

CANADIAN COUNCIL OF MUSLIM WOMEN:

Position Statement on Employment and Religious Accommodation

June 09.

The Canadian Council of Muslim Women is often consulted about Islam, Muslim beliefs and practices in the area of employment and accommodation.

The following suggestions should not conflict with employment standards, or Human Rights legislation – especially regarding discrimination or racism - or any other laws of Canada.

CCMW presents this information as helpful suggestions and these should not be taken as legal opinions or interpretations. We are of the opinion that these suggestions are within the legal parameters for religious and cultural accommodation, and recommend consultation with your own legal experts.

Please refer to the CCMW primer book on Islam: ROOTS AND WINGS.

Please visit our website www.ccmw.com

Our Guiding Principles underlie all our positions.

Please note that we state that there is diversity amongst Muslims in their understanding and practices of Islam.

The purpose of this Position Statement is to encourage both employers and Muslim employees to communicate their differences so that there are increased opportunities for work for Muslims, especially women. We know that there are highly educated and highly skilled Muslim women who will make excellent employees. We are concerned that some employers may become hesitant to hire Muslims because of fears that they may demand “unreasonable accommodation” and somehow jeopardize places of employment.

There have been incidents between Muslim employees and their employers regarding religious accommodation which has not been resolved in an amicable manner. These examples point out the need for clear understanding and expectations from the start of employment.

CCMW strongly recommends that employers make every effort to accommodate all individuals, whether it is requested due to ability/disability or religion.

However, we also think that individuals must adhere to their employment contract once they have accepted the expectations and conditions.

It is critical that employers have clear guidelines and expectations regarding the conditions and the exact work which is to be done by an employee.

It is important to understand that, similar to other faiths, there is a diversity of opinions and a spectrum of interpretations - from conservative to moderate - of Muslim beliefs and practices.

This means that it is essential to clarify the specific individual's position on various practices as part of the employment contract. We assume that this is a consideration with any employee regardless of their ethnicity, culture or faith.

We can provide some guidelines about Muslim teachings and practices, with the proviso that it is important to ascertain the individual's preferences in these matters before employment.

This takes us back to the earlier point that individual Muslims, families and ethnic cultures' practices vary and are not all part of the teachings of Islam. What this means is that accommodation may not always fall under "religious accommodation."

There are two sources of guidance for Muslims – the holy book, the Quran, and the traditions/practices of the Prophet Mohammad, peace be upon him.

There are no religious restrictions for women to work outside the home or to travel independently.

However, some Muslims have lived in cultures which have practices of a patriarchal society and family where the male is seen as responsible for the women folk. To some this translates into limited freedom for women to travel alone or without the permission of their fathers or husbands. This is an interpretation and is not a requirement of the religion itself.

If this is the woman's position, then the employer needs to clarify how this may affect her ability to successfully perform her job.

There is no segregation of the sexes prescribed in the Quran.

It has been cultures and interpretations which have led to these practices. There has been and continues to be controversy amongst Muslims regarding these issues. Through the history of Islam and Muslims there have been instances of both segregation or no segregation at all.

Another example of the segregation of the sexes is the insistence of some Muslim women that they must have female physicians only. This is again a preference but it is not based on religion. A physician as a healer is allowed to examine and to provide medical services without any gender issues.

During the early days of Islam when the Prophet Mohammed was still alive, there were battles between Muslims and non Muslims. Women not only took care of the wounded they also fought in these battles. This clearly demonstrates that women are allowed to provide and receive services for both males and females. Islam does not forbid such physical contacts.

There is a requirement of modesty and modest clothing for both men and women. But there is no universal Islamic clothing, culture dictates what individuals wear.

What is expected in Islam is modest clothing for both men and women. For centuries, it has been acknowledged that cultures may define modest clothing differently and so there cannot be a universal "Islamic dress."

However, in recent years under the influence of some Arab countries, some Muslim women express their modesty by wearing long skirts or full long dresses. Their interpretation of modesty, especially for women, affects their clothing and will limit their interaction with males.

For conservative Muslims even shaking hands is considered close physical contact, and so working close to males is frowned upon.

The other issue is the head covering. This continues to be controversial amongst Muslims, but many women cover their hair with a veil called the hijab, while some wear a gown which covers them totally, except for the eyes. This creates a physical segregation, but allows for women to mingle in shops and streets.

This is a prerogative and choice of a woman as to how she wishes to express her understanding of her piety.

There are Muslim religious practices which will affect employees at work, such as the daily five times prayers and fasting in the month of Ramadan. Ramadan, the month of fasting, is set according to the lunar calendar and so moves during the year. The fasting is completed close to sunset and this requires employees to take some time to break the fast and say their prayers.

The end of the month of Ramadan is a major feast day for Muslims and they will need this day as a holiday. The problem is that because Ramadan is based on a lunar calendar, the date is not fixed and may be one of two dates.

The five times daily prayers are at dawn, noon, mid - afternoon, at sunset and evening. These take a few minutes only but do require washroom facilities to perform ablutions before praying. It is necessary to explain to Muslim employees that washing their feet in sinks may be problematic for the employer and other employees and as there are alternative ways of "cleaning" the feet, these should be used.

If possible, we would recommend that employers have a quiet room where not only Muslims but others have a space for meditation and quiet periods.

Another practice is that Muslims do not eat any part of the pig and abstain from alcohol. This means that if there is a cafeteria then it would be appreciated if alternative foods are offered. This will not only accommodate Muslims but also those who are vegetarian or who have allergies.

In conclusion:

We hope that employers will not discriminate against Muslims because of the perceived difficulties of accommodating Muslims.

Employers should consider accommodation for religious and other purposes. Understandably this will be within the limits of the job, the type of work and the setting.

These are general guidelines regarding Islam, but it is the individual who interprets her faith and its expression, so that it is important to discuss this openly with the employee to see how this affects her ability to perform the tasks required.

Contact: www.ccmw.com