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THE EFFECTIVENESS OF RELIGIOUS POLICIES AT THE WORKPLACE: AN EMPIRICAL EVALUATION OF PRACTICAL IMPLICATIONS OF NON-DISCRIMINATORY RIGHTS

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ABSTRACT

Religion being the primary source of teaching and practice of everyday life has been sensitive and essential part of every human, and right to practice religion thus is included as a fundamental right in the Indian Constitution from Article 25 to Article 28 in everyday life of human, however human being as an employee has several rights which emerged for protection to the discriminated employees and parallelly creating an inclusive environment in the work-space. Yet, it is astounding to find out, that the application of present non-discriminatory rights at workplace on an everyday basis are not concerned about religious policies to the benchmark. This research thus evaluates the policies currently being enforced in the workplace regarding their compliance with the law and ethics besides whether employees' religious rights are secure as according to the claims. This research also aims to find out the recommendation for progressive work-place more inclusive of every religion and every person having diversity in terms of culture and divinity. This study is based on empirical research, is carried out in different ways to assess the policies in the workplace, employees' experiences, along with the legal compliance aspect in respect to the practice of religion and religious activities. Thus, using mixed methodology as surveys and interviews with structured questionnaire with Human-Resources professionals which gives firsthand information about the situation. The findings concludes that although many organizations have official policies that allow religious accommodations, not using legal rights are the key factors that could prevent the successful

implementation of these policies. The study has further shown that a strong legal structure, unambiguous policy guidance, and an active corporate governance are the backbone of the fair religious accommodations, this study further recommends strongly for an infrastructure to practice for all diverse religious activities in the first place for the purpose of achieving the said divine inclusivity.

Keywords: Religious Policies, Non-Discriminatory Rights, Workplace, Practical Implications, Inclusivity.

INTRODUCTION

Religion being source of behavioural practices and day to day conduct has been inbuilt in the individuals and society at large. The proper timeline of religion is hard to describe due to variant scriptures. The religion reflects in the day-to-day life of a human. Be it preferences in attire, diet or vocabulary of a human. The human being is regulated by the values and norms. From birth to death, religion exist at everywhere. Societies are built and reinstalled considering the religion and cultural norms. The same religions have evolved throughout the civilisations and changing eras. The India being a secular country believes in prevailing equality in terms of religion. This paper delves in the fundamental rights provided in the Constitution of India. Article 25 to Article 28 ensures the freedom to practice religion while upholding the preamble 'Secularism' (Secularism was added in the preamble by the 42nd Amendment in 1976). As India is pre-dominantly religious, the diversity is inferred. Religion is used everywhere, be it political agendas, education, or in marital affairs. The term secularism has emerged from the word '*Saeculum*' Latin language which may be interpreted as neutrality between every religion. (Bhargava 1998) India being a democratically secular promotes equality by the Constitution by the people. This research thus emphasis on the practices of religion at workplaces of the country in terms of improper conduct upon the mere rationale of diverse religion. The study thus focuses on discrimination, favouritism and non-inclusivity of various religion infringing the Constitution provisions of equality and secularism (Bhargava 1998).

SIGNIFICANCE OF RESEARCH

This is research is conducted solely for the purposes of enhancing the equality in the work spaces of the nation. As the basic objective of this research is to recognise the issue of inequality in workplace due to religion, this research enhances the scope to enable the policymakers to safeguard the human with different religious background. This research aims to conduct a proper study on the types of harassment, in forms of discrimination, favouritism and non-

inclusive environment. This research lastly aims to claim equality at workspaces as being the basic need.

OBJECTIVES OF RESEARCH

1. This research aims to study the current legislative mechanism for the religious discrimination at workplace.
2. This research also focuses on evaluation of implementation of equality provisions.
3. This research lastly aims to suggest measures for eradication of discrimination and promote inclusivity.

HYPOTHESIS

This paper is based on hypothesis:

H1. There is the existence of forms of harassment in the workplace.

H2. Workplaces need more inclusivity in terms of religion in India.

METHODOLOGY

Area of Research: India

Type of research: Empirical Research

Method of data collection: Random snowball methodology was used for circulating the structured questionnaire by google forms

Sampling Size: 48 Employees form random employment

Method of data analysis: None of the statistical tools have been used and self-interpretation method was applied. In order to come up with the percentage affecting each factor the dependent and independent variables, pie charts and tables were used.

VARITY OF RELIGION IN INDIA

The religions are recognised in the multiple documents, be it Special Marriage Act (Government of India 2011), Hindu Marriage Act (Diwan 1957), Christan Marriage Act (Government of India 1872), Parsi Marriage Act (Government of India 1936) and Muslim Marriage Act (Majeed 2018), or Minority Acts (The 1992).

1. Hindu

2. Islam
3. Sikh
4. Jain
5. Buddhist
6. Christian
7. Zoroastrians (Parsi)

THE ISSUE OF DISCRIMINATION AND NON-INCLUSIVITY

The issue of discrimination expands far from theoretical aspects. Discrimination leads to several primary and secondary impacts on the wellbeing of the victims. The individual impacts such as emotional distress, decrease self-esteem (Schneider et al. 2022). However, as a whole the productivity of the group of people decreases, with the de-motivation in the life courses. Discriminated and excluded people often tends to withdraw from the society in general (Mishra 2015). The discriminatory acts thus result in degradation of person physical, mental and emotional health. Non-inclusiveness on the other hand raises deep concerns of social issue (Hampson and Watt 2020). The communities being close to the inclusivity represents the narrow-mind and rigid tunnel views. In the secular India, it breeds the proximities of denomination of religion. The issues of discrimination thus if not adequately addressed may transform into heinous acts of crime. The issues thus are to be addressed to protect every individual, safeguard civilised community and sustaining peaceful nation. The issue shall be thus addressed with strategic and systemic interventions before turning into a crisis. The issue thus can be addressed as:

Level	Category	Impact
Discrimination and Non-Inclusivity	Individual	➤ Emotional distress ➤ Psychological disturbance ➤ Detained mental health ➤ Withdrawal from society
	Social Level	➤ Biased Communities ➤ Non-inclusive environment

		➤ Increases in maltreatment and hatred.
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LEGISLATIVE PROTECTION: CONSTITUTION AND OTHERS

Constitution by the virtue of preamble on the one hand promotes secularism and on the other hand restrict the practices of inequality promoting the freedom of practicing diverse religion. The Article 15 provides the equality regardless of sex, gender and religion of the person. The (1) of the Article declares that there shall be no discrimination on the grounds of race, religion, caste, sex or place of birth. The basic principles of non-discrimination establish the fundamentals of equality. These principles extend to a. public office, b. educational institution and c. political rights. Article 16 of the Constitution also reassures the implementation of equality in the matters of employment to all citizens in (1). The clause (2) of Article 16 extends the provision of non-discrimination in any place of employment under State. Parallely the Directive Principles of State Policy ensures the promotion of equal economic opportunities along with imposing the duty to provide adequate livelihood under Article 38 and Article 39. Article 41 and 42 passively prevents the non-discrimination at the workplace (Constitution 2024).

The Constitution has been embarked ‘by the people’, ‘for the people’, ‘to the people’. Here the people of India having diverse background are regulated under various Acts. Firstly, Section 2 (oo) and Section 25F of Industrial Act of 1947 protects the workers from any harassment or maltreatment (GOI 1947). Secondly, Section 11 and Section 19 of Factories Act, 1948 ensures the safety at the work place with practice of non-discrimination (Ministry of Labour and Employment 1948). Thirdly, Section 4 and Section 5 of Equal Remuneration Act of 1976 enables every human regardless of religion for a equal pay on equal labour (Government of India 1987). These Acts focuses on the implementation of equality at workplace as per their accord. As this Act take pride in the enactment, the issue of discrimination is yet not fully eradicated. This Acts by the provision protects the employee against inequal treatment at the workplace be it industry, factory or government sectors. The studies have been slightly different to the theoretical aspects revealing the realities of ground implementation. The acts have been enacted decades ago, though the need of an hour has changed, the applicability still prevails. Other aspect of these act is sole focus on discrimination. Non-discrimination independently

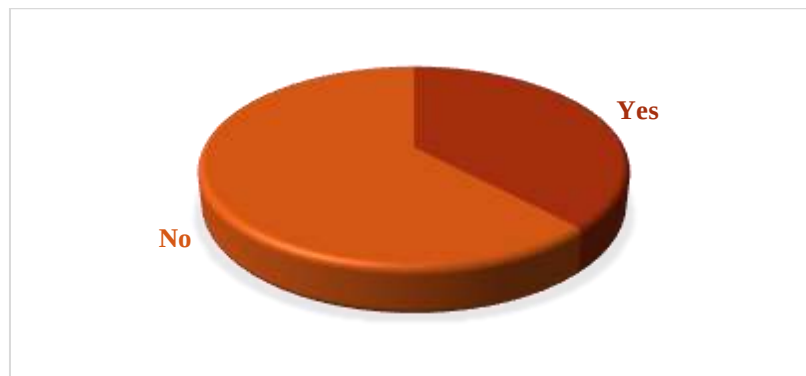
will not suffice. A mechanism with initiative for inclusivity and equality in religious aspects shall be thus introduced with creative and innovative means.

ANALYSIS OF RESEARCH

The data was collected by 48 respondents by the snowball sampling method. The data was hence collected by the snowball sampling method. The majority of the respondents were from the Hindu religion leading by the Muslim religion. Also, on the same note over 85% of the respondent shared that they are involve in the private bodies and only over 10% are from the government bodies. The rest of them are from self-owned business.

- A. The graphical presentation shows the people perception on discrimination in terms of extra benefits or harassments. The rationale being the religion solely, here over 60% shows the people have faced no discrimination, however a surprising number of 37% shows that the religious based discrimination exists in the work-place. This data hence marks as a conslusive proof to the fact of existence of religion as a factor of discrimination.

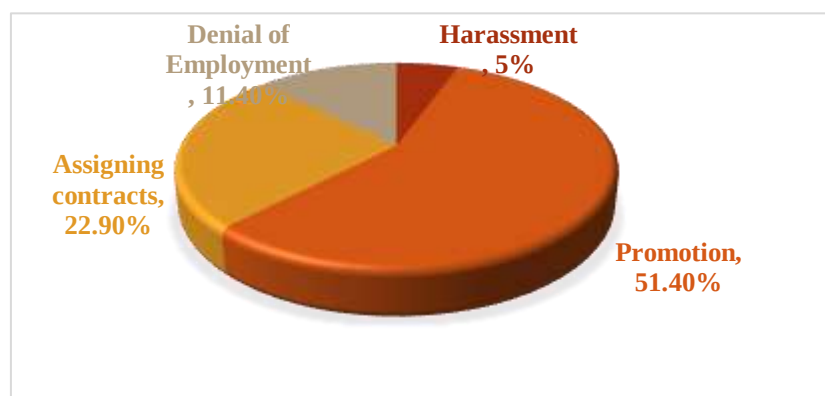
Chart 01 showing the graphical representation of the people who agrees to the existence of the religion-based discrimination at workplace.



- B. The discrimination which has been faced was mainly in the domain of promoting employees, the religion which shall be the least priority upon consideration of the promotional aspect. Here that factors become the rationale for giving employees the benefits of the uplifting themselves. Over half (51%) of the population agreed on the basis of the religion, the higher authorities evaluate their performance for promotional gains. Other astonishing number of 23% agreed that the task is divided on the basis of the religion, as favours are given on the basis of religion, this research finds that the contracts are closed upon the consideration of the religion. The other concerning factor

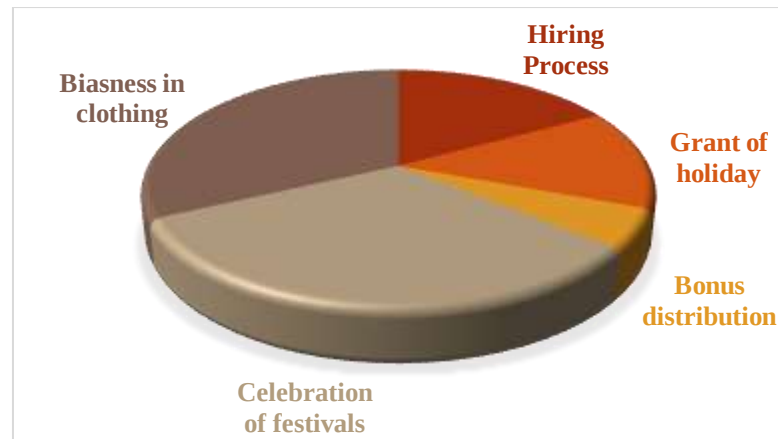
is that the people are hired on the basis of religion. As employment is the basic need of every human to suffice themselves, it is disheartening that the people are rejected employment on the basis of their religion. Lastly the people are discriminated which has been highlighted by 5% of the respondent in the workplace on the basis of their religion. This shows the hurdles of people on the basis throughout the process of workplace, be it recruitment, as an employee during the course of employment or during the course of the distribution of the quantity and quality of work. The religious discrimination thus sustains in the system of workforce.

Chart 02 showing the graphical representation of types of discrimination.



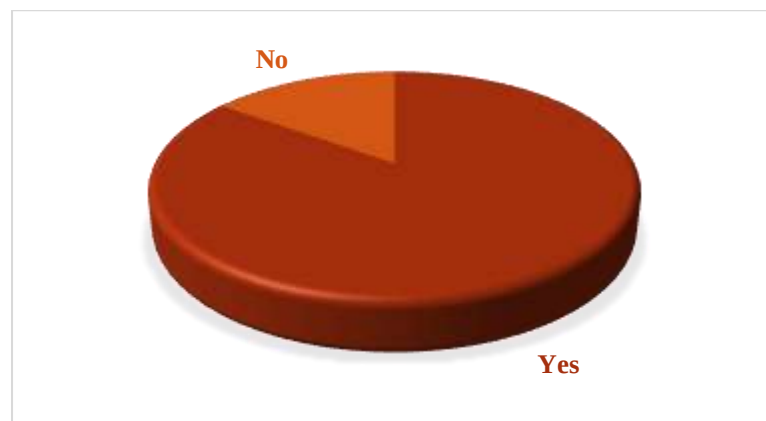
- C. The below given chart shows the represents the religion-based-favouritism. The favouritism is highlighted in the areas of celebrating religion-based festivals. The workplace enjoys the celebration of festivals of higher population in the workforce. Other 25% of the respondents recognises the favouritism in the hiring process itself. The another 20% of the respondents feels that there is sort of favouritism while assigning the holidays along with the over 10% believing that the cloth or attires are targeted keeping in the mind religion of the people. And lastly over 7% of the responses agreed that the favouritism prevails in the distribution of the bonus or monetary benefits.

Chart 03 showing the graphical presentation of areas of favouritism.



D. The next response of the people collected shows the presentation of the people views on the religious inclusivity. The questions highlight the present realities of the workplace in terms of inclusivity of every religion together. The workplace in the secular countries is presumed to be all-embracing. Here the 85% of the respondent recognises the need for developing the workplace into the inclusive infrastructure. Only 15% of the respondents believe that the existing that current mechanism suffice to the religion-based atmosphere. This response thus emphasis on the need of the transformation of the work-based policy. As the inclusivity in terms should be the first priority in terms of religion, a spirit a human hold by birth.

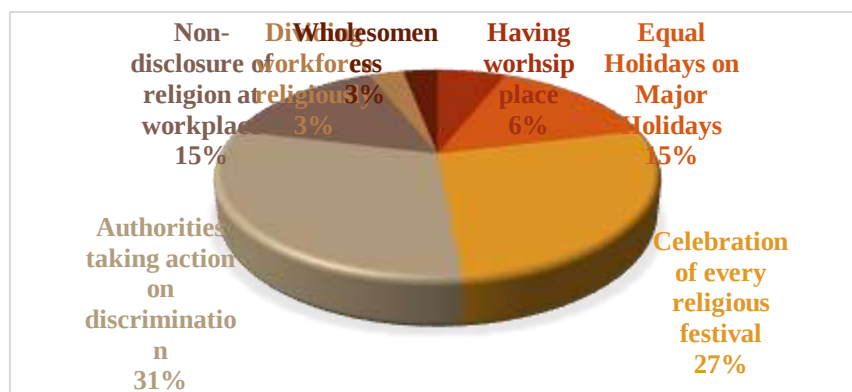
Chart 04 shows the graphical representation of the need for more inclusive work environment.



E. The workplace as recognized in the previous chart needs to be more inclusive. This section thus highlights the area acknowledged by the respondents more the improvement in the sense of inclusivity. As there are many methods by which the workplace can be transformed into a place of secular. Firstly, at total 31% of the

respondents acknowledges that the authorities shall take strict action, authorities being seniors at workplace. Highlighting that the action presently either does not exist or exist in ineffective forms. Secondly, 27% respondents that the other variable which can be used is to celebrate every festival at workplace, as that will enhance the participation of individuals through awareness and knowledge of varies culture. Thirdly leading percentage of 15% stands for both non-disclosure of religion at work place and the equality in terms of holidays on major festivals. The respondents agree that either may be hidden among staff. Although the equal number of holidays for every religion prominent festival extends the roads towards the inclusive atmosphere of religion. Fourthly, 6% of the respondents realises that there shall be a workplace for every religion, which may or may not be highly practical, but the efforts can be made according to the affordability of the work space and work place. Lastly, the 3% of the respondents stands at distribution of the workforce religiously and wholesomeness. This suggestion was not highly supported as that does not follow the guidelines of inclusivity and has higher proximity to breed discrimination in the general society.

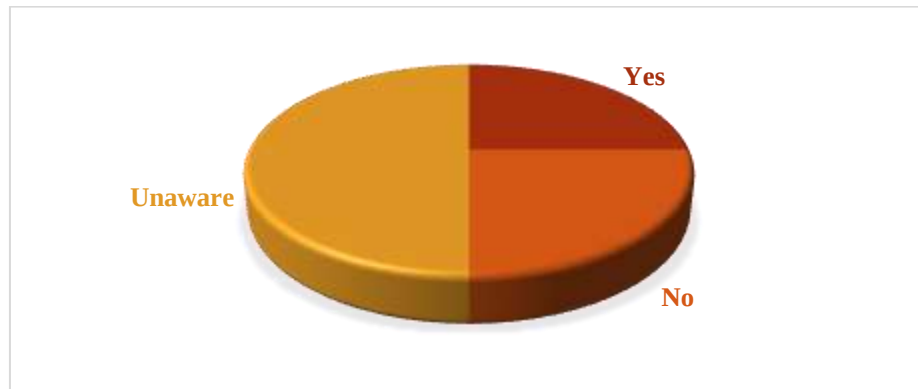
Chart 05 showing the graphical representation of areas that can be more inclusive in nature at workplace.



- F. The redressal mechanism is the basic sufficiency of every workplace which shall exist regardless of the affordability and nature of work. The employee shall be availing certain mechanism for the complains and disagreements. That too in the cases of discrimination. As discrimination is inevitable truth of the secular countries and well established by the prevailing research. It is disheartening to learn about the fact that a high percentage of 50% of the respondents are unaware of the presence of redressal component in their workspace. Only 25% of the respondents agree to the availability

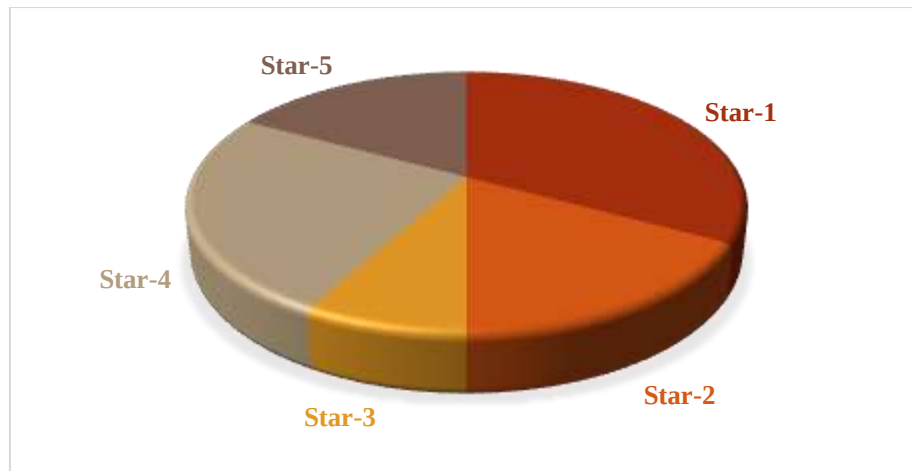
of the redressal. However, 25% assures that they can not avail the redressal mechanism due to non-existence. This data thus confirms that the 75% of the people either do not have the redressal mechanism or unaware of approachability of the current mechanisms.

Chart 06 showing the graphical presentation of availability of redressal mechanism in cases of religion-based-discrimination.



G. The last section covers the ratings to the current redressal mechanism for the respondents with the same. The average rating which was marked it as 2.75. The 33% respondents have given the 1 rating, the total 25% of the respondents have marked 4 rating. However, the 17% have given 2 rating and 5 rating with 8% of rating at 3. The majority of the respondents have been highly disappointed by their mechanism which is now being reflected in this study. The mechanism here can be interpreted as highly ineffective in the most of the cases. It has been thus highlighted that either the country does not contain a redressal mechanism at workplace. And in the prevalence of the same, it has been not proving itself to be very highly effective enhancing the helplessness of the victims of discrimination on the basis of religion.

Chart 07 shows the graphical presentation of the raking for grievance redressal mechanism in religion-based-discrimination.



It can be analysed by the virtue of responses that religion-based discrimination does exist in the workplace of the country. The hypothesises thus are proved in a positive term. As the major responses gathered from the private workforce sector of the nation. The need for the improvement in terms of inclusivity exfoliates. The religion-based discrimination prevails in the forms of firstly in course of recruitment, or signing the contract and then in forms of harassment and refusal of promotion demeaning a particular religion at work-related environment. Secular countries as tend to be inclusive of respect for all religion. The inclusivity shall be attained in terms of providing equal amenities in terms of space of worship, assigning holidays. The other heartbroken truth of lack of redressal mechanism has also come to light which shall be worked upon. The awareness of grievance redressal not being prevalent represents a systematic failure to protect the rights of employees at workplace in each and every subject matter.

RECOMMENDATION AND CONCLUSION

The workplace shall be made be equal to all the human beings be in terms of sex, gender or religion. As these are natural factors, the human being been born with them can not do anything about them. Religion is also very sensitive and cherished part of human beings. The need expands in terms of developing a healthy nation. The religion being a primary factor of faith, spirituality and hope. The religious customs are the source of the vision of every person who has belief in the religion.

Upon the outcomes of this research, this paper recommends classified recommendations around the operations of workplace. The workplace shall in the first place be sensitise with mandatory sessions on impact of discrimination. Secondly, the favouritism shall be eradicated

by compulsory reports on the performances of the employees along with the quarterly inclusive activities. The inclusivity can also be enhanced by the standard clothing and respecting all the religion-based habits. Lastly, no company shall be registered without a provision of grievance redressal. As the mechanism is of vital importance for maintain a healthy work-environment along with the ensuring the safety of the employees at workforce. This mechanism shall have proper guidelines for the hurtful acts with dedicated monetary penalties. The mechanism also aids in establishing a healthy relationship between the employees and between employee and employer. The annual report for complain regarding the religious discrimination shall be published to promote the transparency and awareness of the mechanism. The recommendations thus shall be established without an exception to small-scale industry extended to multi-national-corporation.

The recommendations if incorporated will turn the workplace into a qualitative inclusive environment for growth and development. The recommendations are thus suggested for policymakers and employers.

Table 01 showing the graphical presentation of issues and suggestive measures.

Issues	Recommendations
Discrimination	a. Mandatory sessions on consequences of discrimination b. Sensitise the workplace with sessions and training bi-annually.
Favouritism	a. Rationale report for promotions, bonuses and grant of holidays by authorities. b. The people shall be aware and sensitise on the subject matter.
Inclusivity	a. Certain quota for all religion. b. Celebration for all the festivals c. Employee initiates for celebration of every religion d. Standard clothing while respecting all the religion

Grievance Redressal	a. Mandatory establishment of grievance redressal. b. Provisions for religion-based discrimination and favouritism. c. Strict and heavy fines on any kind of discrimination. d. The report of these grievance redressal shall be submitted to the director and appropriate authorities. e. This report shall be published to enhance the transparency. f. The cases dealt shall be also be recorded and maintained internally. g. The awareness shall be given to the employees about the existence of mechanism during orientation.
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It can be concluded that the religion being a core of behaviour of almost every person. It shall be ensured that the person shall not be discriminated or favourites on the basis of naturally in-built aspects in the areas specifically in the areas of basic need. As we consider *roti, kapda aur makaan* (food, clothing and shelter) as the primitive need, the affordability of the same is only possible by the means of income. A large number of populations of the nation thus depends upon the private sector. The private sectors operating by different styles have the common goals of monetary benefits. In the process of raising the benefits, the wellbeing of the employee shall be prioritised. It is a shameful reality that maximum respondents were not being aware about the existence of grievance redressal mechanism. A system which shall be oriented at the time of joining workplace. The unawares may be deliberately cause to hide the darker sides inclusive of harassments. The evident harassment in the system of workforce not only violates the fundamental rights but also drains the remaining humanity in the system. The protection of employees thus shall be safeguarded with systematic and strategic interventions which eradicates the favouritism, discrimination promoting inclusivity along with well-established grievance redressal.