belief unlawful.

However, when a Muslim or Islamic* organisation advertises for a Muslim or chooses to employ someone because he/she is a Muslim, this is exactly what the employer is doing – discriminating on the grounds of religion.

The legislation does provide some flexibility to allow religious organisations to maintain their faith basis. In other words, discrimination is acceptable within the law, but only where this can be justified.

Justifying that a post needs a Muslim to carry it out requires the employer to demonstrate that there is a “genuine occupational requirement”, referred to as a GOR, for the post-holder to be a Muslim and that the requirement relates to the Muslim ethos of the organisation.

In other words, although Muslim organisations can advertise for, recruit and employ Muslims this is only lawful if the employer can demonstrate in each case the specific reason and relate it to their organisational ethos.

In addition we hope that the process set out in these guidelines will provide added value by helping you both to clarify and promote your religious distinctiveness.

As you reflect on how your Muslim faith basis makes you as an organisation distinctive, you will begin to describe the organisation’s Muslim ethos. Becoming more specific about your ethos and values provides you with an opportunity to consider how they relate to your organisational practices and procedures.

Ensuring that your practices match your ethos – that you are who you say you are - will not only strengthen your organisational identity but will also help you to have more authenticity as a Muslim organisation - an essential characteristic in this increasingly diverse world.

Finally, please note that the purpose of this pack is not to advocate which staff, how many staff or that all staff should hold Muslim beliefs. Our purpose is simply to explain the legislation and to help organisations employ Muslims, within the law, in situations where it has been identified that there is a genuine need for them.

* For a clarification of our use of the terms ‘Islamic Organisation’ and ‘Muslim Organisation’, please see pages 10 and 11.

legislation

The summary

The overall purpose of the legislation is to protect all employees from being discriminated against at work because of their religion or belief.

The introduction of regulations for religion or belief makes religious discrimination unlawful for the first time in the UK*.

The regulations apply to employment – including recruitment, terms and conditions, promotions, transfers, dismissals and training.

For all employers this means that the regulations make it unlawful on the grounds of religion or belief to:

- Discriminate directly against anyone – that is to treat them less favourably than others because of their religion or belief
- Discriminate indirectly against anyone – that is to apply a criterion, provision or practice which disadvantages people of a particular religion or belief unless it can be objectively justified i.e. where there is a legitimate aim (a real business need) and where the practice is proportionate to that aim (necessary and there is no alternative means available)
- Subject someone to harassment on the grounds of their religion or belief
- Victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination
- Discriminate against someone after the working relationship has ended

As stated previously, there is an exception within the legislation for religious employers to discriminate in order to maintain the faith basis of their organisation. The exception states that discrimination on grounds of religion or belief is only lawful if it can be demonstrated that there is a “genuine occupational requirement” (GOR) for it, which relates to the nature of the employment, to the context in which it is carried out, and to the ethos of the organisation.**

*with the exception of Northern Ireland

**Because this guide is aimed at religious organisations, we refer in this document to the GOR in regulation 7 (3) which is available only for organisations with a religious ethos as opposed to the GOR in regulation 7 (2) which can be used by any organisation. For more information about the use of the GOR in regulation 7 (2), please go to <http://www.dti.gov.uk/er/equality/eereg.htm>.

Summary of implications for Muslim or Islamic organisations

The law allows Muslim or Islamic organisations therefore to recruit Muslims when the following criteria are fulfilled:

- The organisation has an Islamic ethos
- There is a “genuine occupational requirement” (GOR) for the post to be filled by a Muslim
- The GOR relates to the nature of the employment, to the context in which it is carried out and to the Islamic ethos of the organisation

justifying posts for Muslims

Identifying which posts need Muslims and why

The law says that if an employer wishes to advertise for, select, employ or promote a Muslim the employer needs to be able to justify the reason.

This means that the employer must be able to determine the “genuine occupational requirement” (GOR) for any post to be filled by a Muslim.

The following guidance is designed to help you to identify the GORs in your organisation. There is no case law in this area yet, so there are no proven reference points.

ACAS, (Advisory, Conciliation and Arbitration Services) have produced official guidance to help employers put the legislation into practice in the workplace. This can be found on www.acas.org.uk. Their guidance, an extract of which is provided below, specifies characteristics of a GOR but it does not tell you what is acceptable as a GOR in a Muslim or Islamic organisation and what is not. There is no official guidance on what constitutes a GOR in a Muslim or Islamic organisation.

At the end of this section we have provided possible examples of functions which could give rise to GORs in a Muslim or Islamic organisation. These must be considered ONLY as a guide. They are NOT provided as standard GORs for Muslim or Islamic organisations. There is no official definition of GORs in Muslim or Islamic organisations and our examples cannot be treated as such. They are simply guides from which you can work to establish your own.

Identifying a Genuine Occupational Requirement (GOR)

The starting point is to describe the whole job, not just the tasks of the job which only a person of a particular faith can do. We recommend that you do this by using the template in Appendix 1. This document guides you to describe the job you want doing and then to identify the criteria – the skills/knowledge and experience – you are looking for in the person. To ensure that you get the right person you will need to do this exercise before you start your recruitment process.

Next identify those tasks of the job which require a Muslim to do them.

When writing up the genuine occupational requirement in the job description and person specification (see template in Appendix 1) it is essential that:

- A central function of the job must reflect the GOR
- There are clear links between the religious purpose and ethos of the organisation, described in the organisation context section, and the job as stated in this description
- The GOR is clearly featured in the list of the main tasks in the job description
- The knowledge/skills/experience required to carry out the GOR and so reflect the ethos are clearly stated in the person specification

In determining the GOR for any job it may be helpful to be aware of the following guide notes from ACAS:

- The employer must be able to show that having a specific religion or belief is a central requirement of the job and not just one of many relevant factors.
- When considering applying such a requirement, the employer must look at each post individually both in terms of the duties of the job and the context in which it is carried out.
- Employers should not expect to apply a blanket occupational requirement to all its posts.
- Employers should consider whether there are alternatives to applying an occupational requirement. For instance, if only a small part of the job needs someone from that religion then it may be possible to redistribute work or re-organise roles in such a way as to avoid applying a religious requirement to a particular post.
- Employers should be clear about the link between the requirements of the job and the need to maintain the organisation's ethos.
- Employers can reasonably expect their staff to keep to the organisational values and culture and should bear in mind that people may be able to maintain those values and culture without actually belonging to the particular religion or belief.
- Employers should be clear about the link between the requirements of the job and the need to maintain the organisation's ethos as, in the event of an Employment Tribunal claim on the grounds of religion or belief, the burden of proof will be on the employer to show the GOR.

ACAS guidelines are available on www.acas.org.uk

In summary a GOR is

- Central to the job
- Reflected in the duties of the job or the context in which it is carried out
- Linked to the personal requirements for the job
- Related to the ethos of the organisation
- Individual to each job – cannot be applied as a blanket exception

justifying posts for Muslims

Possible examples of posts that give rise to Genuine Occupational Requirements in Muslim or Islamic organisations

The following are possible examples of job functions which may give rise to GORs for posts to be filled by Muslims. The purpose of this list is to help you think through which posts in your organisation carry GORs. No two jobs are the same but as a general principle remember that to give rise to a GOR a job function must always help the organisation achieve its religious mission and purpose and to be religious in its ethos.

Please note that this is not a comprehensive list, nor is it, because there is no case law in this area yet, a tried and tested list. The validity of any GOR depends entirely on the extent to which you can demonstrate, through the clarity of your religious purpose and expression of your ethos, the genuine requirement for the post to be held by a Muslim.

- Leading the development of or delivering the main purpose of the organisation.
- Leading the purpose of the organisation, setting the vision and strategy, understanding and articulating the religious beliefs of the organisation.
- Representing the organisation. Speaking, preaching, advocating on behalf of the organisation on religious matters.
- Being the face-to-face contact with the public.
- Being the voice of the organisation. Representing the organisation to enquirers, being the point of contact about the organisation.
- Being responsible inside the organisation for representing, promoting, maintaining and ensuring the transference of the knowledge of the organisation.
- Leading or supporting the religious life of the organisation through, for example, conducting acts of worship, prayer times, retreats, and taking responsibility for spiritual development.

It is important to remember that (as the ACAS guide makes clear) employers should consider whether there are alternatives to applying an occupational requirement. For instance, if only a small part of the job requires a Muslim then it may be possible to redistribute work or re-organise roles in such a way as to avoid applying a religious requirement to a particular post.

For example, some jobs can further the general purpose and functions of a Muslim or Islamic organisation without being specifically about the Muslim or Islamic purpose, activity, voice and knowledge of an organisation. A non-Muslim Maths teacher could represent a Muslim school in a meeting about the development of the Maths curriculum at the Local Education Authority meeting. However, there may be a need for a Muslim to represent the school at a conference to discuss the development of the special religious ethos and spiritual atmosphere which the school is seeking to establish.

equal opportunities issues

Equal opportunities issues for Muslim employers

- With the introduction of the new equality and diversity legislation, religious discrimination, whilst unlawful for most employers, is lawful for religious employers though only where they can justify the genuine requirement for it.
- Therefore, as Muslim employers, while we subscribe to equal opportunities, we cannot say in our equal opportunities policy that we do not discriminate on any grounds. That's because we do discriminate, where appropriate and within the law, on the grounds of religion.
- We therefore need to make a statement in our Equal Opportunities policy that, in the light of our Muslim ethos and purpose, we reserve the right to recruit Muslims where there is a genuine occupational requirement (GOR) to do so.
- It would then be helpful to indicate which posts this applies to, either by attaching a list or referring to one held elsewhere, although it will be essential that this is kept under review.

There is a sample Equal Opportunities policy in Appendix 2.

Islamic ethos

The importance of identifying your religious ethos

- The new legislation says that the GOR for any job should relate to the ethos of the organisation.
- Identifying your organisational ethos is vital because it will be impossible to claim a GOR unless you can demonstrate that your organisation has a religious ethos.
- If the need for a Muslim in a certain post has nothing to do with the organisation itself being Muslim, then the need for a Muslim cannot be valid.
- In other words, the law says that if the organisation does not practice an Islamic ethos, then the need for a Muslim in any post cannot exist.
- Clarifying the distinctive ethos helps to make sure that **what** you do in the community as Muslims is rooted in **who** you are as Muslims.

In the Employment Equality (Sexual Orientation) Regulations 2003 the legislation makes a distinction between “Organised Religion” and “Religious Organisations” (see Appendix 2). Although this distinction is not made in the Religion or Belief regulations it may be useful to consider the distinction at this point as it will shed some light on how the Muslim Community is organised. It will therefore also explain the distinction we make between Islamic Organisations and Muslim Organisations in this document.

“Organised Religion” and “Religious Organisations” in the Muslim Community

- Islam does not comfortably use the term “organised religion”. It has its own view of the relationship between God, the community of Muslims and the individual Muslim. It usually avoids a hierarchical structure for religious authority. There is a strong focus on an unmediated relationship between the individual Muslim and God whilst at the same time Islam has a strong communal aspect. Therefore, although Islam encourages a personal relationship with God and individual responsibility for intention, thought and action there is also a strong emphasis on creating and sustaining a strong community of believers.
- For Muslims, religious organisations are diffuse and diverse. They can range from mosques, seminaries and schools through to more practical organisations that deliver services such as welfare, food and housing. Certain organisations can be said to have the delivery of the religious practices and rites (e.g. funeral and marriage ceremonies) as their main functions. These types of rules are part of the ibadat of Islam which are rules relating to the religious life of Muslims. Rules of ibadat contrast with rules of muamalat that have a more social, economic or practical aim. The types of organisations that deal with religious practices and rites (ibadate) will include mosques, seminaries (madrasas), organisations and bodies that represent and organise the religion.
- The general structure of Muslim organisations is that they are established (often as a waqf or trust) by a person with charitable funds to further a specific purpose such as education or relief of poverty. The intention of those who set up the trust will be religious. The money is often donated as an act of charity (zakat or sadaqa) which is a key religious practice of Islam. The purpose of the trust may be to further a specific religious purpose as in the case of a mosque. In addition, in some cases the function of the organisation will include more practical purpose such as education or housing or welfare (muamalat).

Organised Religion Within Islam - *Islamic Organisations*

- For the purposes of the legislation organisations that have as their predominant purpose the provision of facilities and services for worship and religious rites (ibadat) can be “organised religion”. The full range of functions that are provided by these types of organisations (e.g. welfare, counselling, teaching, advice, use of facilities for general purposes) fall within “organised religion” - the exercise of religious practices and rites. Within this document these organisations will be understood as the organised religion of Islam and they will be called Islamic Organisations.
- In many cases the key religious practices and rites of Islam can be performed and delivered by persons other than official ‘Imams’ or those who carry an official title. For example, a communal prayer or a marriage ceremony can be conducted by a Muslim in any building/organisation (i.e. not necessarily in a mosque). It is important that these contexts are also included within the definition of the organised religion of Islam.

Organisations with a religious ethos - *Muslim Organisations*

- This is NOT to say that other organisations are not also delivering essential religious functions. Religious practices and rites will also be part of the ethos of these organisations. In this document this range of organisations will be called Muslim Organisations. They are often established as a result of charity (zakat and sadaqa) which is a central practice as required by the doctrine of Islam, by people who come together to fulfil their obligations to God through undertaking good works according to the ethical requirements of Islam. This makes them an essential part of the religious life of a Muslim community.
- The intention (niya) of those who set up the trust and those who are responsible for delivering the results of the work of the trust will be religious. Moreover, the atmosphere in which these results are achieved will also be guided by religious values. However, it is not essential that all the people who are involved in ensuring the functions or results in religious organisations be Muslims.
- What is distinctive about these organisations is that:
 - (a) they have been established to further a particular charitable object, by a person often motivated by their obligations to God (through their zakat or sadaqa);
 - (b) they are a collection of individuals who come together around the key universal ethical values advocated by Islam to deliver this purpose/object and function.

It is important to remember that both Islamic and Muslim Organisations need GORs relating to the ethos of the organisation to prove the need for the employment of a Muslim. The distinction between organised religion and religious organisations is not made in the Employment Equality (Religion or Belief) Regulations.

Islamic ethos

Identifying your religious ethos

- Ethos can be defined as the spirit or shared motivation of a people or an organisation. It's why people do what they do. In other words, it is the unique flavour or essence of an organisation – what makes it tick. It is its distinctiveness that makes it different from another organisation and gives it its identity. It is the environment within which the organisation's functions and activity are formed and delivered.
- The distinctive aspect of a Muslim organisation is that it is guided by universal Islamic values. This provides an ethical context in which all people, Muslims and non-Muslims, can co-operate in order to fulfil the objects of the trust.
- Part of the ethos of a Muslim organisation is that although there will be some posts linked directly to religion that need to be reserved for Muslims, as a general rule all people who comply with the universal ethical standards of Islam will not be excluded simply because they are not Muslims.

So, a Muslim organisation can and should expect its staff to maintain certain key universal values of Islam WITHOUT requiring that all these individuals be Muslim.

For example, a Muslim organisation can expect a non-Muslim fundraiser in the organisation to apply for funds that comply with Islamic prohibitions against interest and gambling, e.g avoid applications to the National Lottery.

The key principle for religious organisations is this – all those (Muslims and non-Muslims) who are involved in the organisation should comply with the universal ethical and practical standards of Islam which guide character and action.

We need to think about who we are, what our ethos and values are as a religious organisation, before we set about doing what we want to do. If we don't spend time thinking about the identity of our organisation there is a danger that we will build it into something which does not reflect the religious motivation which has got us this far.

Steps to help you identify and work with your religious ethos

- **Set up a small group**
Hearing the reasons why others are involved and ensuring that their views have been considered may help in creating an ethos statement, which everyone will accept and commit to.
- **Volunteers**
You must make a special effort to make sure that you involve volunteers at each stage of your consultation process and that you consider the special status and role of those who work towards the common good and your organisations objective for no financial reward.

- **Research**

Describing the ethos is more than describing the purpose; it's about articulating the unique characteristics of the organisation, what makes it distinctive. Ethos therefore is more about what the values are and what your organisation stands for than what it does. Ethos is a combination of qualities such as intention; purpose; attitude; values and results.

A good starting point for this process is to refer back to the mission or purpose statements of your organisation. These may be documents like your Constitution, the Memorandum and Articles, Trust Deed - depending on how your organisation is set up. Other documents might be the organisation's mission/vision statement and basis of faith. Despite the fact that these documents are about aims and objectives, they do carry, either implicitly or explicitly, indications about what your organisation values and stands for.

- **Survey staff**

Another technique at this stage is to ask people what motivates them to work with the organisation. This process might be easier to explain and manage in a smaller, rather than larger, organisation. Hearing the reasons why people have chosen to work with your organisation in preference to another can be a useful reminder about its genuinely distinctive and unique characteristics. It is particularly important to encourage non-Muslim employees to make a contribution to this process.

- **Draft an ethos statement**

In Appendix 3 there is a sample statement. If you want to use this as a model, take care to ensure that you reflect on the unique characteristics of your organisation. Statements typically include sentences which describe:

- Intention – what was the intention of those who set up the organisation.
- Shared motivation – You need to consider why people are working in your organisation. So:
 - (a) Muslims may be guided by their intention to fulfil their obligations to God. Muslim societies have always recognised that the market and the workplace comprise an important space within which individuals can find and be guided by God/spiritual values.
 - (b) Non- Muslims may be guided by general philanthropy, a desire to do good, and to fulfil the purpose of the organisation in an ethical way.
- The value base - what your organisation stands for. In a Muslim organisation this will specifically include key universal values such as compassion, justice, fairness, patience and serving the common good of humanity. Justice and fairness have a particular role in the workplace because the employer has power over employees which must be exercised according to these values.
- Internal practice - how the motivation, religious value base and commitment to universal ethical values are practised internally – the way people are treated and treat each other.

Islamic ethos

- External expression - how the motivation, religious value base and commitment to universal ethical values are expressed externally – the way people are served by the organisation.
- Privacy – the fact that external compliance with the ethos of the organisation, the universal values and practices that are publicly agreed and articulated, will be sufficient to be a valued member of the organisation.

Part of the ethos of an Islamic organisation is that there (a) is a personal relationship between human beings and God; and (b) individual responsibility before God for intention and action. This translates into the value of privacy which is guaranteed to Muslims and non-Muslims in their individual decisions on how to think and act.

- Respect – this is the principle of that means that employers must take responsibility for ensuring the integrity and honour for all their employees
- Hospitality – the fact that a Muslim organisation acts as a host for all employees and visitors.

For Muslims endorsement of Islamic values, the way they treat each other in the organisation and the way they serve others may be a part of their awareness of God (taqwa). For non-Muslims there may be a general moral commitment to Islamic values based on other sources and reasons. Both sets of motivations, in their different ways, are a unique and invaluable source of worth within Muslim organisations.

- **Determine organisational values**

The next thing to do is to think about how to ensure that this statement of ethos happens in practice on a day-to-day basis. It is one thing to say these things about ourselves as an organisation; it is another altogether to live by them. This is the point about being authentic. Remember who we are speaks more loudly than what we say or do. One way to start working on this is to develop a list of values that reflect the statement of ethos. In Appendix 4 there are some values, which might be helpful for you to consider as you work out what your values are. Again, these are model statements and are provided here only as a guide.

- **Impact organisational practice**

The final thing to do is to see how these values relate to your organisational practices and procedures - the way your organisation actually operates.

For Muslim organisations universal values will be translated into practice in concrete ways in daily and practical matters. Some examples are listed below. It is important to articulate these practices in a general way that can be explained to non-Muslim employees. In this way, they will then be in a better position to comply with these requirements as part of their commitment as workers in a Muslim organisation:

Organisational Practice and Religious Ethos in Muslim Organisations

As well as the positive obligation to maintain the universal ethical values of Islam, and serve the functions of the organisation in an ethical and efficient way, there will be a number of concrete ways in which employees may be required to maintain the religious ethos of a Muslim organisation. Generally, there is an obligation to undertake positive acts and refrain from certain prohibited acts to create a general atmosphere that is free of corruption in relation to personal behaviour and includes corruption in financial matters.

Some examples of the concrete ways in which this positive atmosphere is sustained are listed below:

1. Daily communal prayer, other worship, fasting and other religious rites

The principle of privacy in relation to spiritual matters provides a general guide to the treatment of Muslim and non-Muslim employees.

Muslim Employees

For Muslim employees, you may need to be clear that there is no compulsion to attend these events whilst at the same time providing spiritual support and general guidance where this is specifically requested. If a certain job contains tasks that require attendance and performance of religious practices then a GOR applies to those jobs (i.e. they must be reserved for Muslims only). For example, if the teacher in a school also needs to lead the school children in their prayer then you will need to make that clear in the job description and list the job function as a GOR.

Non-Muslim Employees

You need to make clear whether non-Muslims will be required to attend prayers, fasts etc. You will also need to make clear that the organisation may alter or suspend its practices and procedures during such a period. For example, it may introduce special rules in relation to eating food in public during the month of fasting or change its work practices to accommodate changes in prayer times. This can have an impact on non-Muslim employees. In some circumstances, you may need to accommodate the religious needs of employees of another faith, e.g. providing a special room for prayers for employees of another faith. Finally, you may also need to make clear to non-Muslim employees whether they are required to attend the social aspect of these religious events, i.e. during Eid and Ramadan as part of their duties as employees. If this is required you will need to specify or highlight this in the job description and recruitment literature. You may also want to dedicate a special part of the induction and training session to guiding these employees about the nature of these events; how they can participate and what is expected from them.

For both non-Muslim and Muslim employees you need to make it clear that reward and promotion within the organisation do not depend on attendance of these religious gatherings.

2. Modesty requirements.

A concrete way in which the distinctive religious ethos of a Muslim organisation is maintained is through appropriate dress, conduct and inter-action between men and women. You may need to make clear that all employees will need to comply with specific dress codes as part of their work within a Muslim organisation. You may want to consider that rules of modesty will vary between “organised religion” and “religious organisations”. There may be stricter rules of modesty where the main function of the organisation is the provision of religious rites. For example, the dress code to maintain modesty in a mosque may be stricter than a dress code to maintain modesty in a Muslim religious organisation that provides advice on housing.

You will need to be clear about these issues for all employees but especially for non-Muslim employees who need to know what they have to do to comply with the requirements of modesty to maintain the religious ethos of a Muslim organisation. Equally, you may want to discuss and consider how you, as an employer, can be sensitive to the needs of your non-Muslim employees in developing modesty rules and dress codes.

Islamic ethos

3. Well known prohibitions relating to alcohol, gambling, food, money interest.

These will need to be specified to all employees and made especially clear to non-Muslims in all levels of the recruitment, induction and employment process. For example, you should make clear to a non-Muslim fundraiser that they cannot apply to the National Lottery for funding because of Islam's prohibition of gambling.

4. Family Values and Sexuality.

Family life has a central place in the life of an individual Muslim and within a Muslim community and provides an essential part of the values that maintain the religious ethos of a Muslim organisation. Marriage between a man and a woman is the central pillar for supporting the Islamic vision of family life and is the only proper context for sexual relations between people.

Other forms of sexual relationships are prohibited from an Islamic point of view. Part of the religious ethos of a Muslim organisation is that sexual relationships other than within marriage between a man and a woman are not an appropriate matter for accommodation in the workplace. However, Muslim organisations will need to accept that private sexual relationships are outside the control and jurisdiction of the employer. They cannot be the basis of penalty or harassment within the workplace.

A Muslim organisation can endorse, support and advocate their view within the organisation, within the wider Muslim community and within wider civil society as part of its ethos. This can be seen to be part of the general religious ethos of a Muslim organisation.

ethos and practice

Applying your organisational ethos to your organisational practice

Stating your ethos and values is a big step towards being clearer about your Muslim identity. The next step is to ensure that who you say you are as Muslims (your distinctive identity – what you stand for and what you value) is reflected in how you behave in your organisation. This is about relating your ethos and values to your organisational practices. A perfectly crafted ethos and values statement is worth only the paper it is written on if it is not applied in reality. Indeed, if you use your ethos as the reason for a genuine occupational requirement, and then it is discovered that your ethos statement does not actually reflect reality, your defence for your GOR would probably not be valid.

To consider how ethos and values relate to the everyday life of your organisation and ensure that a Muslim agency is distinctive because it is based on the values of Islam, this next section looks at 5 different areas of organisational practice. Apart from the last area, they constitute the organisational framework used by the Chartered Institute of Personnel and Development.

The organisational practices (as suggested below) should reflect the values expressed in the organisation's ethos and values statements.

Recruitment

The focus here needs to be on ensuring the continuity of your organisation's ethos through recruitment, selection and appointment. A faith-based organisation should be distinguished by clarity and transparency about what the organisation believes and how it understands and promotes its ethos. This enables it to be fair.

- **Muslim posts**

There needs to be a clear understanding in the organisation about those posts which carry GORs and are therefore to be filled by Muslims. It is important that staff are kept informed about which posts these are so that any expectations about promotion/transfer into these posts are based on reality and not on out of date or wrong information.

- **Job descriptions/person specifications**

Job descriptions and specifications must reflect the need to recruit someone who can both carry out the job and maintain the ethos. The person must have skills to do the job and be equally capable of implementing the organisation's ethos.

- **Recruitment literature and advertising**

Copy needs to state not only the activities of the organisation but also the identity of the organisation. It needs to be clear and transparent about the Islamic ethos of the organisation; what the organisation believes and stands for; what its faith basis is and what this all means in terms of culture, standards and expected behaviours. This needs to be made especially clear in those areas where non-Muslims are expected to adapt to the values and practical rules that govern a Muslim religious organisation.

ethos and practice

- **Selection process**

The selection process needs to recognise that getting the right person who can relate to the organisation's ethos is as important as getting someone who can technically do the job; in other words, as well as matching the skills and experience of the candidate to the job description, consideration should be given to a person's adaptability to be able to work within a Muslim religious organisation. However, it should also be recognised that a well designed induction and training programme and assist a good candidate to develop the appropriate knowledge and skills to learn about how to work in a Muslim organisation.

The process should also recognise the candidates' commitment and effort to the selection process and, as part of their own learning and development, feedback should be offered to each of them.

Relations

The focus here needs to be about building the ethos through strengthening relationships.

- **Contracts**

A contract of employment is central to the employer/employee relationship. It represents the commitment of both parties to each other and as such must be treated with care, respect and attention to detail.

- **Induction**

The process should include a focus on welcoming new people, how to ensure that they feel a sense of belonging as soon as possible, what they need to know, how to get involved etc. It should begin to hand on the distinctiveness of the organisation by describing its culture and ethos, the values and organisational ways and customs. The induction process needs to pay special attention to make non-Muslims familiar with the rules and practices to which they need to adapt themselves in order to work for a Muslim religious organisation. There may need to be special literature and training to ensure that non-Muslims have the information and skills to adapt themselves to these values and practices.

- **Communication and relational skills development**

Within the development programme for leaders and managers skills to develop the ethos should be recognised and developed as equal to the skills required to drive, develop and deliver the mission.

- **Investment in relationships**

Investment in delivering the organisation's function needs to be balanced with investment in helping teams work together to build the ethos.

Strategic planning

In the strategic plan it is helpful to have objectives which not only develop the delivery of the function but also help the organisation improve its ethos by focussing on its working practices and whether these meets the goals in its value statements about the organisation and people.

- **Disciplinary procedures**

When it comes to disciplinary procedures, the aim needs to be to create a framework that represents the ethos.

The procedures themselves should be in accordance with the organisational values.

- **Concerns policy**

Procedures should also be made available to staff and volunteers should they wish to raise a concern. Staff/volunteers must know how to access procedures and management/trustees know how to deal with procedures in order to handle staff concerns. Again, in a style which represents the ethos.

- **External accountability**

The organisation must be accountable in its external relationships with partners and stakeholders e.g. to funders, donors, partner organisations. It is important to have an understanding and, where appropriate an agreement, about the nature of the relationship and expectations held by both parties.

Development

The focus here needs to be on understanding that the development of the organisation's ethos is dependent on the commitment of staff and volunteers to the organisation's ethos.

- **Learning and development policy**

A learning and development policy is a useful tool to develop people's understanding of the ethos at a personal, professional and spiritual level.

- **Budget**

Learning and development need to be planned for and generally require investment, although few resources should not limit commitment to finding creative solutions.

- **Development plan**

A development plan for each individual which embraces their personal, professional signals real commitment to individuals' growth.

- **Spiritual development and direction**

In some circumstances there will be a need to develop the spiritual direction and needs of employees. It is part of the ethos of a Muslim organisation that the workplace is a context for discovering God and practicing key Islamic virtues of character such as compassion, justice and patience. There may need to be special policies or personnel who can assist with this process. However, in providing facilities to attend to spiritual needs there is a danger of intruding into the right to privacy of employees. Spiritual development and direction should be provided only at the request of the employee.

ethos and practice

Reward

The focus here is on maintaining the organisation's ethos by seeing the reward policy as an expression of its commitment to its values.

- **Theology**

The organisation needs to think through what it understands by reward and the different aspects of reward within a framework of a theology of reward. This needs to be clearly articulated by reference to the universal values, goals, functions and the attitude that the organisation has endorsed. The reward to meeting these criteria should be based on the key Islamic values of individual responsibility for meeting these outcomes. It should not in any circumstances distinguish between people on the basis of whether and to what extent they are Muslims. It should be made clear that reward and progression to all posts other than those subject to GOR is not dependant on being a Muslim or attendance at prayers.

- **System for evaluating complexity of jobs**

A method of job evaluation to create a rank order of jobs indicates the organisation's respect for the principles of fairness. This approach can help the organisation embrace the values of equal pay for work of equal value.

- **Rates of pay**

Transparency about rates of pay is critical to a felt sense of organisational fairness. It is especially important to make pay and promotion clear and transparent where Muslims and non-Muslims are working together to (a) ensure that justice is seen to be done and; (b) to reassure non-Muslims that they are not being penalised for having a different or no faith.

Faith

The focus here is to enable Muslims to experience, explore and express the shared motivation for the work. This can take a variety of different forms – joint acts of worship, personal or group prayer, individual or guided spiritual retreat/reflection etc.

- **Prayer and worship**

This aspect of working life clearly contributes significantly to the distinctive nature of it but does not exist in isolation as the only distinctive feature. Islam's distinctiveness is expressed in the ethos and functions as well as in prayer and worship.

- **Expectations**

The level of commitment expected from employees needs to be clear in recruitment literature, at induction and in staff literature.

- **Leadership**

It is important to clarify which staff posts are required to lead prayer and worship, give spiritual direction, preach, attend religious meetings and contribute theologically. These requirements should be included in the relevant job descriptions.

Development of policies and procedures

If a Muslim or Islamic organisation is committed to being true to its ethos and values and therefore able to promote distinctive Muslim behaviours as outlined above, there are obviously implications for leadership and management. The bottom line is the extent to which a Muslim organisation is prepared to invest in the development of policy and procedures to help strengthen the organisational infrastructure. The policies and procedures, which help to shape the organisation and provide a context for the practices above, are in the appendices as follows:

- Equal opportunities policy – Appendix 2
- Recruitment policy - Appendix 5
- Terms and conditions of employment – Appendix 6
- Induction and Review – Appendix 7

appendix 1:

job description template

Name of Organisation

Job Title

Responsible to

Line Manager's job title

Job purpose

Two sentence summary of the job (including link to ethos where there is GOR)

Organisation context

2 – 4 paragraphs providing information about the organisation or department within which the post is based, and some information about the specific area of work (linking to the religious ethos where there is a GOR).

Ideally attach an organisation structure chart.

Job tasks

Description of the main duties and responsibilities, which can be grouped together under headings if this is useful. Ideally, there will be between ten to fifteen duties and responsibilities in most jobs. One or more of these will demonstrate why the job needs a person of a particular faith to fill this post (if this is the case).

Person specification/key competencies

8 - 12 essential skill requirements for the job, which reflect the demands of the job as shown through the duties and responsibilities including:

Knowledge

Knowledge required, whether gained through education, training or experience.

Experience

Specific experience required for the job, whether gained through life or work or volunteering.

Skills/abilities

Personal qualities, transferable skills and abilities required for the job. This section will require some of the values, where appropriate, described in the ethos and values statement.

Religious commitment (where there is a GOR).

Job description agreed on (date)

by:

Post-holder's signature

Line Manager's signature

Job Title

Job Title

appendix 2:

equal opportunities

Equality of opportunity

The concept of Equal Opportunities is about ensuring that all personnel decisions concerning pay, recruitment, promotion and access to training and development are based solely on an individual's ability to do their job. Equal Opportunities is about using fair procedures to enable you to make fair decisions, creating an environment in which you can treat people equally regardless of who they are, their background or lifestyle.

Diversity

Diversity, as a concept, is more wide reaching. It embraces the principle that people are different and their differences should be valued and respected. It recognises that people from different backgrounds bring fresh ideas and a different approach which can make the way we work and learn more creative and innovative.

Equal opportunities policy and religious discrimination

With the introduction of this legislation, discrimination on the grounds of religion or belief, whilst unlawful for most employers, is lawful for religious employers though only where they can justify the genuine reason for it.

Therefore, as religious employers, while we subscribe to equal opportunities, we cannot say in our equal opportunities policy that we do not discriminate on any grounds - we do discriminate lawfully on the grounds of religion.

Therefore it is important that we make a statement in our Equal Opportunities policy that, in the light of our religious ethos and purpose, we reserve the right to recruit people with a particular faith where there is a genuine occupational reason to do so.

It would then be helpful to indicate which posts this applies to, either by attaching a list or referring to one held elsewhere, and ensuring that it is kept under regular review.

Note on Equal opportunities and sexual orientation

At the same time as the introduction of the religious discrimination legislation (2 December 2003), regulations to outlaw discrimination on the grounds of sexual orientation within employment practices also became law. Therefore, as it currently stands, the law makes it unlawful to discriminate against any person because of their sexual orientation. This will set important limits to the way in which Islamic Organisations (organised religion) and Muslim Organisations (organisations with a religious ethos) can give effect to their commitment to family life and the sanctity of marriage.

Exceptions

There are only two exceptions within the Sexual Orientation Regulations that allow employers to discriminate on the grounds of sexual orientation. For both exceptions there has to be a genuine occupational reason that relates to the requirements of the job for a post-holder to be of a particular sexual orientation.

The first exception is what is known as a "general exception". This exception can be used if the context and nature of the job need the post-holder to be of a certain orientation e.g. for counselling on sexuality.

appendix 2:

There is a second specific exception which can only be applied to those posts which are for the purposes of organised religion (e.g. ministers of religion/religious leaders).

For this second exception to be valid the employer must be able to demonstrate that a GOR is necessary either:

- To comply with doctrine; or
- To avoid conflicting with the strongly held religious convictions of a significant number of followers.

Can this exception be applied to all religious staff?

As stated above, this exception relates to those posts whose primary purpose is for organised religion. This is a tightly drawn exception which will allow a GOR to be applied to those posts which lead the purposes of organised religion e.g. those who lead prayers, give religious advice and counselling within the Muslim community. All of this legislation is as yet untested in court and, accordingly, the extent to which this exception can be applied lawfully to other leadership posts is also unproven. However, in light of the wording of the regulations, wider application of the exception would depend on the extent to which it can be demonstrated that any other role has, as its primary purpose, organised religion.

Can this exception be applied to religious organisations?

This exception applies where the employment is for the primary purpose of organised religion. It is generally understood that "organised religion" does not mean "religious organisations" since the primary purpose of religious organisations may not be to represent or lead organised religion. However, once again, as this legislation has not yet been tested by case law, the answer to this particular question can, at this stage, only be determined by considering the extent to which the post in question is for the purposes of leading or representing organised religion.

What if neither of these exceptions apply to your situation?

Beyond the exceptions described above, the law is clear – **it is unlawful to discriminate on the grounds of sexual orientation.**

If your organisation is committed to upholding the sanctity of family values as being part of marriage, we would advise you to take the following steps:

Step 1

Make this commitment clear in your organisation's ethos statement. Ensure that this value is included in your organisation's value statements and in standards that determine expected behaviours of staff.

So, you need to make it clear to all employees that they will be required to maintain the ethos of your organisation and preserve the commitment of your Muslim organisation to family values which was stated above:

Family life has a central place in the life of an individual Muslim and within a Muslim community. Marriage between a man and a woman are the central pillar for supporting the Islamic vision of family life and are the only proper context for sexual relations between people. Other forms of sexual relationships are prohibited.

A Muslim organisation can endorse, support and advocate this view within the organisation, within the wider Muslim community and within wider civil society as part of its ethos. This can be seen to be part of the general religious ethos of a Muslim organisation.

Employers may want to clarify their position further by specifying their attitude towards those employees who do not comply with this ethos in their private life/outside the workplace.

Certain workers (Muslims and non-Muslims) may not conform to this requirement in their personal lives. This can include single people who are co-habiting outside marriage; married people who are involved in extra-marital relationships; or those involved in same sex relationships.

Part of the religious ethos of a Muslim organisation is that these private relationships of their employees are not an appropriate matter for accommodation in the workplace. Muslim organisations will need to accept that these private relationships are outside the control and jurisdiction of the employer. They cannot be the basis of penalty or harassment within the workplace.

Step 2

Make sure that your staff know the standards expected of them

Step 3

Make sure that you emphasise at all stages (recruitment, job description, induction and training) that there is a difference between the public religious ethos regarding sanctity of marriage that all employees are expected to endorse within the workplace and the personal lives of staff/their private views.

Step 4

Make sure that any action taken against staff in relation to this standard is applied consistently to all staff

Please note that this approach does not exempt you from the legislation. The law does not allow any employer to discriminate on the grounds of sexual orientation unless there is a genuine occupational requirement (GOR) to do so. Clarity about your organisational values simply ensures that existing staff and potential recruits know where your organisation stands in relation to this issue so that a process of self-selection can take place.

Creating an Equal Opportunities policy

In order to create a comprehensive Equal Opportunities Policy it is necessary to agree a statement first.

appendix 2:

Model Equal Opportunities Statement

*[] is a Muslim organisation committed to equality, social justice and actively opposed to discrimination in society. Muslims believe that all human beings are created equal before God with individual responsibility. We believe that all human beings share a common ancestry, that they are born in a state of innate goodness and that they are responsible moral individuals before God. We affirm the God-given value of each person and believe in the intrinsic value of all.

[] seeks to provide services on a fair and equitable basis, taking into account only the needs of people referred. No person requiring services from [] will be treated less favourably than any other person on any grounds.

As an employer [] aims to ensure that no job applicant or staff member receives less favourable treatment on the grounds of sex, marital status, race, colour, nationality, ethnic origin, disability, age or sexual orientation**.

Entry to employment and promotion or change of post is determined by personal merit and ability relevant to the purposes of [].

[] aims to ensure that people with disabilities are given equal opportunity to enter employment. In doing so, it will fully consider reasonable adjustments to working practices, equipment and premises to ensure that a disabled person is not put at a substantial disadvantage due to their disability. In addition, when staff members become disabled in the course of their employment, every effort will be made through reasonable adjustment, retraining or redeployment to enable them to remain in the employment of [].

[] is a Muslim organisation committed to the universal ethical values which are advocated by Islam. In the workplace this ethos requires that the key functions of the organisation are delivered efficiently in an ethically sensitive space based on the universal values of Islam. As a general rule it is part of the ethos of a Muslim organisation that people who also advocate and endorse these values will not be excluded simply because they are not Muslim. However, there will be some limited posts that can only be filled by Muslims. They are noted overleaf/below and kept under regular review. The nature of these posts or the context in which they are carried and their link to the ethos of the organisation give rise to a genuine occupational requirement (GOR) for the post-holders to be Muslims. All staff in these posts are required to demonstrate a clear, personal commitment to Islam.

It is the intention of [] that no individual or organisation connected with its activities shall hinder the positive implementation of this policy. Any form of discrimination, other than where legally allowed within the Employment Equality (Religion or Belief) Regulations 2003, is unacceptable to [].

Any employee may use the grievance procedure to complain about discriminatory conduct. No individual will be penalised for raising such a grievance unless it is proved to be untrue and made in bad faith. Any complaints will be fully investigated. Any discrimination or harassment proven to have taken place will be regarded as misconduct for the purposes of disciplinary procedures.

*name of the organisation

** see notes in sexual orientation paragraphs

Process for implementing the policy

Your Equal Opportunities Policy should be backed up by an agreed process of implementation as follows:

- The designation of responsibility for the oversight of the policy
- The communication of the policy to make it known and understood; the provision of training for all
- The implementation of procedures to ensure that discrimination, however slight, does not occur
- The implementation of a procedure for handling complaints of discrimination, including harassment, and ensuring that people are aware of it, how it works and how to use it
- The collation of statistics and analysis of them in order to monitor the effectiveness of the policy and to determine the nature of any corrective action
- The use of all the above as part of an ongoing personnel audit

Examples of how to apply equal opportunities to recruitment and promotion procedures

- Job descriptions and person specification for each post should be drawn up and reviewed to eliminate references to non-essential experience or qualifications which might directly or indirectly discriminate against some candidates.
- Job advertisements should be displayed and promoted internally and, where appropriate, externally and be visible to all those who work in the organisation. They could also be placed in the press. In some cases a Muslim organisation may need to make clear that it would welcome applications by non-Muslims and that it is willing to provide training to allow non-Muslims to gain sufficient knowledge of Islam and Muslim communities to be able to work effectively in a Muslim organisation.
- The premises used for interviews should be easily accessible for disabled candidates.
- Questions about the candidate's personal/family circumstances should not be asked.
- The timing of interviews should be flexible to facilitate family commitments.
- Interviewers should treat each candidate equally and interview them on the basis of the person specification.
- Selection should be conducted solely on the basis of the candidate's relative merits, abilities and qualifications.
- The gender, disability, status, colour, race, nationality, ethnic or national background of the candidates should be monitored by including a detachable questionnaire with the application form.
- Although it is not currently illegal to discriminate against candidates on the basis of their age, it is good practice not to do so, especially as 20% UK employees are over the age of 50. Legislation outlawing discrimination on grounds of age is expected to come into force in October 2006.

IMPORTANT: It is a good idea and good practice for recruiters and those involved in interviewing to have had equal opportunities training and to keep all written records of notes made/marking/applications for at least 6 months.

appendix 3:

sample ethos statement

The ethos of [insert name of organisation] is to fulfil our function of providing [insert function of organisation] in an atmosphere which is guided by the universal ethical values of Islam. We recognise that there can be different levels of intention and motivation for undertaking this work through a commitment to these values.

For our Muslim employees, the intention to do this work will go beyond philanthropy but is instead guided by their religious obligations and awareness of God.

For our non-Muslims this intention may be a general desire to do work for the common good of humanity.

We recognise the valuable contribution of both our Muslim and non-Muslim employees working together for the common good to fulfil our functions ethically and efficiently.

As a Muslim organisation we are committed to the principle of respect which is the obligation of integrity and responsibility that we owe to all our employees.

This ethos is given life through our relationships – the way we work together and behave with one another – which are a demonstration and authentication of our ethos. It is through these relationships, with each other and those whom we seek to serve, that we practice our ethos.

appendix 4:

sample value statement

Values about the organisation

- **Compassion and Justice**

These are two of a number of fundamental universal values endorsed by Islam. They provide the guide to the way in which an employer in a Muslim organisation should approach their work, the treatment of all their employees, those who are served by the organisation, the Muslim community and the wider civil society.

- **Respect**

This is the principle that a Muslim organisation/employer has the responsibility for safeguarding respect and honour for all its employees.

- **Honesty and Trustworthiness**

In all our dealings with others, relationships and transactions we are committed to the value of honesty and trustworthiness. We consider that these relationships and transactions provide an opportunity for us to fulfil our responsibility.

- **Privacy**

There is a general presumption against resorting to investigation to discover facts and details about a person's personal life. There is also a general assumption that a person has individual responsibility to God for their spiritual development.

- **Spiritual Development**

We believe that Muslims have a responsibility to offer spiritual assistance in an appropriate way and when it is requested.

- **Generosity and Hospitality**

Employees and visitors to a Muslim organisation must be treated as guests to be welcomed with warmth and hospitality.

- **Integrity**

The values, which we promote for ourselves as an organisation, should be matched by those which we practice when relating to others. There should be a link between who we are and what we do.

- **Efficiency and Transparency**

We believe that we should be efficient, open and transparent about our work. How we make decisions (our processes and procedures) and our actual decisions should be made according to the principles of justice and fairness.

- **Accountability**

We believe that all we have comes from God and that we should exercise wisdom, integrity and responsibility in using the resources entrusted to us.

- **Leadership and serving the common good**

We believe in working for the common good. Where appropriate we will work through partnership to encourage, serve and build up other bodies, recognising their role within local communities. These partnerships may include Muslim organisations, other religious organisation and all voluntary and statutory agencies.

- **United effort by Muslims and non-Muslims**

Muslims are also committed to working in co-operation and mutual harmony with non-Muslims who share their goals to work together for the common good, to fulfil the functions of the organisation, efficiently and according to the universal ethical values of Islam.

appendix 4:

- **United effort by Muslims with other Muslims**

We are committed to maintaining our distinctively Muslim ethos by ensuring that Muslims, as volunteers and staff, are appointed to those positions, which have been agreed require Muslims to fill them. This has a special significance for Muslims because of their senses of being part of a community of Muslim believers (ummah).

Values about people

- **Equality and Respect**

We believe that all human beings share a common ancestry, that they are born in a state of innate goodness and that they are responsible moral individuals before God. We affirm the God-given value of each person and believe in the equal value of all. We stand for respect and freedom for everyone and tolerance and understanding between people of different opinions. In the context of organisations, we believe that a Muslim employer has a special responsibility to safeguard equality and respect for all employees.

- **God Consciousness and a Sense of the Sacred**

We believe that the domestic and practical sphere of the marketplace and the workplace is an important context in which people can discover and practice their consciousness of God - through their intentions, values and their actions in their daily lives and interactions with others.

- **Well-being**

We believe that well-being through the realisation of universal Islamic values such as compassion, justice and generosity should characterise our lives as volunteers and staff and wherever else we belong and participate.

- **Personal Development**

We believe that everyone should have the opportunity to develop and change, realising their potential and thus make a full contribution to the organisation and to society in general. We believe that as we grow and change, not only are we transformed but so is the world around us. We believe that everyone is a learner and should be encouraged, supported and challenged to become who he or she can be.

Values about the way we work

- **Commitment to each other**

We believe that a tolerant society is one in which people of different opinions can live together in peace. In working together to deliver the work of the organisation we want to endeavour at all times to trust one another, being patient and forbearing. We should work at paying attention to the way we speak to one another, attempting to listen well, even when it is uncomfortable to do so, being able to confront difficulties carefully and with compassion, justice and generosity.

- **Individual Responsibility**

We respect the individual spiritual and moral responsibility of each person to God. We respect the privacy of individuals to have a sphere within which they can discover these spiritual and moral values in their own lives.

- **Interdependence**

We believe that each person has his or her own part to play and contribution to make to the whole. We believe that every opportunity should be taken to exchange views so that we can improve our understanding of ourselves and of one another and of the work we do.

- **Community**

We believe that a healthy community is one to which people feel that they belong. Within this organisation we are committed to the same way of life where volunteers and staff experience a sense of belonging to and identity with the organisation. We believe that successful delivery of our function in an ethical atmosphere happens when people feel they belong and have a role, where inclusive community and a family atmosphere are fostered.

REMEMBER: For Muslims endorsement of Islamic values, the way they treat each other in the organisation and the way they serve others may be a part of their awareness of God (taqwa). For non-Muslims there may be a general moral commitment to Islamic values based on other sources and reasons. Both sets of motivations, in their different ways, are a unique and invaluable source of worth within Muslim organisations.

appendix 5:

sample recruitment policy

Recruitment policy

A recruitment policy statement outlines your organisation's approach to recruitment. Below is a sample.

The recruitment of people into [*] at all levels is a vital activity. It is the first step in the process whereby its principle aims of can be achieved.

The standards of recruitment practice and the quality of people recruited have a major influence on the image and direction of [] and its capacity to deliver its stated objectives.

The primary aim when recruiting staff is to ensure that the best person is selected for the post. The selection process for each post in [] is carried out in accordance with:

- The purpose and faith basis of []
- Procedures which are efficient, effective and fair and which embody those aspects of legislation which have implications for recruitment
- [] Equal Opportunities Policy

It is recognised by [] that all people concerned with the recruitment process must have a clear understanding of the above.

As an employer [] is committed to the spirit and intention of equal opportunities and aims to ensure that no job application is discriminated against on the grounds of sex, marital status, race, colour, nationality, ethnic origin, disability, age or sexual orientation**.

[] is a Muslim organisation committed to the universal ethical values which are advocated by Islam. In the workplace this ethos requires that the key functions of the organisation are delivered efficiently in an ethically sensitive space based on the universal values of Islam. Our general rule it is part of the ethos of a Muslim organisation that moral people who also advocate and endorse these values and our ethos will not be excluded simply because they are not Muslim. However, some posts which are outlined and specified as GOR are reserved for those who are Muslims. [insert the agreed formula]

*name of organisation

** see Equal Opportunities – appendix 2 – paragraphs on sexual orientation

Recruitment procedures

Your recruitment process will be made up of numerous steps:

Job description

The place to start for all vacancies is with the job description. Even if it has already been written for a previous vacancy, it is always helpful to take time to review it. The job description is the basis for the rest of the following process. If your job description is not accurate, it is likely that your selection will be flawed. The job description should define:

- The main purpose of the job
- The role of the job-holder
- The main tasks to be carried out
- The areas and level of responsibility
- The context in which the job is carried out

If the job requires someone with a particular faith it will be important to clarify the genuine occupational requirement (GOR) and the expectations – e.g. responsibility to lead worship/prayers, to preach, advocate on behalf of the organisation etc (see page 8).

Person specification

This is an assessment of the knowledge, skills and aptitude required to carry out the job description satisfactorily. It describes the requirements of the job in relation to the individual. Broadly speaking there are two parts to this process:

- The technical ability for the job i.e. the qualifications, knowledge and experience required for the post
- The personal qualities required of the post-holder i.e. aptitude, religious commitment

It's important that both the technical abilities and the personal qualities included in the person specification relate precisely to the needs of the job. If this is not the case, then an employer may limit the number of people who will apply for the job and also, indirectly and unfairly, discriminate against some candidates.

Pay and benefits

Before it is possible to advertise, the question of pay should be considered (see contracts of employment, Appendix 6).

Application forms

Using application forms is preferable to asking for letters of application, CVs or simply relying on questions at interviews. It facilitates easier comparison, like with like, and therefore helps in the initial sift of candidates. It also provides a basis for the interview and records the candidate's details. Unlike secular organisations the application form for religious organisations will include a request for information about religious commitment e.g. place of worship attended, nature of involvement etc. In order to avoid misunderstanding it is helpful to include a note for all candidates explaining why this information is requested i.e. if this job requires someone with a particular faith it will be important that the relevant details are provided. If the job does not require someone with a particular faith, it will be important to explain that this information is not required and that non-completion of this box will not prejudice the application.

appendix 5:

Advertisement

The aim of any job advertisement is to produce a number of applicants who are able to do the job, whilst at the same time minimising the number of unsuitable applicants. If you decide not to advertise, you are likely to limit your opportunity for finding the best candidate. The advertisement should include:

- The name of the project
- Brief information about the project
- Job title and information about the key tasks, level of responsibility and possible development
- Essential requirements of the job, including whether the job requires someone with a particular faith. There needs to be a strong link here to the religious ethos of the organisation
- Hours of work
- Salary (and other terms and conditions where appropriate)
- Closing date for applications together with the proposed interview date, if known
- Name and address to apply to

If you have not already done so, you need to decide whether you are going to recruit from within your organisation/project or whether you will consider external applicants. (If you are using statutory funds you are likely to be required to advertise externally as well as internally.)

Recruitment packs

Prepare a pack of material that you wish to forward to prospective candidates. This should include the application form, job description and person specification, plus any other relevant information about the project, including its religious purpose together with your organisational ethos and values statement.

Shortlisting

Shortlisting is the first stage in a selection process. However, it is also true to say that effective advertising should help people to self select. The key point about shortlisting is that the process is purely about assessing the candidate according to the information available on the application form.

Ideally a minimum of two members of your selection/interview panel should be involved in shortlisting. Together they should agree which criteria they will use for the shortlisting process and compare results after each has undertaken this process separately. The results should be recorded.

Selection

Depending on the nature of the vacancy, it may be appropriate to use different assessment techniques, in addition to an interview, at the final stage of selection. For some jobs part of the selection criteria may include competent use of machinery (e.g. catering equipment), the ability to draft a letter, use a balance sheet, give a presentation etc. In these situations it is helpful to design a simple exercise to test

ability. In other jobs the criteria may include the ability to express oneself clearly to others or to work well in group situations. The candidates could, for instance, be asked to take part in a group discussion exercise with selectors acting as observers.

Interviews

In spite of the limitations of interviewing, it is still the main method by which selection decisions are made. Well-prepared interviews and interviewers can provide essential evidence for good selection.

Interview Best Practice

- Avoid questions which require only a 'yes' or 'no' answer.
- Ask only one question at a time. Rephrase bad questions if the candidate struggles to answer.
- Avoid long questions, or those that need a long preliminary explanation.
- The best questions are: When? Which? Who? Where? and Why?
- Good questions lead from past answers. When you get a lead follow it by asking subsidiary questions.
- Give your full attention to the candidate and make it obvious you are doing so – they need some form of feedback.
- Listen to the candidate. Do not do all the talking. The ratio should be in favour of the candidate.
- Whilst you want your questions answered, in order to collect as much evidence as possible, don't be surprised if you receive unexpected answers. You'll make the candidate nervous if you suggest that this is not the answer you expected. Try suggesting that there may be an alternative response if you think that the candidate has misunderstood the question.
- Never argue or give advice – give information when this is required.
- Pay attention to what the candidate wants to say; does not want to say; cannot help saying

Getting a match

Finding evidence that the person meets your criteria is obviously important. Whatever method of selection you use, one of the key considerations within the process to establish that there is a match between the candidate and your organisation. To ensure that you do this, the aptitudes and skills, required to reflect your organisational ethos, need to be expressed in the person specification for the job.

Informing candidates of the outcome of the interview

All candidates should be informed as soon as possible after your decision has been made. Be prepared to debrief the unsuccessful candidates. Given the time and effort which most people put into an application it is good practice to offer to explain why an application was not successful. This will require that you keep a record of the selection process which you have to hand. Do not attempt to do this without providing evidence of the reason for de-selection.

appendix 5:

Conditional offer

Any offer made to the successful candidate should be subject to satisfactory references and where appropriate, a satisfactory medical examination/questionnaire. A statement of terms and conditions of employment, detailing salary and job title should be enclosed.

References

No offer of employment should ever be confirmed before satisfactory references and other checks, as appropriate, have been received:

- Wherever possible written references, either from the previous employer or from current voluntary work, should be obtained.
- References should be checked for factual information e.g. length of service.
- If the post applied for involves working with children or young people, the reference request form should always ask for comments on suitability for this type of work.

Checks to verify suitability for work with children and young people

Employers have a statutory duty to carry out certain checks in this area.

Medical checks

If the job involves physical fitness (e.g. lifting, travel) it is very important to check out the candidate's fitness to do the job before he/she takes it up and suffers illness/absence. To do this you need to tell the candidate that this will be a condition of the job offer and you need to set up the process with a local GP. This may incur a charge. It will also require you to provide the GP with a job description.

appendix 6:

terms and conditions

Terms and conditions of employment

Who should have a written statement of Terms and Conditions of employment?

All employees whose employment lasts for one month or more are entitled to receive a written statement detailing their terms and conditions of employment. This forms the basis of the employment relationship. This is often a difficult area for religious organisations where there is an unwritten but nebulous assumption that because we all want to support one another it will therefore not be a problem to accommodate each other's needs. However, because employment is such a classic area for misunderstanding proper management is essential. Writing down the terms is a way to minimise disagreements later.

What information should be in the written statement?

It must cover:

- The names of the employer and the employee
- The date when the employment (and, where previous employment counts as previous employment, the date when the period of continuous employment) began
- Remuneration and the intervals at which it is to be paid
- Hours of work
- Holiday entitlement
- Entitlement to sick leave, including any entitlement to sick pay
- Pensions and pension schemes
- The entitlement of employer and employee to notice of termination
- Job title or a brief job description
- Where it is not permanent, the period for which the employment is expected to continue or, if it is for a fixed term, the date when it is to end
- Either the place of work or, if the employee is required or allowed to work in more than one location, an indication of this and of the employer's address
- If there are no particulars to be given for one of the items required to be covered in the statement (for example, where there is no pension entitlement), this should be indicated.

The written statement of employment should also include a note outlining the employer's disciplinary and grievance procedures, and stating whether or not a pensions contracting-out certificate is in force for the employment in question. The disciplinary and grievance procedures do not have to be given within the written statement but can be referred to and given as a separate document. In these circumstances it is important to give the name of a post holder to whom a grievance can be taken. [An employer with fewer than 20 employees is not required to provide these procedures although the employer must still provide information about how to pursue a grievance (i.e. who to take a grievance to)].

appendix 6:

When must the contract of employment be given?

It is preferable to give the employment contract at the time of confirming employment after the selection. This should be conditional on receiving acceptable references and checks. However, in law, all the required terms must be given within two months of the date when the employee's employment began.

What to pay?

By comparing the position offered with other similar jobs or considering Local Authority rates you can arrive at the rate of pay. Doing this will give you a 'feel' for the rate of pay and guide you in your decision making. However, it is not a precise science and, if you have several jobs to pay, it is helpful to have a method of evaluating the size and complexity of different jobs in relation to one another. Job evaluation schemes provide you as an employer with a tool to enable you to measure the value of each job in relation to others and then link them, by using a grading system, to a salary scale.

The overall package you offer can be enhanced by benefits including provisions like holiday entitlement, occupational sick pay and a contribution to a pension. Remember that recent legislation requires employers to give employees access to a stakeholder pension and paid holidays. Other benefits can also include flexible working arrangements – e.g. working from home, flexi hours, term-time contracts and opportunities for training or study leave. Take care to document these arrangements.

Aim at an annual pay review. This is important to keep up with inflation, not just from the employees' point of view, essential though this is, but also from the employer's point of view. Whenever you fail to do this, it makes the increase in future years much harder to bear as well as making you less attractive as an employer.

Finally, remember that the adult rate of the minimum wage (for workers aged 22 and over) should increase from its present hourly rate of £4.85 to £5.05 in October 2005, and to £5.35 in October 2006. More information is available from www.dti.gov.uk/er/nmw.

Pay Details

It is necessary to provide employees with a written pay statement each time salary is paid. This must show the gross amount payable, all amounts deducted (tax, national insurance, etc.) and the net amount payable.

Make sure payment is made on time each month.

appendix 7:

induction and reviews

The benefits of a process of induction are self-explanatory. It helps the new person to settle in quickly, to know where they fit, to whom they relate, to feel valued and to operate effectively as part of the team. However, because resources are always limited and the pressures are great, it's the less tangible things like induction that tend to get played down or completely overlooked. A compromised or non-existent induction programme is bound to affect how an employee feels about his/her work and colleagues, which in turn can easily affect his/her relationship with your clients/users and may eventually even influence whether they stay or not.

Induction tips

- Make arrangements for the new person before the job starts – desk, 'phone etc.
- On the first day or so go through the job description – explain how it fits in with the rest of the work and responsibilities of other team members.
- Introduce the new person to other staff and volunteers – inform others in advance when the new person is starting.
- Explain the staff/volunteer relationship with the management committee.
- Go through the terms and conditions of employment again – check that all the pay (NI/bank) details have been forwarded to the right place. Deal with any queries at the beginning.
- Explain where things are, ordering processes etc.
- Explain the reporting process – who is in charge.
- Explain any rules, particularly health and safety procedures. Location of first aid facilities, etc.
- Refer to any rotas – who does them – what are the expectations of the new person?
- Make a special effort to ensure that non-Muslims are given all the relevant information about how they can fit into the religious ethos of your organisation and that they are made to feel welcome as part of the commitment to the Islamic values of hospitality and generosity.

Work and Personal Development Review

When people take up the kind of work you have to offer them it represents a serious personal commitment. For them it's a way to work out their faith in their lives. It forms part of their spiritual journey and is therefore an intensely personal matter.

The way in which you, as an employer, respect this level of commitment is all important. There are a number of positive ways in which you can achieve this. One way is to develop a set of agreed objectives for your employee and then to review them on a regular (annual or bi-annual) basis. This exercise needs to take place between the member of staff and their line manager (i.e. the person responsible for them). You can also enhance this process by offering the employee an opportunity to identify and work on a series of personal development goals, which are then reviewed in the same way. In this way their work can become not only a tool to develop the project, but also themselves.

The ACAS booklet *Employee Appraisal* provides guidelines for setting up this system.

appendix 8:

further sources of information

Resources and contacts

DTI Publications Orderline
Tel 0870 1502 500
Email dtipubs@eclogistics.co.uk

ACAS Reader Ltd.
PO Box 16, Earl Shilton
Leicester LE9 8ZZ

Tel 01455 852225
Website www.acas.org.uk

CRB, PO Box 91
Liverpool L69 2UH

NCVO Publications – The Good Employment Guide

Regents Wharf, 8 All Saints Street
London N1 9RL

www.ncvo-vol.org.uk

ACAS Publications - a Handbook for small firms
ACAS Reader Ltd PO Box 16
Leicester LE9 8ZZ

www.acas.org.uk

Chartered Institute of Personnel and Development – Recruitment Code of Good Practice for Both Recruiters and Applicants

CIPD House, Camp Road
London SW19 4UX

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