Multi-faith Workplace
Guidelines for Managers

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About Diversity Council Australia Ltd

Diversity Council Australia is the independent, not-for-profit diversity advisor to business in Australia resourced solely by member subscriptions and advisory services. Our mission is to lead in diversity thought and practice in Australia in partnership with our member organisations to:

1. Model and provide leading diversity practice in an Australian context
2. Embed this practice into businesses and organisations
3. Influence and lead the direction of diversity debate in Australia and in our region
4. Achieve excellence in diversity compliance in a changing legislative environment.

As a valued member, you have access to a range of free or discounted services that support and enhance your internal diversity and inclusion capabilities and external profile:

- Leading edge information – fortnightly email update, Australia’s only business diversity quarterly journal, quarterly research journal, members-only area of website
- Events – diversity leadership briefings, teleconferences, CEO roundtables
- Evidence-based industry research – groundbreaking projects such as Working for the Future and Diversity in an Economic Downturn
- Signature advisory services – organisational development, diversity audits, high level strategies and ROI
- Education – for boards, executives, executive management teams and on flexibility for managers and value-added compliance and awareness
- Member representation – submissions to government inquiries e.g. paid maternity leave/pay equity inquiries
- Speakers – for your diversity council or executive team.
About these guidelines

Why guidelines?
These guidelines aim to create more inclusive, effective workplaces, through recognizing that people’s faith, from Atheism to Zoroastrian, can influence workplace-related needs and preferences, and providing guidance on how to respond to faith-related requests and inquiries.

In company with cultural and linguistic diversity, religious diversity in Australia is growing – both in society more generally and within workplaces themselves.

Working in contemporary Australian organisations, we are increasingly encountering new faith-related situations and issues…

• A Christian employee asks you if there’s a room they could use during lunchtime for Bible study
• A Muslim fellow manager is anxious about late-afternoon meetings being scheduled during Ramadan
• A Jewish project manager needs time off for the High Holidays
• A colleague comes to you asking whether the turban worn by your valuable Sikh computer specialist breaches your organisational dress code.

Such situations are not uncommon in contemporary multi-faith Australian workplaces.

In responding to such situations we need to respect a range of faith-related beliefs and practices, while also ensuring business operations are productive and harmonious.

To help you with this, we have developed these Guidelines.

Acknowledgments
We acknowledge the excellent work of the Tanenbaum Center for Interreligious Understanding in the United States, in particular their innovative and comprehensive workplace guide Religion in the workplace: Navigating the complex landscape. This excellent resource proved invaluable in the development of these guidelines.

See http://www.tanenbaum.org/workplace_tools.html

Other resources drawn on in the development of these guidelines include Simmer Lieberman’s Appreciating diversity during the holidays guidelines.

See http://www.simmalieberman.com/articles/diversityholidays.htm
Demographic reality

Australia has been spiritually plural for over 50,000 years given the diversity of beliefs and practices among Australia’s Indigenous peoples. Anglicans, Catholics, Methodists, Congregationalists, Presbyterians, Jews and Muslims began arriving in Australia since colonisation in 1788.

Since then, religious diversity in Australia has continued to grow.

In all, the 2006 Australian Bureau of Statistics (ABS) Census recorded over 120 different religious denominations each with 250 or more followers.

According to 2006 ABS Census:

- The major religion in Australia is Christianity, with this group comprising over 70 different Christian denominations - the major denominations being Catholic, Anglican, Uniting Church, Presbyterian and Reformed, and Eastern Orthodox.
- While Christianity remains the dominant religion in Australia (about 64% of the population identifying as Christian), non-Christian religions continue to grow at a much faster rate.
- Between 1996 and 2006, the proportion of Australians who are Christian fell from 71% to 64%.
- Between 1996 and 2006, those affiliated with non-Christian faiths increased from 3.5% of the total population to 5.6%.
- Australia’s three most common non-Christian religious affiliations are Buddhism (2.1% of the population), Islam (1.7%) and Hinduism (0.7%).
- Hinduism experienced the fastest proportional growth since 1996, more than doubling to 150,000, followed by Buddhism which doubled to 420,000.
- About 5,400 Australians practise Aboriginal traditional religions.
- About 19% of the population stated they had no religion.

Business drivers

Globalization means employees, clients, and target audiences come from diverse cultures and practice different religions. This has resulted in companies developing markets and establishing trading relationships in new communities and regions of the world, where business practices may be influenced in part by religious tenets.

Added to this, in multi-faith contemporary Australia, customers and clients are increasingly expecting products and services to be sensitive and responsive to faith-related needs.

Also of importance is the need to avoid costly lawsuits, turnover and lower productivity associated with people management policies and practices unintentionally failing to account for faith in the workplace.

This means preventing religious discrimination and insensitivity between co-workers, between managers and employees, and between companies and the clients and customers they service. Particularly in the aftermath of September 11 2001 and bombings in Bali, many Australian communities and organisations have reported increased levels of anti-Arab and anti-Muslim prejudice, discrimination and vilification.

Issues relating to religious holidays, prayer, proselytizing, and affinity groups can also present challenging and sensitive issues, which can generate uncertainty and anxiety about how to raise and respond to these appropriately.

In order to have inclusive and productive workplaces, faith in the workplace can no longer ‘fly under the diversity radar’.

**Defining faith and religion**

Religion has been defined by the Australian High Court as “a complex of beliefs and practices which point to a set of values and an understanding of the meaning of existence.”

In Australia, religion is usually associated with belief in God (most commonly in Jewish, Christian or Islamic terms). Religion also includes an awareness of the sacred, supernatural or divine (e.g. Buddhism or Hinduism). Others seek a higher truth or social well-being in different ways (e.g. secular humanism or socialism).

**Remember!**
When responding to religious issues it should not be assumed that any one religion will be represented by a specific ethnic group (e.g. there are European Muslims as well as Asian Christians, and there are Muslim Cypriots and Christian Cypriots).

Nor should it be assumed that all faith members would wish to be equally observant of their religious duties: all religions have their nominal followers as well as fervent believers.

**Legislative requirements**

Anti-discrimination legislation in Australian requires that employers may not treat employees less favourably because of their religious beliefs or practices. Employers must also ensure that employees are not harassed or vilified on the basis of their religious beliefs or practices.

**Direct religious discrimination**

Direct religious discrimination occurs when someone with a religious conviction is treated less favourably than someone of a different religious conviction in the same or similar circumstances. For example: refusing to employ a person because of their particular religion.

**Indirect religious discrimination**

Indirect religious discrimination occurs where a rule or requirement is, on its face, neutral or ‘standard practice’, but it has a discriminatory effect on people from a particular religion and is unreasonable. It occurs if:

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• Someone from that religion cannot comply with the requirement,
• A higher proportion of people who are not from that religion can comply with, and
• The requirement is not reasonable.

For example: Requiring all employees to stay at work until 5.30pm could disadvantage Orthodox Jews in winter as they must leave work and reach home before sundown to observe the Sabbath.

Religious harassment
Religious harassment is any uninvited, unwelcome behaviour or conduct that offends, humiliates or intimidates and is based on someone’s religion.

For example: Sending ‘joke emails’ that are derogatory about a particular religion to colleagues at work.

Religious vilification
Religious vilification is the incitement to form or express hatred of others on the basis of religion.

Relevant legislation
Discrimination on the basis of religion is unlawful in a number of states and territories in Australia: the Australian Capital Territory, Western Australia, Queensland, the Northern Territory and Victoria. States and territories use various terms to describe religion under their respective anti-discrimination legislation including ‘religious conviction’, ‘religious belief or activity’, and ‘religious affiliation’. South Australia’s Equal Opportunity Act 1984 does not cover religious discrimination.

It is unlawful in a number of states and territories in Australia including: Tasmania and Queensland under respective anti-discrimination legislation and in Victoria under the Racial and Religious Tolerance Act 2001.

Table 1 Religious discrimination and religious vilification laws in Australia 2008

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<th>NSW</th>
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Dress codes

Dress codes and policies that are responsive to religious diversity play an important part in generating inclusive workplaces.

Some religions require modest dress and this can include the covering of the head for both female and male adherents. Some religions also have specific rules about what is considered appropriate clothing for each sex.

In general, employees’ religiously required dress should be allowed unless it breaches legislation, creates unsafe working conditions (for themselves or others), or is a genuine requirement for that person in that role (rather than just ‘standard practice’).

When considering issues relating to employees’ religiously required dress, the following guidance may assist:

• Give employees the opportunity to provide feedback on dress guidelines so that the guidelines are more likely to accommodate religious practices.

• Be prepared to suggest changes to your company’s dress code if it is excluding qualified candidates from positions.

• If employees come to you, listen to their concerns and perspectives and if there is a conflict between their practices and company policy, consult your human resources and diversity staff.

• If employees breach the dress code, seek to identify accommodations that will respect their needs and individual religious beliefs and, to the extent possible and legal, respond to the employees’ concerns.

• Where religious dress presents safety concerns, especially around conveyors and assembly lines, or creates substantial operational issues, employees should be consulted to determine clothing guidelines that respond to individual needs, while complying with good business practice.
  
  – At a manufacturing plant, engineers met with Muslim women line workers to determine clothing guidelines that were acceptable to all. Another company had a head covering designed, with input from employees, out of the same material and colour as their uniforms.

• Consider modesty and head covering requirements around uniform policies and standards by providing options that are acceptable to the company and the employee.
  
  – An in-flight catering company’s uniform included pants and shorts shirts. This conflicted with some women’s standards of modesty. The company revised the uniform policy to give women the option to wear their own ankle-length non-flowing skirts under long-sleeved lab coats.

• If employees need to maintain religious practices – like beards or head coverings or jewelry – that conflict with company policies, ask them to submit a personal letter explaining their religious reasons for doing so.
  
  – A company allows food handlers who wear long hair or beards for religious reasons to wear beards/hair nets, and to tape over nose piercings.
• If employees dress in accordance to their own religious or cultural background, sensitivity from other members of the work force would be assumed towards this (e.g. wearing of beards, hijabs).

**Leave for religious reasons**

Most Australian organisations offer holiday time primarily for Christian holidays – a religion in the workplace survey found that 98% of organisations reported offering Christmas as an official holiday, followed by, Christmas Eve (46%), Good Friday (32%) and Easter (24%), while only one percent said Jewish holidays such as; Hanukkah, Rosh Hashanah and Yom Kippur were official holidays for their organisations. Giving reasonable consideration to requests for leave for religious reasons plays an important role in generating inclusive workplaces, as well as minimizing the risk of religious discrimination.

**Religious festivals, events and celebrations**

When considering issues relating to employees requesting flexibility to attend or participate in religious festivals or events, the following guidance may assist:

• Staff whose religious beliefs require the observance of festivals which fall on days which would normally count as working days can negotiate with their manager for this leave.

• Applying for leave to meet religious needs does not need to be any different from other requests for leave. It can usually be done through normal holiday leave or leave of absence procedures including annual leave, making use of flexible working hours and unpaid leave.

• Investigate if informal arrangements for ‘floating holidays’ are feasible in your organisation (i.e. allowing employees to swap holidays) (e.g. allowing an employee to work on Christmas Day in exchange for taking Yom Kippur or Vaisakhi as a holiday).

• Leave requirements will not always fall at the same time of the year as some festivals are set following the Lunar calendar and the Solar calendar.

• Not all employees of the same ethnic origin follow the same religion. Therefore try not to make assumptions when members of any one ethnic group may be seeking leave for religious purposes.

• In some situations, different communities may observe the same festival on different days. For example, for some Muslim holy days, the precise timing can only be fixed a few days before the actual event on the confirmed sighting of the moon.

• All Jewish holy days commence at sunset on the day before the actual day of the festival, therefore employees may wish to reach home before sunset.

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• Try to be aware of others’ religious holidays when scheduling important or mandatory meetings or events (see a calendar of cultural and religious dates – refer to Appendix B: Further resources).

**Leave for cultural observation**

In many cultures there are obligations in relation to birth, coming of age, marriage and death, which can vary according to religion, culture and position in the family. Consequently, some employees may request leave to accommodate cultural observations.

When considering issues relating to employees requesting flexibility for leave for cultural observation, the following guidance may assist:

• Applying for leave to meet religious needs does not need to be any different from other requests for leave. It can usually be done through normal holiday leave or leave of absence procedures including annual leave, making use of flexible working hours and unpaid leave. Some organisations, particularly in the public sector, also offer additional leave which can be accessed for this purpose such as cultural leave or ceremonial leave.

• Consider your capacity to re-organise work arrangements to accommodate the employee’s request, the impact of the employee’s absence on the delivery of customer service, the particular circumstances of the employee and the impact of refusal on the employee including the employee’s ability to balance his or her work and family responsibilities.

• If a person requests religious accommodation and time off, explore ways to meet their request. If you believe the possible accommodations is not feasible given business constraints, consult with human resources and diversity staff.

• When selecting new staff, be clear with applicants about expectations in terms of work schedules. If a candidate voluntarily discloses that there is a religious conflict, seek ways to accommodate the religious practice.

**Prayer and practices**

**Praying during working hours**

Some religious adherents may request short periods away from the workplace for special prayers or observances. For example, Jumma (the Friday prayer) is a congregational prayer for Muslims which requires them to travel to their local or nearest Mosque, while the beginning of Shabhat during Winter months is significant for Jews. Similarly there are certain days of obligation for Christians.

**Some tips…**

When considering issues relating to employees requesting prayer breaks during working hours, the following guidance may assist:

• Recognise the personal commitment of individuals to observe their religious duties and be open as to how a suitable time and place could be found to accommodate this, subject to operational requirements.

• Find out whether your organisation provides a ‘quiet room’ for the purposes of prayer and contemplation, as well as private reflection at times of personal need.
Having a quiet room on-site has the advantage of minimizing time taken away from the workplace by reducing travel time.

- Usually prayer break requests are likely to involve no more than an hour of working time and can be as little as ten or fifteen minutes.

- Friday mid-day prayers are particularly important to Muslims and may take a little longer than other prayer times. Because this is a particularly important time it is often advisable to consider whether this is a good time to hold meetings or events which Muslim colleagues or customers are expected to attend.

- Some religions such as Islam require an adherent to undertake ritual washing prior to prayer. If general washroom facilities are used, sensitivity from other members of the workforce would be expected.

**End of year holiday season**

Many Australians do not celebrate Christmas religiously, either as followers of non-Christian religions (Buddhists, Muslims, Hindus, Jews) or as individuals with no religious affiliation.

The numerous Santas, ornaments, and Christmas fanfare that surrounds us at this time of year can mean we easily overlook the depth of the diversity present in Australia during this season. In reality, many different events, both spiritual, religious, and tradition based, are being celebrated in many different ways during these times. December typically marks the holidays of Hanukah (Jewish), Christmas (Christian), Ramadan (Islamic) and Kwanza (African American). Each of these holidays is very different in their practices and significance.

**Some tips...**

You can make your workplace more inclusive during the holidays by:

- Be sensitive to the fact that not everyone appreciates Christmas decorations in their workplace, wishes to attend the company's Christmas party, or take part in the department's gift exchange.

- Making sure your Holiday party isn't a Christmas party in disguise. Decorations and food should be general, and non-specific to any religion.

- Considering having a New Year's Party instead of a Holiday party. This type of party can get everyone on board with the company's mission and vision for the New Year.

- Posting holiday greetings on your webpage and intranet for many religious holidays.

- Being respectful of these special dates, and plan events and meetings around various holidays.

- Displaying a multi-cultural calendar to help all employees stay aware of important cultural events for the rest of the year.

- Being flexible with the needs of different employees.

- Encouraging employees to share their celebrations through stories, decorations, and foods that they can bring to their workplace.
Inclusive events

Some tips...

When organizing meetings, training or social events, the following guidance may assist:

- Include staff from a variety of different cultural and religious backgrounds in the planning and marketing of events, to benefit from their knowledge.
- Check a Cultural Events Calendar for events and festivities around your intended function – to avoid leaving particular groups out.
- Many staff experience difficulties obtaining appropriate food at work-related events. For example, Muslims and Jews do not eat pork and are usually hesitant to eat at functions that serve pork because of the fear that the non-pork dishes may have come into contact with pork during preparation. Additionally, it is not only the ingredients that make food/s Halal or Kosher, but also the way it is prepared and how it is served.
- Check attendees’ dietary needs and provide vegetarian, Halal and Kosher food on request.
- Emphasise that non-alcoholic drinks will be provided and appropriate food served.
- Where possible, use a separate BBQ or cooking plate for cooking vegan/vegetarian foods. Many people find it unacceptable to have meat cooking alongside vegetarian foods.
- Separate pork-free, beef-free and vegetarian dishes from the other dishes.
- Provide separate serving utensils for each dish.
- Label food correctly (e.g. Halal, pork-free, beef-free, vegetarian, vegan, Kosher).
- Use separate areas for serving alcoholic and non-alcoholic drinks, Halal and non-Halal food, and vegetarian and meat dishes.
Appendix A: Real life cases

Lack of satisfaction with prayer room facilities is not discrimination\(^5\)

*McIntosh V TAFE Tasmania (2005)*

The complainant sought a review of the Commissioner's decision to dismiss his complaint of discrimination on the basis of religious activity in employment - whether the employer was required to provide a prayer room and whether the room provided was adequate - whether the employer was required to provide flexible leave for EID days (particular days of religious celebration for Islamic holy days).

The complainant was a practising Muslim and used various locations around the TAFE campus in which to conduct his prayers. In 2002 the complainant made a formal request for allocation of a Prayer Room, in 2003 TAFE allocated a room that was accepted to be 'very small and in no means ideal' but was the only room possible to set aside for this purpose.

The Commissioner dismissed this part of the complaint, stating as follows: "The fact that you are not satisfied with the provided (sic) does not necessarily found a valid claim of discrimination. To constitute discrimination, you would need to show, that it is more probable than not, that your request for a prayer room would have been treated differently, or more favourably than it was, had you been of a different religious persuasion."

With regard to the leave for EID days, the complainant argued that it is discriminatory to provide employees with no choice but taking leave in observance of one spiritual practice (eg Easter, which is a Christian rite) but force others of different religion to take recreation leave to attend similar spiritual obligations of a different religion; for example EID days. It was TAFE's position that the complainant is entitled, subject to staff scheduling constraints, to take time off work to observe EID days by making an application for recreation leave.

According to TAFE, on each occasion an application by the complainant had been made, recreation leave was granted. Further, TAFE stated that the requirement that teachers take compulsory leave during Christmas/New Year and Easter is a requirement of the Tasmanian TAFE Teachers Award 1995. Pursuant to that award, teachers are entitled to eleven weeks leave per annum of which four weeks must be taken during two compulsory leave periods, Easter and Christmas/New Year.

Upon review the Tribunal was satisfied that the Commissioner made the correct decision in dismissing these parts of the complaint.

**Muslim IT worker wins right to pray\(^6\)**

A Muslim IT worker in Sydney has won the right to pray at work. In a deal brokered between his boss and unions yesterday, computer assembler Kamal El-Masri has been given the go-ahead to take part in afternoon prayers. Mr El-Masri, 19, had taken a case to the Australian Industrial Relations Commission (AIRC), claiming his boss

\(^5\) Available at: [http://www.antidiscrimination.tas.gov.au/Previousissues/newsletters/newsletter5](http://www.antidiscrimination.tas.gov.au/Previousissues/newsletters/newsletter5)

TPG, wouldn't allow him to take adequate breaks to pray. The devout Muslim must pray five times a day as part of his religion.

But two of Mr El-Masri's daily prayers fall within work time, one at lunch and one in the afternoon. Mr El-Masri claimed his boss issued formal warnings and threatened him with the sack for taking the prayer breaks, even though he shortened his lunch break to pray.

After in-depth talks with management today the parties reached an agreement, which would allow Mr El-Masri to honour his religious beliefs. The agreement came after nine leaders from Catholic, Anglican and Uniting Churches, as well as Jewish and Islamic faiths, yesterday signed a Statement of Support, respecting the rights of workers to observe their religious faith. The statement also said Muslim workers, in particular, should be given the right to take a few minutes to pray. Under the deal, TPG agreed to withdraw all formal warnings against Mr El-Masri and allow him to take a five-minute afternoon prayer break.

Mr El-Masri said he only ever wanted the right to observe his religion. "I wish this message went out to all employers to show them that a person doing their religious acts at work should be (allowed)," he said. "For every other worker who wants to respect their religion I say 'go out there stand up, you've got the right and may God be with them'." He said he would continue working at TPG.

Australian Services Union (ASU) assistant branch secretary Sally McManus said the agreement was a "victory for commonsense and fair play". The ASU said since media coverage of the matter the union itself had been targeted by anti-Muslim supporters, receiving numerous hate calls at its office.

**United States Cases balancing human rights with respect to religious beliefs and sexual orientation**

Recent cases in the United States in particular have highlighted the difficulties, conflict and tensions that can arise when seeking to balance human rights with respect to religion and sexual orientation. While the legal context in the United States clearly differs to Australia's, these cases highlight the issues involved and what poor practice in resolving these issues can look like - on the part of both employers and employees.

*Peterson v. Hewlett-Packard Co (2004)*

A Christian employee responded to diversity campaign posters, which feature gay employees, by prominently posting in his cubicle Bible verses that condemn homosexual behavior. The employee's supervisor removed the Bible verses because their presence violated the company's anti-harassment policy, which protects sexual orientation. The employee and his managers met at least four times to discuss the issue but were unable to agree on terms that were acceptable to both parties. The employee would agree not to post the verses again, but only if the employer would agree to remove the "gay" posters. Ultimately, the employee was fired for insubordination. The employee sued, but the employer prevailed at trial and on appeal. According to the 9th U.S. Circuit Court of Appeals, it was evident that the employee "was discharged, not because of his religious beliefs, but because he violated the company's harassment policy by attempting to generate a hostile and intolerant work environment and because he was insubordinate." As to the religious
accommodation claim, the court said, “the only accommodations that Peterson was willing to accept would have imposed undue hardship upon Hewlett-Packard.”

*Buonanno v. AT & T Broadband (2004)*

A Christian employee refused to sign an employee handbook certificate because he could not agree to abide by the employer’s “diversity philosophy,” which required him to “respect and value” differences, including sexual orientation. The employee said he could not agree to value beliefs or conduct that are contrary to the Bible without denying his faith, which he refused to do. He also stated that he would not discriminate or harass any employee on any basis. Even so, the employer did not attempt to clarify the handbook language in any way that might have allowed the employee to sign the statement in good conscience. The employee refused to sign the statement, and his employment was terminated. The court upheld the employee’s claim that the company failed to accommodate his religious beliefs. “[H]ad AT & T gathered more information about Buonanno’s concerns before terminating his employment, it may have discovered that the perceived conflict between his beliefs and AT & T’s policy was not an actual conflict at all, or that if a true conflict existed, it was possible to relieve that conflict with a reasonable accommodation,” the court said.

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7 Clark, M. (2004). Religion vs. sexual orientation: There is room in your organisation for policies that protect both sexual orientation and religious expression, *HR Magazine*, August, 2004. Available at: http://findarticles.com/p/articles/mi_m3495/is_8_49/ai_n6171139/pg_2?tag=artBody;col1

Appendix B: Further resources

Key events, holidays and dates
Visit the Australian Government’s Calendar of cultural and religious dates at http://www.immi.gov.au/living-in-australia/a-diverse-australia/calendar-australia/. Use this to raise awareness of key cultural and religious events, days and festivals.

Learning about Australia’s most common religions
For an excellent overview (including brief history, basic beliefs and practices, diet, attire, calendar & holidays, major life events) of some of Australia’s most common religions, please go to the web-site of the Tanenbaum Center for Interreligious Understanding in the United States.

http://www.tanenbaum.org/toolkit_destinations.html

This includes information on:
• Christianity (64% Australians)
• Buddhism (2.1% Australians)
• Islam (1.7% Australians)
• Hinduism (0.7% Australians)
• Judaism (0.4% Australians)

Learning about Indigenous traditional religions
For information on Indigenous traditional religions, please see:

http://www.abc.net.au/religion/stories/s790117.htm (ABC information sheet)

Learning about religions and dietary requirements
For more information see:

http://www.veg-soc.org (Australian Vegetarian Society)
http://www.cyber_kitchen.com/rfcj/kosherfaq.htm (FAQ: Kosher food)