Religious diversity in training: how to find negotiated solutions based on explicit criteria?

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Introduction

During our intercultural trainings, we have long been confronted with cultural shocks related to beliefs and in particular religious beliefs. These shocks are increasingly complex for the participants to manage[1]. Many trainees ask themselves: to what extent should we accept a religious request? What are the criteria for refusing or accepting such requests? One of the major challenges for these professionals is to keep people connected at the same time as accepting requests that sometimes risk creating separations. Another question concerns the application of the principle of neutrality: how can we not favour one religion over another and how to address requests made by a very small minority[2]? Is it possible, to respect a multitude of religious convictions? And if this is not possible, what should be done? Again, where should be our priority? On what basis?
Finally, equity is an important issue to consider for professionals in management positions: if I accept an individual request, I must think about the other possible requests of employees: how can I be fair in the treatment of these requests?

Faced with all these questions, we decided at the CBAI to work with Dounia Bouzar, an anthropologist expert of religions, author of the book published in France: "*Laïcité, mode d'emploi - cadre légal et solutions pratiques : 42 études de cas*"[3]. Her approach is essentially based on the legal framework. To this she adds a very interesting concept: the "Greatest Common Denominator". It is a question of responding to a particular demand by finding solutions that suit the greatest number.
Thus, in 2012 and 2013, the CBAI brought together 20 professionals from different sectors to work on these issues: each speaker brought situations related to beliefs frequently experienced and from there we compared our points of view, we analyzed the issues, the social context, the legal framework[4], to finally propose possible solutions. As a result of these exchanges, a common frame of reference for actors in private companies, public services, health, youth and early childhood sectors was built and published[5].

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[1] See IO3 for examples of cultural shocks in the religious sphere, worked on recently in training.

[2] For example, this is the case in some instances of dietary restrictions in the management of company canteens.

[3] Bouzar D. *Laïcité, mode d'emploi - cadre légal et solutions pratiques : 42 études de cas,* éd Eyrolles, oct 2010.

[4] The Belgian legal framework being quite different from the French one, we worked with Nathalie Denies, a lawyer at the Interfederal Centre for Equal Opportunities (Belgium)

[5] The results of this research-action, allowing the creation of a common frame of reference, have been published in the following book *Diversité convictionnelle : comment l'appréhender ? How to manage it,* by Dounia Bouzar and Nathalie Denies, published by Académia, 256 pages, 2014.

Based on this framework, in 2014 we developed a training course on "managing convictional diversity" which mainly aimed at actors with management functions: directors, team and project coordinators.

Completing Cohen Emerique's approach by detailing the criteria of negotiation
The training on "managing convictional diversity" is based on Margalit Cohen Emerique's approach, to which are added more precise criteria on the third step of *negotiation*.
In the following text, we will detail these criteria, and in the appendix there are documents that complete this work: the complete detailed programme of the training (appendix 1), the questionnaire created to deal with requests related to beliefs (appendix 2), a summary diagram of all the criteria, and a document on the "Greatest Common Denominator".

New criteria on the "negotiation" part:

We propose integrating some new criteria for negotiations, so that we can identify to what extent a request/behaviour is negotiable. These criteria are as follows:

1. **The legal criterion: is the behaviour or the request legally admissible? What does the law say about this?**

The main legal texts include:
- the European Convention on Human Rights (art 9),
- the anti-discrimination law,
- more specifically, the legislation on well-being at work, collective agreements and internal regulations.

The laws provide a framework: an employer cannot answer "whatever he wants" to certain requests of a convincing nature. "What does the law say" is a first criterion that cannot be ignored and gives the first answers to requests, particularly concerning :
- *recruitment[6],*
- *specific meal requests which, in certain situations, are legally determined"[7],*
- *behaviour or requests that call into question the job profile as set out in the employment contract or that do not comply with safety rules (e.g. long veil for a chemical worker) or hygiene rules (e.g. long beard for a cook)*

For a better understanding of this criterion, we make a presentation on the legal framework. For very specific questions, we refer to Unia lawyers (public service working on discrimination issues in Belgium).
In some situations, participants (often in management positions) realize that they have been out of line with the law when making decisions: they have not respected the anti-discrimination law (e.g. by taking into account the opinion of the public who might not be comfortable with a professional wearing a convictional sign, whereas "public opinion" is not a legally founded criterion).

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[6]Recruiting a worker wearing a convictional sign (a situation that often divides teams).

[7] For example, the obligation to provide halal meals in closed centres.

Not all requests of a convincing nature have precise legal answers, and in particular do not give rise to a positive response. This does not mean that it is not relevant to hear these requests and to seek a response that satisfies the greatest number of people. For some participants who are reluctant to deal with requests related to religion, a first work of decentring their own frame of reference is essential (see training programme in annex).

2. The mission and objectives of the organization: does the request fit into this framework?

Religious requests or behaviours can question the institutional framework, for example, requests from the public for non-mixing of men and women, requests where the public does not wish to participate in an activity (e.g. seeing films showing a naked body during a film session in the framework of a Continuing Education activity), requests from parents who do not wish their child to participate in a school activity (dance for a school festival, swimming pool lessons), requests from participants to have a time to pray in associations calling themselves "secular"...

This second criterion is sometimes at the edge of the legal framework since structures cannot respond to requests that would take them outside the mandate for which they are funded.

However, missions can also evolve according to the context, the changing public, and societal issues. Thus, it is also possible, with a clear procedure (in particular often a passage by the Board of Directors and the General Assembly), to change missions, a project, and goals.

This criterion is very interesting because it allows us to put into words what is at the heart of an organization's mission. Very often, we will not negotiate on the missions but on the way to achieve them (its strategy, its pedagogy). For example, if an organisation's mission is emancipation, it can also change its way of doing things, by moving from non-mixed to mixed during the same project. It can also clarify what "emancipation" means for them.

3) Implementation: does the demand question the organization of activities?

The requests that can be particularly relevant from the perspective of the activities' implementation are for example requests for time adjustments (during classes or work) to go and pray, requests for premises or a quiet place to pray, the wish to shift one's schedule or to be absent during religious holidays...

Once again, we sometimes find ourselves on the edge of the legal framework because the organisation of activities is sometimes determined by a decree, internal regulations, or an employment contract.

However, once again, it will be necessary to consider whether organizational adjustments can be made to meet requests of a religious nature: for example, in the organization of French classes, can the timetable be adapted during the Ramadan period? Can we reorganize the management of leave among staff members to allow the greatest number to follow an important religious holiday while continuing to "run the service"?

5) **Work, professional duties (of the claimant): Does the claim (behaviour) prevent the professional from carrying out his/her duties, roles?**

If yes, specify in what way: what functions would no longer be performed?

This criterion particularly echoes the following situations brought up in training: young female animator hired in a neighbourhood house who does not want to go to the swimming pool with the children (because she does not want to wear a bathing suit), animator who does not want to go to the summer camp organised every year by the neighbourhood house, man who does not want to serve alcohol in the bar for religious reasons, man who does not want to be alone in a meeting with his female colleague, young sports leaders doing Ramadan and their colleagues worried to see them doing sports with the children in the heat, refusal of a worker to follow the orders of her manager because she is a woman, team disagreeing on the hiring of a worker wearing a religious sign in a medical centre: some think it might keep patients away....

This criterion is partly legally defined: the anti-discrimination law very precisely mentions possible answers[8]. In addition, the employment contract stipulates functions and tasks.
But again, negotiations are possible: job profiles can change. Sometimes professionals find arrangements between them to replace each other on tasks that one or the other does not wish to do. Sometimes professionals make arrangements to replace each other on tasks that one or the other does not wish to do. However, on this last point, it is also a question of proportionality: replacing a colleague on an occasional basis can be negotiated, but if it becomes too frequent, it can create tensions between workers and is not viable in the long term (there are examples of activity leaders replacing a female colleague for the swimming pool activity with the children, but this is not always possible). (For example, there are examples of activity leaders replacing a female colleague for the swimming pool activity with the children, but who quickly got fed up with it). Thus, on this question of the functions of each person, it will again be necessary to take into account the effects on the other workers in the medium and long term.

Finally, this criterion obliges institutions to clarify what the worker's role is and very often to specify "in what way could a convictional sign prevent the worker from assuming this role? In fact, wearing a religious symbol is often seen first as an obstacle to the function requested without even explaining why. Often, it is the principle of neutrality that is mentioned ("the person will not be neutral" and the public will not be able to identify with it) without going into further detail. It is also interesting to work on the job interview: how to check if the fears I have are well-founded? For example, if I am afraid that the receptionist wearing the headscarf will be uncomfortable when faced with requests for abortion from young girls, how am I going to check this?

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[8]For example, the opinion of the public, and in particular its prejudices, is not a legally founded criterion for refusing a job to an employee. e.g.: just because the employer believes that the public will not trust a man with a long beard, it should not be assumed that he cannot perform his job.

6) "Living together": Is there a problem with the demand for "living together"? Does it risk "separating" the public too much? Create tensions between them? Favour one group over another?

Although this criterion applies to all situations, we can particularly mention requests concerning collective meals (requesting that there be no alcohol at the table, for example), requests for non-mixing, prayer rooms (what about those who would like a rest room?), requests for time adjustments for group activities, etc.

This criterion has no legal basis, but it is at the heart of the approach: to provide solutions that bring people together and not separate them. It is not so simple because, taking into account the particularities of each person, we can sometimes be too differentiated.
The criterion of fairness often helps to find a solution that satisfies the greatest number of people[9].
The criterion of equity rather than equality makes it possible to take into account contextual inequalities: historical contexts which explain certain differences in treatment from one religion to another (mainly legal holidays) or the lack of consideration for religion in highly secularised European countries.

Fairness will also be an important criterion for managing workers' requests in the organization of their work: absences, schedule adjustments, canteen menuss Management must be careful not to favour one group over another, at the risk of delegitimising its management function.

Thus, to conclude, participants are asked to answer the following question:
In view of the previous analysis, what **solution(s)** could you envisage? Does this solution satisfy the greatest number (Greatest Common Denominator)? Conversely, what is not negotiable?

Here are the criteria that help to find a negotiated solution (see the summary diagram in Appendix 3).
Finally, the practical application of the solutions envisaged. A series of questions help in the application of these solutions (see annex 2, the grid of questions for dealing with requests or behaviours and particularly part 5: strategy to be put in place).

Conclusion:

Thus, this training course on "Managing Convictional Diversity" takes up Margalit Cohen Emerique's approach by leading participants to decentralize themselves, to better understand the other's frame of reference and to find negotiated solutions.
If we have detailed the "negotiation" part by providing participants with key points of reference to help them identify the negotiable and the non-negotiable, it is because the subject of beliefs, and more particularly religion, is a sensitive area[10], which very often prevents participants from stepping outside their own subjectivity. Indeed, religion often refers to :

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[9] See the diagram in Appendix 4.

[10] See IO3 text on religion as a sensitive area (Judith Hassoun, CBAI).

- Prejudices for participants living in secularized countries but also having lived through current events marked by attacks claiming to be radical Islamism,

- Fears of a return "to archaisms" in countries that have experienced revolutions and struggles against religious power,

- An experience of religion as being part of the intimate sphere, hence sometimes a confusion between "intimacy" and "sacredness". Some participants do not know how to react to religious requests or behaviours that they do not dare to examine (either they do not dare to make a remark or objection, or they run away from it).

- A fear of appearing discriminatory by refusing or accommodating religious requests in a context where Islam is often the bearer of prejudice, even discrimination. Thus, a difficulty in "studying" the request.

Faced with this difficulty of leaving one's subjectivity, which is often marked by fear, it seemed important to us to develop "objective" criteria to help professionals, especially those in positions of authority in the institution, to examine all religious requests in the most "clear-sighted" way possible.

Finally, it should be noted that this training could also be given in the form of an "institutional accompaniment", making it possible in a single institution to work in even greater detail on the institutional changes to be made in the case of requests of a convincing nature.

Annex

Annex 1

Detailed program of the 6 days (+1 day of intervision) of training [11]

Day 1: introduction and general framework on the history of religion in Belgium

In the first part of the day, we set out the general framework of the training: its objectives, its programme, and the ethical rules that are essential for its proper conduct.

Then we tackle the theme of religion, explaining why this subject can be sensitive and that it is not always easy to listen to a request relating to religious and convictional beliefs. To do this, we recall, with a theoretical presentation by Xavière Remacle, an Islamologist and long-time professor of religion, the history of religion in Belgium: its place, its links with the State, the emergence of neutrality.

D2: To better understand the request by freeing oneself from one's prejudices and by taking note of other relationships to religion.

The morning is in the continuity of the first day: religion is not only a sensitive subject (as we saw in the first day) but it can sometimes be the object of strong prejudices, which could bias our response to a request of a convictional nature. What is a prejudice? How are they formed? How can we get rid of them?

Then, we work on the concept of identity: we have an identity with multiple facets: when we respond to a request of a convictional nature, is it always as a professional? Do we experience internal identity tensions between our professional role and our transmitted convictions that refer to another part of our identity: our family for example.

The afternoon is devoted to analysing different relationships to religion and in particular to the question of its place in daily life and its link with the community. Religion does not always have the same symbolic and effective place for individuals, the way we practice it also reflects our relationship to the group, and this is often the result of history. During this afternoon, it is a question of taking a step back from one's own relationship to religion in order to be able to hear other frames of reference

Thus, this is a first work of "decentration": we lead the participants to discuss in pairs "their relationship to religion" and to return in a large group on "what is common, what is different" in what they have shared.

J3: The criteria for responding positively or negatively to a convictional request.

- **Focus on the legal criterion: presentation of the Belgian legal framework.**

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[11] We put a color code on the titles to show how the three steps of Margalit Cohen Emerique's approach are taken. In blue: decentration; in green: getting to know the other person's frame of reference; in purple: negotiation.

Based on the results of the action research organized by the CBAI, we present the different criteria on which to base our response to a convictional request. Nathalie Denies, co-author of the book "Convictional diversity: how to apprehend it? Nathalie Denies, co-author of the book "Convictional diversity: how to deal with it? and a lawyer at Unia[12], explains one of the most important criteria to be taken into account: the Belgian legal framework, and more particularly the anti-discrimination law, the principle of equality between men and women, and the notion of harassment.

Day 4: Work on concrete situations brought by the participants

Using the grid developed by Margalit Cohen Emerique, to which we add more specific questions on the third step of the process (negotiation), we work on the concrete situations brought by the participants: the situations/demands they are confronted with, the possible answers based on the application of the different criteria explained on the third day.

D5: Negotiation and strategies to implement the (negotiated) response.

Situations or requests of a convictional nature require negotiated responses between the requester and the institution. Each must make a step towards the other to find a solution that is most satisfactory to both parties. What are the elements that favour negotiation? Is there sufficient clarity beforehand about what is negotiable and what is not? This work on negotiation is approached through a role-play, before applying it to concrete situations brought by the participants.

The afternoon is devoted to action strategies to implement the decision taken: how to implement this decision? How to communicate on it, especially when the answer found leads to an organisational upheaval? Which partners should be involved? How to check in the long term that the answer is the right one? We work on the basis of situations brought by the participants.

D6: Re-appropriation, transfer of the approach, and evaluation

The last day of training is devoted to answering questions that remain unanswered, to revisiting more complex aspects of the approach
This day is also a form of general appropriation since we address the issue of transferring the approach to the whole team: how to explain the approach to its team or even to an external team? Indeed, participants in the training could become "advisors" for convictional diversity. They could support teams who would be faced with requests of a convictional nature. How to deal with these requests? What to be aware of? How to explain the approach?

Finally, an evaluation of the training is carried out.

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[12] Former Centre for Equal Opportunities and Opposition to Racism

D7 : intervision

Approximately one quarter after the end of the training, an intervision day is organised to review with the participants the application of the Greatest Common Denominator approach within their association. How far have they managed to apply the approach? Are there any points that are more difficult to apply? Answers will be given during this day.

Belief diversity - analysis grid public or worker demands (or behaviour)

Work on concrete cases

1) **Describe the request (or, if applicable, the type of behaviour that "raises questions")**

- What is the demand?
- Describe the request precisely: what is it about?
- Who is making the request? Is it a request made by several people?

2) <u>**The reasons for making this request**</u>

It is just a matter of being able to hear the motivations of the "applicant". It is not a theological discussion about "is this what is prescribed in this or that religion?

Why is this request important to the person making it?

3) <u>**Is the situation problematic in terms of**</u> :

Not every request is particularly problematic. However, sometimes you might wonder about the right answer and refuse it too quickly. Here are some questions to ask yourself in order to take stock of the situation and not to answer solely according to your personal subjectivity.

3.1) at the personal level: does this request clash with my values, my beliefs, my norms, my taboos...?

Specify which values/tabs... are affected

3.2) **The legal framework (European Convention on Human Rights, anti-discrimination laws, legal framework of the association (internal rules))?**

3.3) the project of the association (and in particular its pedagogical dimension)**, its missions, its aims?**

Specify in what way.
On the other hand, specify whether the request is fully in line with the association's mission.

3.4) **organization (of activities)?**

What are the organizational challenges? Can organizational changes be made?

3.5) The **work**, professional duties (of the applicant)?

Does the request (behaviour) prevent the professional from carrying out his or her duties, his or her role?
If yes, specify in what way: what functions and role[13]would no longer be performed?

3.6) **"Living together"?**

Does the demand pose a problem in terms of "living together"? Is there a risk, in the responses that are envisaged to be provided (or not provided), of "separating" the public too much? Create tensions between them? Favour one group over another?

4) Possible solutions

In view of the previous analysis, what solutions could you envisage? Does this solution satisfy the greatest number (Greatest Common Denominator)? Conversely, what is non-negotiable?

5) Strategies to be put in place

This is about thinking concretely about how you will implement the solution you have found. However, even when your answer is "no" to the request, you need to think about how you will make it explicit and meaningful.

5.1) **What** is the solution/change about?

Solution found:

Will the solution you find require structural changes in

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[13] Sometimes you will need to clarify what the role of the professional is (e.g. what is the role of a youth worker in a community centre?)

- the **legal** framework: should the internal regulations be changed?

- of the **institution** :
  - Clarification or changes in missions
  - Clarification of educational objectives
  - Other

- the **organization** (e.g. changes in the meals offered, installation of a rest room, changes in working hours, other work distribution, etc.)

- of the **profession**: clarification of the role, functions...

- of **living together**: is there any work to be done on prejudices?

5.2) How will I do it?

- **Who** do I need to make these changes **with**? Who are the people involved?

- Where do I start?

5.3) What are the obstacles I might encounter?
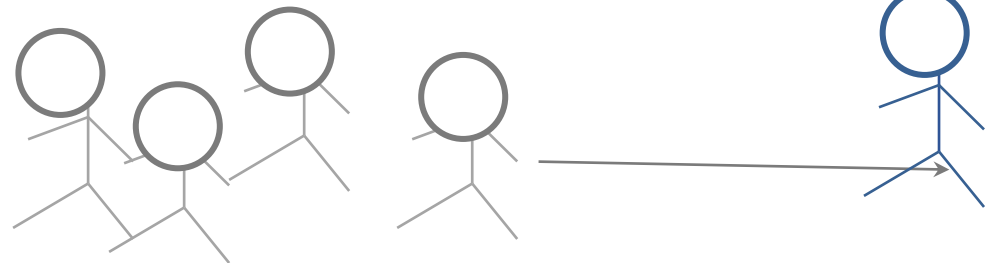
5.4) What resources can I mobilize?

CRITERIA FOR ANALYSING THE APPLICATION

MISSIONS: Does the request go against (or not) the missions/project of the structure?

JOB: Will the request prevent (or not) the worker from carrying out his functions, his role (what is this role?)

**ASBL - Institutions**

Other worker participants

LIVING TOGETHER: Is there a risk that the demand will separate the audiences? To favour one group over another?

ORGANIZATION: Are there (or are there not) organizational problems with the application? Can the organization be changed?
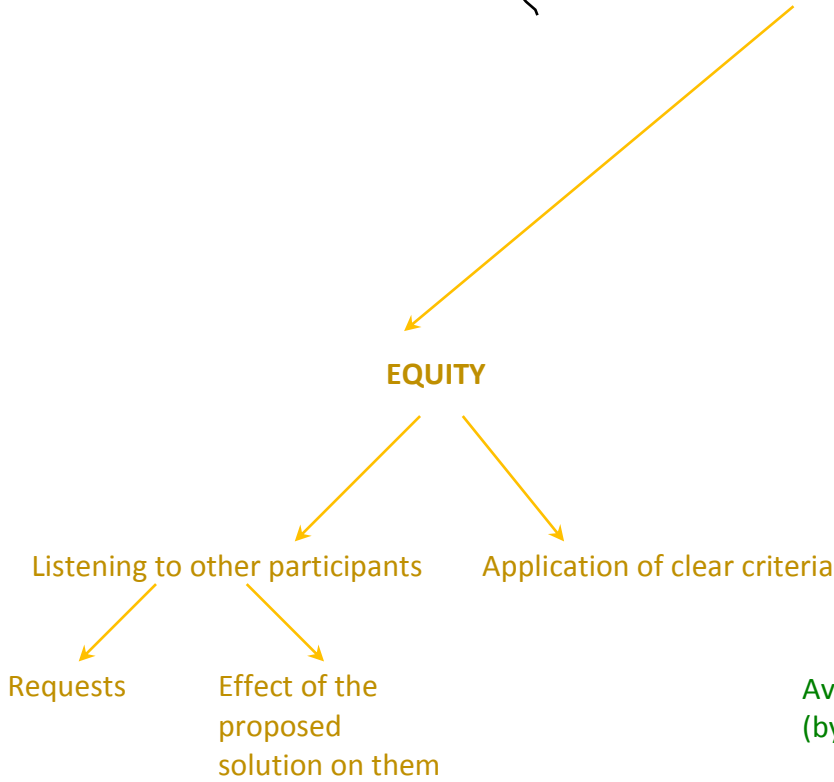
LAW: Is the request legally admissible? Can ROI be changed?

Solution PGCD

PGCD

No superior world view
Living together = avoiding segmentation
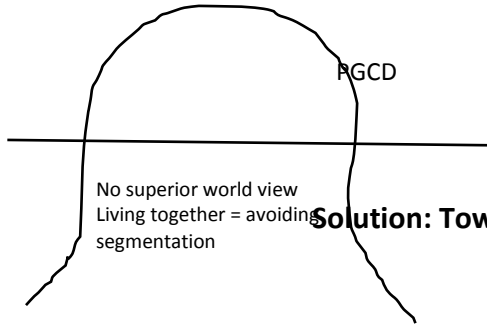
Solution: Towards a solution that satisfies the greatest number (PGCD)

EQUITY

DOING IT TOGETHER

Listening to other participants

Application of clear criteria

Solution that allows us to **do** together

Avoid segmenting audiences (by religion)

Requests

Effect of the proposed solution on them

Sometimes neutral solution (without reference to religion)