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NAVIGATING WORKPLACE ISSUES ARISING FROM THE WAR IN ISRAEL: A GUIDE FOR JEWISH EMPLOYEES

INTRODUCTION

Early on Saturday, 7th October, Hamas terrorists infiltrated into Israel from Gaza. They murdered more than 1,300 people, including women, children, and the elderly. Horrific reports have come out about the decapitation of some of those murdered, including babies. More than one hundred hostages have been taken into Gaza.

This news has left the Jewish community feeling traumatised, angry, and worried. In these unprecedented times, Jews are continuing to go to their workplaces, but may find it difficult to speak with colleagues about the situation and how it is affecting them. Unfortunately, past crises in Israel have shown that at times like this, antisemitic attacks and incidents in the UK rise sharply, including within workplaces. The Board of Deputies recognises these challenges, and this document is intended to provide recommendations for Jews seeking advice on how to handle uncomfortable situations at work during such a difficult time, as well as to spread awareness of relevant organisations and institutions that may be able to provide further help.

WHAT YOU CAN DO:

- If you are nervous about going into work, speak to your line manager about your concerns. Seek their assurance that you have their support in case tensions arise in your place of work and establish any measures you would find helpful in creating a safe work environment, such as limiting discussions about the news.
- If you witness or are the victim of an antisemitic incident, make a written note of the event, including dates, context, those involved and details including exact quotes.

- All antisemitic incidents should be reported to the CST, the police, your company/organisation or a combination of the three.
- Join your company's Jewish staff network or create one by aligning yourself with any other Jewish workers at your company/organisation in order to provide support for each other.
- Familiarise yourself with your company's existing policies, procedures, and practices which address antisemitism in the workplace. Given the 325% rise in antisemitic incidents since the 7th of October, your company should be reviewing and updating these policies to take account of the impact of the terrorist massacre.
- Inform yourself of your rights. Under the Equality Act 2010, the following acts are outlawed in the employment field:
 - Direct Discrimination. Direct religion or belief discrimination occurs where, because of a religion or belief, a person (A) treats another (B) less favourably than A treats or would treat others (section 13(1) Equality Act 2010). For direct religion or belief discrimination to occur, it is essential to show that the less favourable treatment was 'because of' their religion or belief. Direct discrimination cannot be justified, but an employer might be able to rely on an exception, perhaps by pointing to an occupational requirement to avoid liability.
 - Indirect Discrimination. Indirect discrimination occurs where an employer applies a provision, criterion or practice to the employee that puts (or would put) the employee (a person of a particular religion or belief) at a disadvantage when compared to other persons. There will be no indirect discrimination if the employer's actions are objectively justified. To establish justification, an employer will need to show

that there is a legitimate aim (a real business need) and that the provision, criteria or practice is proportionate to that aim (that is, it is reasonably necessary in order to achieve that aim, and there are no less discriminatory means available).

- Harassment. Religion or belief harassment occurs where an employer engages in unwanted conduct related to religion or belief and the conduct has the purpose or effect of violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment to the employee. Harassment need not always be targeted at an individual, but can consist of a general culture that, for example, appears to tolerate the telling of jokes deriding a particular religion.
- Victimisation. Victimisation occurs where an employer subjects an employee to a detriment because the employee has done, intends to, or is suspected of bringing proceedings under the Equality Act (for example making a complaint or taking legal action as a result of religious discrimination). If an employer unlawfully discriminates against or harasses a job applicant or employee, they will be liable for their actions. Furthermore, anything done by one employee to another in the course of their employment is treated as having also been done by the employer, regardless of whether the employee's acts were done with the employer's knowledge or not.
- Encourage non-Jewish colleagues, managers, and directors to contribute to creating a work environment which ensures the safety of Jewish employees in this difficult time.
Recommend that they and the organisation's leadership:
 - Voice support by sharing a message of support internally and/or externally from the leadership of the company, making it clear that intimidation and isolation of Jewish employees is unacceptable. While political debate is hard to avoid, any discussions that

take place should be in a tone which does not isolate or discriminate against British Jews, many of whom have an affinity to, and/or family and friends in Israel.

- Support Jewish employees who wish to establish a Jewish staff network.
- Allow for appropriate use of bereavement leave or paid time off.
- Ensure that the organisation is meeting its legal obligations to protect all employees from harassment and/or discrimination.

HOW TO HANDLE DIFFICULT CONVERSATIONS

Unfortunately, you may be faced with questions or comments about the terror incidents in Israel or the actions of the Israeli government. Initial guidance would be to avoid engagement in discussion unless you feel you have some level of expertise in Middle Eastern history or politics. Despite this, the receiver may not actually be interested in truly understanding the situation.

While you should not feel intimidated by colleagues to respond or defend yourself and your relationship with Israel, you may feel the need to respond. Always ensure that you are contributing to an alleviation, rather than an escalation, of a confrontation. The following lists some example questions or comments which may be directed at you. A simple diversionary comment might be "This is not the time or place and none of us are going to achieve anything by continuing this conversation other than upsetting a lot of people and destroying relationships".

However, there are of course a range of ways to respond to comments or questions and we have included some typical assertions and proposed responses below:

Comment: " Hamas are freedom fighters, not terrorists"

Response: Hamas is an Islamist extremist organisation that calls for the eradication of the State of Israel. The United Kingdom, the United States, Australia, Canada, the EU, and Japan have proscribed Hamas as a terrorist

organisation. In its notoriously antisemitic constitution, Hamas cites a text which calls for the wholesale slaughter of Jews. Hamas has conducted countless acts of terror in the name of this goal, including suicide bombings in the 2000's that killed hundreds of people in total, as well as firing tens of thousands of missiles into Israel for the past 15 years. The goal of Hamas is not to oppose any specific Israeli policies or actions which can pave the way for peace and freedom in the region. It is to lead a genocide of Jews and eradicate the State of Israel.

Comment: Comparisons between the treatment of Palestinians by the Israeli government to Jews during the Holocaust (e.g. "Gaza is worse than the Warsaw ghetto")

Response: Comparisons between Nazi Germany and Palestine are deeply inappropriate and offensive to Jewish people. Comments such as these do a disservice to victims of the Holocaust and a cheapening of a dark era in Jewish history which is an emotional topic for Jews to this day.

Comment: "The Israeli government is conducting acts of terrorism in Gaza."

Response: Hamas launched a terrorist operation with the intention of murdering Israeli civilians. Israel's response to limit the power of Hamas, and retrieve innocent kidnapped Israeli hostages, is a legitimate military action to prevent future acts of terror and to prevent civilian casualties.

Comment: "The Israeli government's response is disproportionate to the acts committed by Hamas; your army are murderers"

Response: Israel is fighting against a terrorist organisation that has massacred and kidnapped innocent civilians. Judging Israel solely by its actions in Gaza without understanding why it is necessary to intervene leaves the crimes committed in Israel forgotten. The aims of the Israeli government is to retrieve hostages and cut off the threat from Hamas in order to keep Israeli citizens safe. The question of proportionality in conjunction with war is judged by international humanitarian law. Proportionality is not determined by judging the number of civilian deaths in relation to the other side. If the loss of civilian life and damage to civilian objects outweigh the military advantage, then it is not proportionate. This is codified in Article 51(5)(b) of the Second Geneva Convention, which is adhered to by the IDF.

Comment: “Israel has never attempted to make peace with the Palestinians”

Response: Since the establishment of the State of Israel in 1948, there have been numerous peace attempts, involving international peace brokers, which have all been rejected by the Palestinian leadership. Regarding Gaza specifically, Israel unconditionally withdrew all of its citizens, forces, and settlements in Gaza in 2005 in the hope of improving the situation in Gaza and reaching closer to peace.

WHO TO CONTACT FOR FURTHER ADVICE

If you wish to speak to somebody about a situation you are experiencing at work or seek legal advice, the following organisations may be a point of contact:

- The Board of Deputies of British Jews on bod.org.uk.
For workplace specific guidance, please contact the Religious and Civil Affairs Officer Victoria Lisek at victoria.lisek@bod.org.uk
- For issues in Scotland contact The Scottish Council of Jewish Communities (SCOJeC) on 0141 638 6411 or at scojec@scojec.org
- The Equality and Human Rights Commission (EHRC) provide guidance on how to deal with workplace disputes, in line with the latest equalities legislation, and can be contacted via www.equalityhumanrights.com
- The Advisory, Conciliation and Arbitration Service (ACAS) assist in resolving workplace disputes and can provide advice based on a personal situation. Their latest guidance can be accessed via www.acas.org.uk and they can also be contacted on 0300 123 1100
- The Community Security Trust (CST), on 020 8457 9999. Antisemitic incidents can be reported at www.cst.org.uk. In an emergency, always contact the police first.

- The police on 999 (emergency) or 101 (non-emergency)
- A trade union official (if applicable)
- A solicitor

For any further information about the Board of Deputies or further support contact info@bod.org.uk

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