

# Guidance on the wearing of Sikh articles of faith in the workplace and public spaces



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## Introduction

Sometimes the wearing of Sikh articles of faith may appear to conflict with the needs of an organisation and the lack of understanding of Sikh articles of faith can inadvertently lead to tensions between the rights of individuals and the rights of the organisation.

Developments in legislation to make provision for the wearing of Sikh articles of faith have shown that there are resolutions to longstanding concerns for employers, service providers and individuals. To a certain extent, these developments have clarified the rights of those wearing Sikh articles of faith, but there still remains varying levels of understanding and practice around this.

This guidance aims to raise awareness of Sikh articles of faith and the concerns which may arise from the wearing of these. We hope that it will provide useful information for balancing the needs of individuals and service users with those of employers and public services.

### **What is this guidance about and who should read it?**

The guidance explains current legislation as it applies to the wearing of Sikh articles of faith,<sup>1</sup> as well as the rights, duties and obligations associated with these. It highlights:

- key issues facing employers, service providers and individuals of Sikh faith with regards to the wearing of Sikh articles of faith, and
- good practice in relation to Sikh articles of faith.

By providing this clarity on the law, as well as pragmatic good practice examples, the Equality and Human Rights Commission hopes that, where there is uncertainty or disagreement, this guidance can be used

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<sup>1</sup> Please note that the legislation on religion and belief will apply to other religions, but for the purpose of this guidance we will be focusing on the wearing of Sikh articles of faith.

by individuals as well as organisations to solve any misunderstandings relating to the wearing of Sikh articles of faith.

This guide is not an authoritative statement of the law and is not intended as a substitute for taking appropriate legal advice on individual circumstances.

You should read this guidance if you require:

- clarification on how the law currently applies to the wearing of Sikh articles of faith
- examples of best practice in dealing sensitively and fairly with observers of the Sikh faith
- a tool to strengthen good relations by promoting greater understanding between Sikhs and others
- a guide for private and public sector organisations in terms of dignity and fairness at work, and service delivery with regards to the Sikh community, and in promoting good relations, and
- links to other guidance on this topic.

### **How is this guidance organised and what should you read?**

To help users of the guide find the information they require quickly we have structured the information as follows:

- Chapter 1 sets out what the law says on race and religion or belief.
- Chapter 2 provides information regarding the wearing of Sikh articles of faith (the Five Ks and the turban, explained later in this section) in employment situations.
- Chapter 3 provides information regarding the wearing of Sikh articles of faith (the Five Ks and the turban) in education settings.
- Chapter 4 provides information relating to goods, facilities and services, and focuses on access to public buildings, the health service and airports.
- Chapter 5 offers sources for further support and information.

This guide focuses on the wearing of the kara, kirpan and turban, as in practice these are the areas which may cause uncertainty and therefore require guidance.

## **Definition of terms**

### *Sikh/Sikhism*

Sikhism is one of the world's newest major monotheistic faiths, dating from the late 15th and early 16th century CE (AD). Its founder, Guru Nanak Dev Ji, was born in the Punjab in 1469, in an area now part of Pakistan. Guru Nanak was succeeded by nine living Gurus. The 10th Guru, Guru Gobind Singh (1666-1708), instructed that he would be replaced, not by a person, but by teachings of the Sikh Gurus and saints compiled in spiritual text/scriptures: the Guru Granth Sahib. Today, the scripture remains the highest authority of the Sikhs, offering guidance on all situations in life and motivating personal transformation.

Sikhs are a significant religious and ethnic minority in Britain. While Sikhs are to be found in all areas of the United Kingdom, they are mainly, according to the 2001 Census, concentrated in West and East London, North Kent, the West Midlands and West Yorkshire.

There are over 24 million Sikhs estimated in the world today. With a long history of respecting all faiths and promoting religious freedom, Sikh teachings do not proselytise. Most Sikhs trace their origins to the Punjab (India), but a number of Sikhs are not of South Asian origin, and rather of, for example, East Asian, European, African and African-Caribbean heritage. What unifies all initiated Amritdhari Sikhs is their commitment to practising spiritual attributes, as reflected by wearing the Five Ks and the turban.

### *The Five Ks and the turban*

All initiated Sikhs (also referred to as Amritdhari Sikhs) are required to wear their articles of faith, the turban and the Five Ks (panj kakaar), at all times. These are physical articles of faith and most Amritdhari Sikhs believe that they cannot be replaced by symbolic replicas.

The Five Ks are the:

- Kanga: a small wooden comb worn in the hair at all times, inside the turban. It represents the aspiration for spiritual discipline and purity.
- Kirpan: a curved blade worn over or underneath the individual's clothing. It symbolically represents the power of truth to cut through untruth, and is a reminder of the obligation to prevent violence rather than stand by. The kirpan is associated with the concepts of 'kirpa' (blessings and benevolence) and 'aan' (meaning honour and dignity).
- Kara: an iron or steel bracelet, worn on the wrist. It reminds Sikhs that they have made a commitment to God and acts as a constant reminder to individuals to restrain themselves from immoral or unrighteous acts.
- Kachera (or kachh or kaccha): special cotton undershorts representing fidelity and morality.
- Kesh: hair, which is regarded as a gift from God, kept uncut, and always covered.

The turban (also known as dastar, pag and pagri) is a long loose piece of cloth wrapped and tied around the head to cover the hair. While it is not one of the Five Ks, wearing a turban is mandatory for an Amritdhari Sikh. It is decreed to be an integral part of the body and makes up part of the Sikh identity.

It is more common for men to wear a turban, and there is no restriction for women to cover their hair. However, some women drape a chuni (long scarf) over their heads, and some wear a small scarf called a keski. Before young boys are able to tie a turban themselves, their hair is kept in a topknot and may be covered with a scarf called a patka.

It is important to note that as well as having religious significance, both the kara and the turban are of exceptional importance to the cultural and racial identity of Sikhs, and may also be worn by non-initiated Sikhs.

## Chapter 1: What the law says

This section outlines and summarises the main pieces of legislation that offer protection to Sikhs who wear articles of faith.

Generally the law protects the rights of individuals to manifest their religion by wearing religious articles. Where this right is curtailed in work, education or public places, it is for the relevant institution or business to objectively justify that policy and to ensure that any restrictions are proportionate. Rules such as dress codes and security measures which apply to all but particularly disadvantage Sikhs could constitute indirect discrimination unless this can be justified.

Sikhs are both an ethnic and a religious group so are protected from racial as well as religious discrimination. This principle was decided by the House of Lords (the *Mandla v Dowell-Lee* case [1983] 2 AC 548).

### **The Human Rights Act (HRA)<sup>2</sup>**

Human rights are the basic rights, civil liberties and freedoms that belong to every person in the world, and include the right to life and the right to freedom of expression. Human rights are based on core principles like dignity, fairness, equality, respect and autonomy. The Human Rights Act 1998 sets out these fundamental human rights. It provides a framework for balancing the rights of an individual against those of the wider community, and the responsibilities of the state to protect those rights. Public authorities have a duty under the HRA to protect and promote those basic rights.

Of particular relevance to this guidance are HRA Article 9 (the right to freedom of thought, conscience and religion) and Article 14 (prohibition of discrimination: the right to enjoy without discrimination the rights and freedoms contained in the European Convention on Human Rights).

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<sup>2</sup> <http://www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/>

More detail about the meaning of each article can be found on the Commission's website.<sup>3</sup>

## **Human Rights Act 1998**

### **Article 9: Freedom of thought, conscience and religion**

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief and freedom, either alone or in community with others and in public or private, to manifest their religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

### **Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

## **The Equality Act 2010**

The Equality Act<sup>4</sup> brings together and restates earlier discrimination legislation. Under this Act it is unlawful for a person to discriminate because of race against another person. The law states that race includes colour, nationality and ethnic or national origin.

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<sup>3</sup> Article 9: <http://www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/freedom-of-thought-belief-and-religion/> and Article 14: <http://www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/protection-from-discrimination/>

<sup>4</sup> [http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga\\_20100015\\_en.pdf](http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100015_en.pdf)

Under this Act it is also unlawful to discriminate against another person because of their religion or belief, whereby belief means any religious or philosophical belief.

The Act defines the concepts of direct and indirect discrimination, harassment and victimisation. For the purposes of this guidance we will set out these definitions here in relation to race and religion or belief:

- Direct discrimination is where a person is treated 'less favourably' than others **because of** race, or religion or belief.
- Indirect discrimination occurs when a person applies a policy to everyone which particularly disadvantages a person with a protected characteristic (in this case race or religion or belief) and others with that characteristic and which cannot be shown to be a proportionate means of achieving a legitimate aim.
- Harassment occurs when a person engages in unwanted conduct related to race or religion or belief that has the purpose or effect of violating the other person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- Victimisation occurs when a person is subject to a detriment because they have made a complaint of discrimination or supported someone with such a complaint.

The Equality Act also sets out in which areas discrimination is unlawful. This includes:

- goods, facilities and services
- the disposing of or management of premises
- employment
- education, and
- the exercising of public functions.

The Equality and Human Rights Commission has drafted two sets of guidance for the Equality Act 2010 to help people understand the new legislation. One set is specifically for legal professionals and can be

referred to in legal cases ('statutory codes'<sup>5</sup>). The other ('non-statutory guidance'<sup>6</sup>) is aimed at people who want to know how the law applies to their work, services, and clubs and community organisations.

### **What is the Public Sector Equality Duty?**

Currently, public bodies are subject to the Race Equality Duty contained in the Race Relations Act 1976, which means that they must have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity, and
- promote good relations between people from different racial groups.

The Equality Act 2010 introduces a new single Public Sector Equality Duty which will replace the Race Equality Duty and extends coverage across the protected characteristics, including religion or belief. This will come into force in April 2011, subject to commencement orders. Taking action under the duties to actively promote race and religious equality can also help public bodies to meet their obligations under the Human Rights Act 1998.

### **How is criminal justice legislation relevant?**

- Section 1 Prevention of Crime Act 1953 makes it an offence to have an offensive weapon in a public place.
- Section 139 (1) Criminal Justice Act 1988 makes it an offence to have a bladed or sharply pointed article in a public place.<sup>7</sup>
- Section 139A (1) Criminal Justice Act 1988 makes it an offence to have a bladed or sharply pointed article on school premises.
- Section 139A (2) Criminal Justice Act 1988 makes it an offence to have an offensive weapon on school premises.

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<sup>5</sup> <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice/>

<sup>6</sup> <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/>

<sup>7</sup> [www.opsi.gov.uk/acts/acts1996/ukpga\\_19960026\\_en\\_1#1g4](http://www.opsi.gov.uk/acts/acts1996/ukpga_19960026_en_1#1g4)

However, this does not mean that Sikhs cannot wear the kirpan. The Act provides a specific defence for a person if they can prove that they wear the kirpan for religious reasons.<sup>8</sup>

Any person who claims they are carrying the kirpan for religious reasons must be able to satisfy the police (if stopped), and ultimately the courts (if charged), of this. This is not a licence for Sikhs to use the kirpan for unlawful purposes.

### **Other provisions in the law for Sikh articles of faith**

There is also separate legislation that has arisen specifically out of some of the particular historical concerns arising from the wearing of Sikh articles of faith. Legislation includes:

- Motor-Cycles Crash Helmets (Religious Exemption) Act 1976: exempts a Sikh who wears a turban from having to wear a crash helmet on a motorcycle.
- Employment Act 1989: exempts a turban-wearing Sikh from any requirement to wear a safety helmet on a construction site.

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<sup>8</sup> [www.opsi.gov.uk/acts/acts1996/ukpga\\_19960026\\_en\\_1#1g4](http://www.opsi.gov.uk/acts/acts1996/ukpga_19960026_en_1#1g4)

## Chapter 2: Employment

This section will provide you with:

- an overview of key issues in the field of employment
- specific guidance and suggestions relating to particular articles of faith
- good practice examples, and
- reference to relevant legislation.

### Key issues and good practice examples

Discriminating against, harassing or victimising another person because of their race, religion or belief in employment is unlawful under the Equality Act 2010. The law covers all aspects of employment including recruitment, selection, promotion, transfer, pay and benefits, redundancy, dismissal, and terms and conditions of work.

There are also additional responsibilities for public sector employers under the Public Sector Equality Duty and the Human Rights Act, as mentioned in Chapter 1.

Employers may find it helpful to train staff so they understand the significance of the Sikh articles of faith, such as the kirpan, and know how to recognise them and who should be allowed to wear them. By improving awareness and understanding among other employees about Sikh articles of faith, or indeed articles of faith of any religion, employers will be able to maintain good relations in the workplace.

We explore the following areas in relation to Sikh articles of faith:

- Dress code
- Health and safety:
  - hygiene
  - protective equipment, and
  - security.

## **Dress code**

A dress code which requires employees to act in a way contrary to their religious beliefs may be indirectly discriminatory unless justified.

To avoid this, employers should adopt a broad, flexible dress code and be as non-specific as possible. A widely worded dress code requiring smart appearance, with non-binding examples of suitable dress, should not fall foul of specific clothing-related beliefs. An employer wishing to impose any specific restrictions or requirements in respect of dress should consider whether they can be justified by the demands of the role in question or the context in which it is carried out.

### *Turban*

Employers should be aware that a ban on headgear or a requirement to wear particular headgear (for example, by having a hat as part of a uniform) could be discriminatory to Sikhs who wear a turban unless the requirement can be justified.

### *Kara*

Some employers, as part of their dress code policy, ban employees from wearing any jewellery. They may perceive the kara to be a piece of jewellery, which it is not. The kara is an article of faith.

### *Kirpan*

Employers' dress code rules which would prevent employees from wearing a kirpan may be indirectly discriminatory unless justified. Legislation which makes it an offence to carry bladed or sharply pointed articles and offensive weapons in a public place provides a specific defence for a person if they can prove that they wore the kirpan for religious reasons.<sup>9</sup>

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<sup>9</sup> [www.opsi.gov.uk/acts/acts1996/ukpga\\_19960026\\_en\\_1#1g4](http://www.opsi.gov.uk/acts/acts1996/ukpga_19960026_en_1#1g4)

## **Health and safety**

The law provides that health and safety risks within a workplace need to be assessed and managed. This could have implications for the wearing of Sikh articles of faith, for example, in relation to hygiene, the use of protective equipment and security. It is recommended that a risk assessment<sup>10</sup> is carried out to identify what could cause people harm and what precautions are to be considered and put into place. This section considers where a risk assessment may potentially impact on the wearing of articles of faith and possible solutions and examples of best practice in various workplaces.

## **Hygiene**

For employers who are concerned with hygiene standards, the Food Hygiene (General) Regulations 1970 are relevant. The Regulations state that a person who engages in the handling of open food, other than raw vegetables and intoxicating liquor or soft drinks, will need to wear sufficient clean, washable over-clothing, and every person who carries meat which is open food and which is liable to come into contact with his neck or head shall, while so engaged, wear a clean and washable neck and head covering.

Furthermore, the regulations require all food handlers to maintain cleanliness of themselves and their clothing and to take appropriate precautions to safeguard food from risk of contamination.

### *Turban*

The employer should consider, with respect to a Sikh who wears a turban, whether the fact that the employee's head hair will already be covered at all times is sufficient to remove the hygiene risk.

For Sikh medical staff and those employed in food preparation or a factory environment, employers could make provision for allowing a clean, regularly washed turban in place of the company's standard

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<sup>10</sup> When carrying out a risk assessment, an organisation may find it useful to refer to the guidance produced by the Health and Safety Executive:  
<http://www.hse.gov.uk/risk/fivesteps.htm>

head covering. Any beard hair could be covered by a hair net or tying a piece of material across the beard.

### *Kara*

Employees may be prohibited from wearing jewellery because of the danger of these objects damaging or falling into products or because they represent a safety hazard to the employee. In the case of food preparation, for example, an employer might fear that the kara could fall off and contaminate food.

As the kara is not jewellery but an article of faith, employers could consider requiring Sikh employees to wear gloves, or a band to cover the kara. Such measures would address the risk of contamination.

### **Protective equipment and personal safety**

There is a primary duty on employers to consider and remove risk to benefit all workers.<sup>11</sup>

### *Turban*

As mentioned earlier, the law recognises that the turban provides head protection. The Employment Act 1989 exempts a turban-wearing Sikh from any requirement to wear a safety helmet on a construction site. Sikhs are also exempt from wearing a crash helmet on a motorcycle<sup>12</sup> or a riding hat when horse-riding, if wearing a turban.<sup>13</sup>

Should a Sikh wearing a turban be injured on a construction site, liability for injuries is restricted to the injuries that would have been sustained if the Sikh had been wearing a safety helmet.

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<sup>11</sup> [http://www.direct.gov.uk/en/Employment/HealthAndSafetyAtWork/DG\\_4016686](http://www.direct.gov.uk/en/Employment/HealthAndSafetyAtWork/DG_4016686)

<sup>12</sup> Motor-Cycle Crash Helmets (Religious Exemption) Act 1976.

<sup>13</sup> Section 3(2) of the Horses (Protective Headgear for Young Riders) Regulations 1992.

## *Kara*

Employers can consider requiring Sikh employees to wear gloves or a band to cover the kara in order to prevent the dangers of the kara getting caught in moving machinery parts.

## **Security**

### *Turban*

Concerns about security may mean that, as a last resort, searching underneath the turban is required. Where this is necessary, it should be handled in a sensitive manner. For example, the employee should be allowed to remove the turban themselves in a private area with a mirror. Where possible, an employer should consider other less intrusive measures, for instance passive electronic screening.<sup>14</sup>

### *Kirpan*

Employers should respond to health and safety concerns about the kirpan in a flexible way. For example, they may suggest that the kirpan is worn under clothing so that it is not visible.

A number of police forces have developed guidance on allowing the wearing of the kirpan for Sikh police officers.<sup>15</sup> Other organisations should consider following this example when producing guidance for security teams.

To summarise, an employer may have health and safety concerns about a Sikh wearing his or her articles of faith. However, in many cases legislation allows the wearing of such articles and employers should consider the potential legal consequences and look for practical solutions to accommodate the wearing of the Five Ks and the turban wherever possible.

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<sup>14</sup> [http://www.efrb.org.uk/real\\_dilemmas/security.html](http://www.efrb.org.uk/real_dilemmas/security.html)

<sup>15</sup> [www.warwickshire.police.uk/Diversity/Policingourcommunities/Sikhs](http://www.warwickshire.police.uk/Diversity/Policingourcommunities/Sikhs)  
[www.suffolk.police.uk/NR/rdonlyres/95007271-5526-4BF6-9F1F-9F5FD554C12D/0/Faith.pdf](http://www.suffolk.police.uk/NR/rdonlyres/95007271-5526-4BF6-9F1F-9F5FD554C12D/0/Faith.pdf)

<http://www.lincs.police.uk/Library/Freedom-of-Information/Information-Classes/Our-Policies-And-Procedures/Appearance-Standards-Appendix-A.pdf>  
Metropolitan Police Sikh Association website: [www.sikhpolice.org/](http://www.sikhpolice.org/)

## Chapter 3: Education

This section will provide you with:

- an overview of key issues relating to education
- reference to relevant legislation, and
- good practice examples.

The Equality Act 2010 states that it is unlawful for a school to discriminate on grounds of race or religion or belief in admissions and in the provision of benefits, facilities or services for pupils.

In addition, public bodies, including local education authority schools, are currently subject to the Race Equality Duty which places upon them a legal obligation to have due regard not only to the need to eliminate unlawful race discrimination, but also to the need to actively promote equality of opportunity on the basis of race.

Case law also provides precedents on the wearing of Sikh articles of faith in school, which we will consider in the following sections.

### **Turban**

The courts recognise a Sikh's right to wear a turban. The case of *Mandla v Dowell-Lee* found that a 'no turban' rule is unlawful discrimination as Sikhs could not comply with this requirement as well as follow their religious custom.

Schools should therefore allow children (both boys and girls) to wear the turban, or the smaller version (patka).

### **Kara**

The courts also recognise a Sikh's right to wear a kara at school. The case of *Watkins-Singh v Aberdare Girls' High School*<sup>16</sup> found that the

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<sup>16</sup> *Watkins-Singh v Aberdare Girls' High School* 2007.

refusal to make an exemption from the uniform policy on religious grounds was unjustified indirect racial discrimination. The court rejected the argument that indirect discrimination could only occur if wearing the kara was an absolute requirement, and found that indirect discrimination could take place if a person is prevented from wearing an object which is of exceptional importance to their religious or racial identity.

Therefore, although each case will depend on the particular circumstances, schools with a dress code prohibiting the wearing of jewellery should not, on this basis, ban pupils from wearing the kara, and need to recognise that it is a religious article.

Where a school has health and safety concerns, it can request a pupil cover the kara, for example, with a sweatband during sports activities.

### **Kirpan**

As mentioned earlier, the Criminal Justice Act 1988 makes it an offence to carry a bladed or sharply pointed article on school premises. However, this Act also provides a defence for a person if they can prove that they have the article with them for religious reasons.

It is ultimately the responsibility of school governors to develop policies on dress code or the wearing of religious articles. In a few areas, schools and some members of the Sikh community have, through consultation and discussion, reached informal local agreements permitting Sikh pupils to wear the kirpan in school. These agreements have considered the rights of others and health and safety concerns. For example, Birmingham, Redbridge and Bedfordshire LEA guidelines recommend that the kirpan should be allowed to be worn in schools.<sup>17</sup>

The Department for Education has been working with the Home Office and will consider a brief revision of its guidance for schools on kirpans.

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<sup>17</sup> *Sikh Appearance and Identity* - Briefing Paper 3, 1999, Appendix 1: The wearing of the kirpan by Sikh pupils: Guidelines for Redbridge Schools.  
[www.redbridgerenet.co.uk/publications.html](http://www.redbridgerenet.co.uk/publications.html)

## Chapter 4: Goods, facilities and services

This section will provide you with:

- an overview of the key issues on the provision of goods, facilities and services and how this relates to the wearing of particular articles of faith, and
- good practice examples.

The Equality Act 2010 states that it is unlawful to discriminate against a person in the provision of goods, facilities and services, and in the exercise of public functions, because of race and/or religion.

In addition, public bodies are currently subject to the Race Equality Duty, which places upon them a legal obligation to have due regard to the need to eliminate unlawful race discrimination and also to the need to actively promote equality of opportunity on the basis of race. They also need to consider the Human Rights Act when making decisions.

When making decisions on articles of faith, due relevance is given to these extra layers of responsibility which is enforceable through the courts. From April 2011, the Race Equality Duty will be replaced by a single Public Sector Equality Duty covering all of the equality strands including religion or belief.

Where public bodies contract out services (for example, door-keeping and security services), they need to ensure that they comply with the Public Sector Equality Duty. One way of doing this is to make their contractors aware of their obligations under the duties and explain the organisation's policies, such as the appropriate response to Sikhs wearing articles of faith as they use public buildings.

In this section we focus on areas most likely to need guidance in relation to the wearing of Sikh articles of faith:

- accessing public buildings
- the Health Service, and
- airports.

### **Accessing public buildings**

For the purpose of this guidance, public buildings are government and local authority buildings that provide public services (for example, hospitals). In principle, where a member of the public is permitted to enter without restrictions, there should be no restrictions placed on Sikhs wearing articles of faith unless the restriction can be justified.

Any restrictions should be limited in number and scope. To ascertain whether restrictions are needed, organisations should carry out a risk assessment and consider issues such as:

- **Legal:** is there a legal basis for the action?
- **Legitimate aim:** is there a legitimate reason for the restriction?
- **Necessity:** is the action strictly relevant to the particular threat/problem?
- **Proportionality:** is the action to be taken proportionate to the threat or problem it seeks to protect? Is there another, less disadvantageous means of achieving this aim?

Organisations should be aware that any restrictive policies may be subject to legal challenge for breaching race and religion or belief discrimination legislation.

In buildings or areas where staff and visitors have to pass through scanners, those operating the system should be made aware of the significance of the kirpan to Sikhs, as well as the related legislation, as mentioned earlier in this guidance.

Several organisations offer examples of good practice:

- The Foreign and Commonwealth Office (FCO) allows Sikh guests attending an annual reception to mark the Sikh religious festival of

Vaisakhi (or Baisakhi or Vasakhi) to wear the kirpan. The FCO recognises that the kirpan is an article of faith and that asking Sikhs to remove it could cause great offence.

- The Department for Work and Pensions (DWP) has no policy about wearing a kirpan in its offices and does not plan to introduce one. As the kirpan is worn underneath clothing and is not open to view, DWP does not consider it a risk to health and safety. DWP does not search customers visiting their offices, including Jobcentre Plus offices.
- The Houses of Parliament, like many other parliaments across the world, allows access to Sikhs wearing their articles of faith, including the kirpan.
- HM Courts Service developed the Safe and Secure security policy following consultation between the judiciary and the Sikh community, and circulated the guidelines to all courts. It specifies that where a Sikh wishes to enter a court building wearing a kirpan, he or she may do so if the blade length does not exceed four inches and the whole kirpan does not exceed six inches (after consulting with a senior manager, court officials can refuse entry if the blade exceeds these lengths and individuals may be asked to conceal the kirpan if it is exposed). Court security staff should be trained so that they know the kirpan is an article of faith, and that a defence exists in law.

### **The Health Service**

The National Health Service (NHS) and individual hospitals (for example Bradford Hospital<sup>18</sup>) and NHS Trusts have drawn up a number of pieces of guidance in relation to the Sikh faith with reference to care for Sikh patients as well as regarding Sikh staff.

In 2010 the Department of Health relaxed its rules prohibiting jewellery so that Sikh members of staff can wear their kara providing it is pushed up the arm while treating a patient.

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<sup>18</sup> <http://www.bradfordhospitals.nhs.uk/patients-and-carers/chaplaincy-new/faith-requirements-information/sikhs/>

### *Turban*

Any request to remove the turban should be carried out sensitively. The person must be given the opportunity, if they are able, to remove or unwind the turban themselves. This should be done in private with a mirror provided.

### *Kara*

The kara should not be subject to ordinary rules requiring patients to remove jewellery. However, a patient could be asked to remove it if this can be justified by medical reasons or risk to health, although medical personnel should first consider whether the risk can be avoided by covering the kara with tape.

### *Kirpan*

It is reasonable to accept that people being treated for serious mental health issues who are not mentally competent and responsible for their actions may not be permitted to wear the kirpan. In such a situation, both the authorities and the Sikh community have a duty to ensure that such patients cannot harm themselves or others. Health staff should carry out an appropriate risk assessment for each patient and consult with the local Sikh community, if possible.

## **Airports**

Staff employed at UK airports, including those working airside, are permitted to wear articles of faith while on duty.<sup>19</sup> The following guidance focuses on passengers wearing Sikh articles of faith.

### *Turban*

Airport officers should carry out any checks relating to turbans with sensitivity. Officials should not require a passenger to remove a turban unless there is an alarm that cannot be accounted for or a suspicion of concealed items. A passenger must be given the opportunity to remove the turban themselves, in a private area, with a mirror provided, and overseen only by officers of the same sex.

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<sup>19</sup> Department For Transport letter to all Aerodrome Managers, Aircraft Operators, Caterers - 3 July 2002.

### *Kara*

The kara should not cause any concern for airports. The kara may trigger off airport scanners but this should not be used as a reason for asking a Sikh to remove his/her kara. Where an individual is asked to remove the kara for any other reason, this should be done sensitively.

### *Kirpan*

Airports (with the exception of domestic flights within India) prohibit passengers wearing the kirpan both airside and on board aircraft.

Airports request that passengers pack the kirpan in hold baggage. If a passenger is not carrying hold baggage, they should give the kirpan to the check-in staff, preferably in a large envelope or package. It will be passed on to cabin staff who will return it at the end of the journey.

The Department of Transport is in the process of developing guidance on the wearing of Sikh articles of faith in airports, and this will appear on their website.

## Chapter 5: Further support

The Equality and Human Rights Commission operates a Helpline providing information and guidance on discrimination and human rights issues, for employers as well as employees. In addition, the Commission website – [www.equalityhumanrights.com](http://www.equalityhumanrights.com) – provides guidance for employers on equalities and human rights legislation, as well as examples of good equality practice.

The Helpline operates by telephone, textphone, letter, email or fax. Contact details for the Helpline are printed on the inside back cover of this guide.

An individual contacting the Commission by post regarding an issue for the first time is advised not to send any documents with the letter. The Commission will advise whether further information is required.

To speak to a member of the Helpline in a language other than English, please contact the Commission in any of the ways outlined above and tell us which language you would like to use. We will arrange to contact you in your language of choice as soon as possible.

Further information about the Sikh religion can be found by visiting the websites of Sikh organisations who contributed to this guidance:

British Sikh Consultative Forum	Email: <a href="mailto:admin@bscf.org">admin@bscf.org</a>
British Sikh Federation	<a href="http://www.british-sikh-federation.org">http://www.british-sikh-federation.org</a>
Network of Sikh Organisations	<a href="http://www.nsouk.co.uk">http://www.nsouk.co.uk</a>
Sikhs in England	<a href="http://www.sikhs.org.uk">http://www.sikhs.org.uk</a>
Sikh Federation (UK)	<a href="http://www.sikhfederation.com">http://www.sikhfederation.com</a>
Sikh Missionary Society UK	<a href="http://www.sikhmissionarysociety.org">http://www.sikhmissionarysociety.org</a>
Sikh Women's Alliance	<a href="http://www.sikhwomensalliance.com">http://www.sikhwomensalliance.com</a>
UNITED SIKHS	<a href="http://www.unitedsikhs.org">http://www.unitedsikhs.org</a>

# Contacts

## England

Equality and Human Rights Commission Helpline

FREEPOST RRLG-GHUX-CTR

Arndale House, The Arndale Centre, Manchester M4 3AQ

Main number: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

## Scotland

Equality and Human Rights Commission Helpline

FREEPOST RSAB-YJEJ-EXUJ

The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Main number: 0845 604 5510

Textphone: 0845 604 5520

Fax: 0845 604 5530

## Wales

Equality and Human Rights Commission Helpline

FREEPOST RRLR-UEYB-UYZL

3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

Main number: 0845 604 8810

Textphone: 0845 604 8820

Fax: 0845 604 8830

Helpline opening times:

Monday to Friday 8am–6pm.

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary.

Calls may be monitored for training and quality purposes.

Interpreting service available through Language Line, when you call our helplines.

If you require this publication in an alternative format and/or language please contact the relevant helpline to discuss your needs. All publications are also available to download and order in a variety of formats from our website.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

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