

Guidance on faith-based hiring and compliance with CHS Commitment 8 March 2019

Background

As more organisations learn and measure how they meet the Core Humanitarian Standard on Quality and Accountability (CHS), this process – either through self-assessment or by a third party auditor – reveals areas where further guidance is needed in the interpretation of some CHS indicators. One such area regards faith-based hiring practices within CHS Commitment 8: Communities and people affected by crisis receive the assistance they require from competent and well-managed staff and volunteers.

The CHS Alliance recognises the strength organisations derive from being diverse in the broadest sense of the term. Commitment 8.5 requires organisations to demonstrate that staff policies and procedures are fair, transparent, non-discriminatory and compliant with local employment law. There is a wide variety of practice in the humanitarian sector. Faith-based organisations (FBOs) may choose to hire people of faith to align with and support their organisational values. Commitment 8.1 requires that all staff work according to the mandate and values of an organisation, including when faith constitutes part of their identity and ethos.

These two indicators reflect international human rights law on the right to freedom of religion (indicator 8.1) and on non-discrimination (indicator 8.5), both of which are enshrined in the Universal Declaration of Human Rights (Articles 2, 7, 18 and 23)¹. In the annual resolution of the UN General Assembly on the right to freedom of religion and belief, states have agreed:

- (i) *To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected; and also*
- (ii) *To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits and that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination based on religion or belief.²*

The two rights – the right to freedom of religion and the right to non-discrimination - intersect when it comes to FBOs hiring practices. Legal systems in place around the world have sought to find a balance between these two rights, with some prioritising the right to

¹ https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

² <https://undocs.org/A/C.3/73/L.45>

freedom of religion and others focusing on non-discrimination. In many jurisdictions, equal opportunity or non-discrimination laws include an exception for faith-based hiring, however the requirements stipulated by the exceptions differ between countries.

In the absence of internationally agreed legal standards and consistent with the variety of practice in the humanitarian sector, the CHS Alliance's guidance in relation to faith-based hiring and to the interpretation of Commitments 8.1 and 8.5 focuses on the areas of common agreement. These areas are that an organisation undertaking faith-based hiring must clearly articulate its faith identity and also that it must comply with national laws.

The CHS Alliance will periodically review this guidance based on legislative developments around the world and make changes as needed.

Guidance for auditors

The CHS auditor should assess:

- That an organisation undertaking faith-based hiring clearly and openly communicates their faith identity in their mission statement, value statement or document of incorporation.
- That an organisation undertaking faith-based hiring complies with national employment laws, including specifically in relation to non-discrimination and any exceptions.