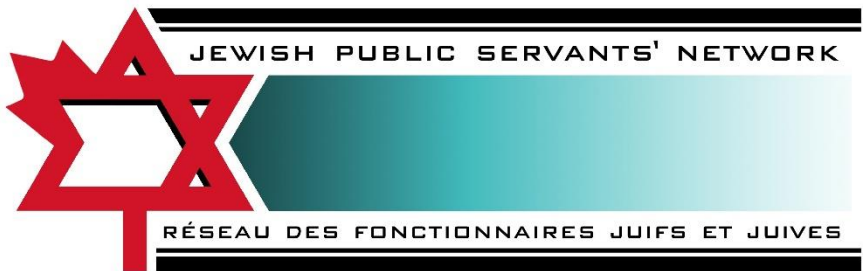


THE GOVERNMENT OF CANADA WORKPLACE GUIDE TO JUDAISM

A guide for Government of Canada workplaces and organizations in their relationship with Jewish employees.

Jewish Public Servants' Network,
May 2023



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of Canada

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Contents

THE WORKPLACE GUIDE TO JUDAISM	0
INTRODUCTION	2
DIVERSITY, EQUITY AND INCLUSION	4
JEWISH PRACTICES	5
Sabbath and Festivals	5
Distribution of Major Jewish Festivals in the calendar year:	6
Clothing and Modesty	6
Food.....	7
Prayer.....	7
HUMAN RESOURCES GUIDANCE	9
The Recruitment Process	9
The Employee already in Employment	9
Conflict Resolution.....	9
ANTISEMITIC DISCRIMINATION IN THE WORKPLACE.....	11

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INTRODUCTION

Accommodation is a core element of the federal government's strategy to enhance diversity, equity, and inclusion in the workplace. For Jewish employees some practices may require certain accommodations.

As there are different levels of observance in most religions, the same holds true within the Jewish community. Different people have different levels of observance which may change and evolve over time. Each person is best placed to determine their own level of observance.

For managers who have observant Jewish staff, there may be a need for accommodations. For an observant Jewish person, Jewish law provides specific guidance for how to lead a spiritual life. This means that it is not possible for the observant Jew simply to waive, for example, observance of the Sabbath, except in very specific circumstances, e.g., risk to life.

For example, many jobs require set working hours and this can cause a conflict with the Sabbath and festivals. However, current moves towards flexible working hours can benefit observant employees by allowing them to adjust their working hours on a Friday or holidays when required. For the few cases where accommodation is not possible, this guide seeks to offer guidance in how workplaces and employees can pre-empt this.

As mentioned above, not all Jewish people practice the same level of religious observance. There may be Jewish employees who will observe all, some, or none of the practices outlined and these may change over time. If there are several Jewish employees, each of their request should be dealt with on a case-by-case basis, as would be the case for any other employee requesting leave. If you have any questions with regards to these guidelines, please get in contact with the Jewish Public Servants Network (JPSN), the national representative body of the Jewish public servant community.

We have set out in this pamphlet our best understanding of best practices to recognize or accommodate Jewish religious observance. It is always important to ensure that your decisions regarding accommodation are taken

in consultation with your human resources and labour relations advisors. The JPSN cannot accept any liability for actions taken in reliance on this document.

DIVERSITY, EQUITY AND INCLUSION

Jewish people comprise 0.2% of the global population ¹and represent a diverse community that spans the globe. Judaism is typically considered both a religion and an ethno-religious group which people are typically members of by birth, or, less frequently, by choice. Belief in G-d or religious practice is not seen by many Jews as a defining element of being Jewish. The diversity of the Jewish community spans the spectrum of nationality, culture, skin colour, race, sex, sexual orientation and life experience. Jewish people do not neatly fit into any box and often hold many identities.

Despite our small population in Canada (around 400,000) Jewish people are frequently the most targeted religious group for hate crimes Canada² and are often the victims of antisemitic aggressions and micro-aggressions, making it all the more important that its members be included in anti-racism and inclusion initiatives. The Jewish experience of discrimination in Canada can make them a valuable contributor to strategies on anti-racism and inclusion. Including Jewish people is desired and should be strived for across federally regulated workplaces and Jewish people should be believed when they indicate that they have been a victim of antisemitism.

Managers should make efforts to include Jewish employees in these initiatives and training, and Jewish employees should be able to be validated and their experience should not be diminished in the Diversity, Equity and Inclusion context.

¹ [World Population Clock: 8 Billion People \(LIVE, 2023\) - Worldometer \(worldometers.info\)](https://www.worldometers.info/world-population/)

² <https://www150.statcan.gc.ca/n1/daily-quotidien/220317/dq220317a-eng.htm>

Additionally, the manager should guarantee a safe space for Jewish employees by ensuring that the employee is not pressured to speak about events occurring in the Middle East, or as a spokesperson for their community, or a country (i.e., Israel). The manager and other team members should ensure that talk of politics pertaining to the Middle East are restricted to work issues, unless a certain degree of comfort is indicated by all participants.

JEWISH PRACTICES

Sabbath and Festivals

The Sabbath ('Shabbat') is the Jewish day of rest. It starts on Friday afternoon, about one hour before dusk and lasts for approximately 25 hours, until after dark the following day. As daylight hours vary, the beginning and end times of the Sabbath also vary throughout the year.

Jewish law requires Jewish people to refrain from various acts of 'work' on the Sabbath. The prohibited acts of 'work' include travelling (other than by foot), writing, carrying, switching on and off electricity, using a telephone, and any transactions of a commercial nature including buying and selling.

As a result, practicing Jewish persons must leave work in sufficient time to arrive home before the onset of the Sabbath. As the start is typically related to sunset it varies across the country and by season. An employee should reasonably be expected to provide a calendar of times for their employer if necessary, and various websites also give a comprehensive guide to timings.

Like the Sabbath, Jewish festivals also begin before dusk on the previous day. As some festivals require specific preparations or staff may wish to celebrate with family that may be located in other regions, they may request leave on the day before a festival. As the Jewish calendar is a lunar calendar, the dates of festivals vary from year to year, and can fall on any day of the week. It is, however, unusual for all of them to fall on weekdays in any

single year. The table below outlines the major holidays. Specific calendar dates for any given year are easily found on-line (e.g., [Jewish Calendar, Hebrew Date Converter, Holidays - hebc.com](#))

The JPSN can always be contacted for further information where necessary.

Major Jewish Festivals in the calendar year:

Festival	Time of Year	Number of Festival Days
Passover (Pesach)	March / April	Eight days: the first two are particularly important this is when ritual meals, called a Seder, take place. For observant Jews, the first two days and last two days are where typically labour is not done.
Pentecost (Shavuot)	May / June	Two days; for observant Jews work is not typically done.
New Year (Rosh Hashanah)	September / October	Two days; for observant Jews work is not typically done.
The Day of Atonement (Yom Kippur)	September / October	One day, although more observant employees may also take the day prior to prepare for the holiday.
Tabernacles (Sukkot)/ Shemini Atzeret/Simchat Torah	September / October	Seven days for Sukkot. For observant Jews, work is typically not done the first two days. Immediately following Sukkot is Shemini Atzeret and Simchat Torah. Work is typically not done.

Clothing and Modesty

Observant Jewish men and women may have specific requirements regarding their dress. Some Jewish men always cover their heads with a

skull cap (also known as a ‘yarmulka’ or ‘kippah’). Observant Jewish women tend to dress modestly, which may include not wearing trousers, short skirts or short sleeves. Some married Jewish women will also cover their hair, with a scarf, hat or wig. Additionally, some observant Jews will not want to have physical contact with members of the opposite sex outside of their immediate family. For some Orthodox individuals, this may also extend to shaking hands. If in doubt, it might be better to wait to see if the individual offers their hand before offering yours. If you are unsure, ask!

Food

Again, with dietary laws there is a range of practice. Observant Jews will typically eat food that is formally labelled as Kosher. The laws governing production of Kosher food are complex and involve (but are not limited to) restrictions on what types of meat and fish can be eaten, which combinations of foods may be eaten together, and how foods are prepared. Those Jewish persons who observe the dietary laws may require all food to be certified as kosher. Others may demonstrate various levels of observance and do not restrict the types of food they eat. They may also wish to store and heat food separately from food that is not Kosher. Ultimately this is a choice of the employee and these choices need to be respected. This may impact work functions and social activities outside of work.

In most major cities, there are companies that can provide Kosher meals for an event if required. Please note that caterers without Kosher supervision will not be able to make their own ‘Kosher’ foods. ‘Kosher-style’ foods made without proper Kosher supervision will not be Kosher, and Halal food cannot be substituted for Kosher food as some of the rules are different.

Prayer

Observant Jewish persons pray three times a day, in the morning (usually before normal working hours), in the afternoon (often during lunchtime, or early evening in the summer months), and in the evening (after nightfall). A designated room for prayer is good practice on the part of the workplace. Some individuals, in particular observant men, may wish to attend prayers with a quorum, or a minyan (ten adult men in the Orthodox tradition, or ten adults in progressive communities). This is especially true if the individual

is in a period of mourning (see ‘Bereavement’, below), where specific mourner’s prayers can only be recited when praying with a quorum. In practice this may mean that they attend synagogue in the morning and evening, before and after the typical working day. If an employee is not working standard working hours, then the timings of the other services may need to be taken into consideration.

Bereavement

When a Jewish person dies, the funeral must take place as soon as possible following the death, sometimes even on the actual day of the death. Jewish employees may therefore need to attend a funeral at short notice. Delays to burial do sometimes occur (where, for example, an autopsy is required), but these are a time of tremendous trauma for the family of the deceased. After the funeral, the immediate family of the deceased (i.e., parents, children, siblings and spouses) mourn for seven days. This is known as ‘the Shiva’, meaning ‘seven’ in Hebrew. During the Shiva, the immediate family stays at home, saying prayers and receiving condolences from well-wishers and typically not working. Colleagues, including non-Jewish colleagues, who wish to offer condolences may also wish to attend the funeral or ‘Shiva’, which is entirely appropriate.

The employee should give the employer some idea of how long the absence is likely to be.

During the 30 days following a death, some men do not shave or cut their hair, in accordance with Jewish law, and many observant Jews will not wish to listen to music or attend social events. Prayers for the deceased are recited for eleven months following the death of a parent, and for 30 days following the death of a child, sibling or spouse. During this time, an employee may wish to arrange their working hours to accommodate going to communal prayers (see ‘prayer’, above), which occur in the morning, afternoon and evening. In most situations, an employee will be able to arrange to attend these prayers with little or no inconvenience to the employer. However, a good employer will exercise discretion and consideration in allowing an employee time at the very start or end of the working day, or during their lunch break, to attend prayers.

HUMAN RESOURCES GUIDANCE

The Recruitment Process

It is imperative that discrimination does not occur at any point during the employment process, including during the interview before employment, or during the notice period at the end of employment. Employers must not discriminate against any candidate based on their religion or religious requirements. Employers should not ask personal questions, including those relating to religious affiliation, unless they are directly relevant to the nature of the job. To mitigate future conflict, it is wise for employers to make clear to all applicants the duties and responsibilities expected, and what hours and days are required.

Applicants should consequently be able to assess if the job will conflict in any way with their religious requirements and should be able to raise any potential issues at interview or at a timely juncture in the application process in order to discuss how these could best be resolved.

If an individual feels that they have been treated unfairly or not offered a job or promotion because of their religious requirements, they should seek specialist advice.

The Employee already in Employment

An employee already in employment who chooses to become more religiously observant or to convert to Judaism will have new requirements that were not needed previously. An employer ought to take the necessary measures to facilitate any new religious requirements wherever possible, so as to avoid discrimination. We recommend that the employer and employee should work together to see whether it is reasonable or practical to adapt the current job requirements to meet the employee's new religious requirements.

Conflict Resolution

In general, it is always preferable to resolve an issue or conflict in an agreeable manner, with both employer and employee making reasonable

adjustments to ensure that a mutually satisfactory solution can be reached. Any agreement should be confirmed in writing, so as to avoid future confusion if there are changes in management.

When this is not possible, the Ombuds Office or Human Resources may be able to assist in amicably resolving a dispute. It may be helpful to involve the employee's union representative in relevant discussions.

For the employee working a Monday-Friday standard working week, Sabbath observance requires leaving work early on a Friday afternoon by varying degrees throughout the year, reflecting an earlier sunset. For employees needing to complete a set number of hours in a week, this can easily be made up working earlier or later on other days of the week to compensate for the extra time. Many other issues such as significant deadlines on Fridays can be avoided by an employee's careful planning of their workload. If agreements are made when the deadline is first set, then it is likely that a conflict on Friday afternoon can be avoided.

The prospective employer and employee should both try to establish the extent to which it is reasonably practicable to vary existing working practices to accommodate for Sabbath and festival observance. In some limited instances it may be impractical but, in most others, it will cause little or no disruption. Often the position would be no different to situations where an employee is occupied with a more important matter, is absent on sick leave, is on holiday, or is unavailable for some other reason. People normally understand that others cannot always be available at a moment's notice. The experience of other people can be invaluable in making this assessment.

Jewish festivals can also normally be easily accommodated. Festivals can be taken as annual or unpaid leave and consequently cause little disruption as they are taken in short bursts rather than long blocks. They should easily fit into an employee's annual leave requirement. Employees should try to give as much notice as possible when holiday leave is required, to limit clashes with other staff members. In some kinds of employment, a Jewish employee may be able to make up hours or may be prepared to be available

during colleagues' holiday periods. Employers who have to cover a seven-day week may therefore find this a positive advantage.

Managing time off for religious observance, in particular the festivals, can cause a problem where it is expected that annual leave will be taken at certain periods of the year but there are practical solutions that can be used in solving this. Discussing a solution as far in advance as possible will help with achieving a satisfactory outcome, and this should be discussed on a case-by-case basis.

In most cases, Sabbath and festival observance should not represent any significant barrier to employees carrying out their jobs to their fullest potential. If the issue does arise, we recommend the following:

- Clarify the nature of the issue.
- Discuss how the work to be carried out can be varied, if necessary to comply with the requirements of Sabbath and festival observance. These discussions should include someone other than the individual's manager, for example human resources personnel, where possible. Any agreements should be formalized and put into writing to protect against future disputes emerging.

ANTISEMITIC DISCRIMINATION IN THE WORKPLACE

Antisemitic discrimination can occur in the workplace in several contexts, including in recruitment or promotion processes, in interactions between colleagues and from external sources, especially in roles involving interaction with stakeholders. While these instances cannot always be avoided completely, it is good practice for workplaces to supply adequate training to their staff on Judaism and antisemitism in order to limit the likelihood of such events occurring, and to also have in place effective grievance procedures to deal with issues should they arise. There is often a noticeable rise in recorded antisemitic incidents when tensions rise between Israel and its neighbours. Employers should be additionally alert for

antisemitism targeted at Jewish employees during times of increased tension.

It goes without saying that an individual ought not to be disadvantaged in being considered for a position or in their professional development merely on the basis of their religion. Likewise, antisemitism should not be tolerated in interactions among employees and between employees and stakeholders. It is a fundamental duty of the employer to ensure that staff are, and feel, safe in their workplace.

The Jewish Public Servants Network is the voice of Jewish Public Servants – the only organization dedicated to advocating for the needs of the Canadian Jewish public servant community. It is the first port of call for those within Government seeking to understand the Jewish community’s interests and concerns.

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