

RAMADAN PRECEPTS AND COMPLIANCE WITH LABOR RISK PREVENTION. HEALTH CONSEQUENCES AND RECOMMENDATIONS

PRECEITOS DO RAMADAN E CUMPRIMENTO DA PREVENÇÃO DE RISCOS TRABALHISTAS. CONSEQUÊNCIAS E RECOMENDAÇÕES PARA A SAÚDE

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Resumo: Os preceitos seguidos pelos muçulmanos durante o período do Ramadã, principalmente o jejum e a abstinência de líquidos, bem como a mudança de hábitos horários, podem aumentar as situações de risco ocupacional. Existe uma percepção social que pode levar a mistificar a gravidade destas situações e, conseqüentemente, conduzir a situações de discriminação. Este trabalho pretende contribuir modestamente para a desmistificação desta incidência na prevenção de riscos, examinando a literatura científica e estudos sobre acidentes de trabalho. Além disso, uma série de recomendações são feitas para permitir a compatibilidade da prática religiosa e trabalho seguro durante o mês do Ramadã em relação à saúde ocupacional e segurança dos trabalhadores.

Palavras-chave: Ramadã; Discriminação; Prevenção de Riscos Trabalhistas.

Abstract: The precepts followed by Muslim people during the Ramadan season, mainly fasting and abstinence from liquids, as well as changing time habits, can increase occupational risk situations. There is a social perception that can lead to mystify the seriousness of these situations and, therefore, lead to situations of discrimination. This work aims to contribute modestly to the demystification of this incidence in risk prevention, examining the scientific literature and studies on occupational accidents. Additionally, a series of recommendations are made to enable the compatibility of religious practice and safe working during the month of Ramadan regarding occupational health and safety of workers.

Keywords: Ramadan; Discrimination; Labor Risk Prevention.

1. RAMADAN: MAIN DESCRIPTIVE FEATURES

In today's open and multicultural societies, and in countries that receive important migratory contingents of people from other countries and cultures, it is becoming increasingly necessary to know other communities' customs and religious practices. This knowledge facilitates understanding and tolerance while avoids discriminatory situations and it is absolutely essential for coexistence and mutual

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respect. This is particularly relevant in a religion and culture such as Islam, which is practiced by a third of the inhabitants of our planet.

Islam governs the daily life, stating that the uses and customs of its faithful people are based on the basic pillars (*arkān al-islām* or *arkān ed-dīn*):

- The profession of faith (acceptance and testimony of the existence of Allah as the only God, Shahada).

- Prayer (salat). Muslims perform five prayers a day, facing Mecca.

- Concern for the needy and almsgiving (Zaqaat)

- Fasting (Ramadan).

- The pilgrimage to Mecca. (Al Hayy). At least once in life and it takes place in the twelfth month of the lunar calendar. Consequently, when speaking of Ramadan, we are faced with an inescapable obligation for practitioners of the Muslim religion, which requires that everyone equally, whether they are men or women (except for some exemptions, which we will see immediately) must comply with this mandatory religious duty which is progressively acquired with age, starting from puberty, around the age of 14.

- The Fasting: Pregnant and lactating women are exempt from this fast (previous medical recommendation), those who are sick (then, those people in return, will feed a needy person for each day they free from fasting), those who are traveling or menstruating, also puerperal women, people with mental health issues or the elderly are also exempt from fasting. An exception is also made for those people who must help someone who is in danger (although they need to follow the fasting one day for each day they are excused). All the same, fasting, becomes very special for those who are outside their country and customs, meaning in these situations a very important cultural manifestation of belonging, as well as a reason for celebration and family reunion, and also implies a kind of "spiritual fast", encompassing with the idea and sense of getting rid of whims, working on themselves with the aim of become better people (not lying, not getting angry, not slandering, not yelling, not criticizing anyone who is not present, etc.).

In addition, the fast reminds the need of the poor by sensitizing practitioners to those who are hungry, so that everyone can have enough to eat. For this reason, the practice of prayer and almsgiving is intensified at this time.

The *Qur'an* collects this obligation as follows: "In the month of Ramadan the *Qur'an* was revealed as a guide for mankind and evidence of guidance and judgment. Whoever witnesses the arrival of (the new Moon) the month must fast, but whoever is sick or traveling (and does not fast) must subsequently make up the days not fasted and thus complete the month. God wants to make things easy for you and not hard for you; Praise and thank God for having guided you." (Quran, 2. Al Baqarah-185) (GARCÍA MUHAMMAD, s.f.)

The *Hadith Qudsi* refers to the practice of Ramadan with these poetic words: "Ramadan has come, a blessed month, during which Allah has prescribed fasting for you. During it the gates of the Garden are open, the gates of Fire closed and the rebellious Satan in chains. During it, Allah has a night that is better than a thousand months. Whoever is deprived of the goodness of him suffers a great loss" "Every good deed will be rewarded increased from ten to seven hundred times, except the fast that is observed by Me, which I will reward" (AMER QUEVEDO, 2003)

The fast (*sawm*) of the month of Ramadan is, therefore, the fourth pillar of Islam and it is carried out every day of the ninth month of the lunar year, from sunrise to sunset, to commemorate, as stated above, the revelation of the *Qur'an* to the prophet Mohammed. Ramadan thus begins with the new moon of the ninth month of this lunar calendar and ends with the new moon of the following month. Throughout this month, Muslims must practice fasting, refraining from food, drink and sexual relations, as well as smoking, in that slot time of the day. Once it gets dark, Muslims can eat food, the food they eat after sunset being known as *iftar* and as *suhoor* before the sun rises again. (SIERRA RODRIGUEZ, 2012)

After the break of the fast, the *salat at tarauih* (the prayer of rest) is performed in the mosque. This period ends at the end of the month, after 29 nights (provided the moon has been sighted), with the celebration of the festival called "*Eid al-Fitr*".

As Muslims follow the lunar calendar, the beginning of Ramadan, with the Western calendar, is not the same each year (The lunar calendar works in a different way than the Western one, since it follows the lunar year, with a cycle of 354 days, 11 days shorter than the solar year).

Although it must begin with the sighting of the new moon, in the so-called *lailat ech-chek*, or night of doubt, and this varies in each part of the world, Muslims who

live abroad usually follow the calendar of their countries of origin (GUERRERO MORILLA, 2008).

From a medical and nutritional point of view, the transfer of meals to the night period, in a sudden and radical way, necessarily generates a homeostatic readaptation to assume the modification of eating habits and biological rhythms (as well as the restrictions in caloric and water intake throughout all hours of the day). This aspect becomes more relevant in those countries that do not have a Muslim majority and in which, consequently, the majority of the population does not adjust its life and customs to these practices and, ultimately, continues with its usual rhythm of life. This is particularly important in the world of work (there are no changes in the working day, nor in work rhythms, etc.).

We must not forget that a large group of Muslims are based in Europe (around twelve million) those people in order to follow their religion are required to fast during the month of Ramadan, when living in a Western context the maintenance of the habits of life and culture while integrating in a different society definitively helps the Islamic community to reaffirm their beliefs and develop group consciousness.

2. IMPACT OF RAMADAN PRECEPTS ON OCCUPATIONAL WORK HAZARDS. MAIN OCCUPATIONAL RISKS OF WORKERS CELEBRATING RAMADAN

It is readily apparent that fasting, especially if it is prolonged and requires physical exertion, affects health as well as the performance of the individual.

In the case of the Ramadan fast, it is advisable for meals to be balanced. The first meal has to be done before sunrise and it should be a light meal, and the last one, must be done after sunset and it should contain grits, cereals, and other slow sugars to provide lasting energy and liquids such as dairy products, fresh fruit, plenty of liquids, to compensate for the abstinence during the day and hydrate the body and facilitate intestinal transit (Akanji, 2000) However, the reality is that, due to the festive atmosphere and family reunification and the social importance for this culture, foods rich in carbohydrates, sweets (honey and nuts) and meats and dishes rich in fat are usually consumed. (AGOUMI, 2015, p. 2) Although the studies do not end up agreeing, it seems that the diet deviates, in terms of macronutrients (substances that provide energy, among other elements, such as proteins, fats or carbohydrates) from

what is recommended for the average Spanish population . However, most authors agree that Muslims consume more food from each food group during the Ramadan fast, with an increase in intake of milk and dairy products, in the intake of meat and vegetables, and a decreased consumption of cereals (GUERRERO MORILLA, 2008)

The Ramadan fast has, in short, a series of its own characteristics, given that it is an intermittent fast, which implies a cessation of the intake of food and liquids throughout the day, which can imply (depending on the corresponding time of the year and the place where we are) between 12 and 16 hours, and a nocturnal consumption of food without limitation, in a festive context, and marked by customs and traditions, which has undoubted effects both physiological and psychological.

The effects of fasting on the body have been detailed in numerous studies and publications in the field of health sciences, and can be described, very briefly and in broad strokes (trying not to go too far into medical issues), as follows: The body consumes glucose for the nervous system and other anaerobic structures, amino acids for protein synthesis, and fatty acids that it uses in lipid synthesis. During fasting, the body is forced to obtain these elements from its own endogenous reserves. Each person creates a series of eating habits, hours of sleep, work, intellectual activity, rest, exercise, etc. The body adapts to these habits and the food and liquids that the person consumes keep blood glucose levels within normal parameters. With fasting, the body, initially, reacts by generating the feeling of hunger, which warns us of the need to eat food to maintain these parameters. The Ramadan fast is considered a post-absorptive fast (between 6 and 54 hours between the course of one meal and another) (AGOUMI, 2015, p. 14)

Regarding fluid and salt deprivation, our body obtains most of its water through the liquid contained in food and the water we drink, which is absorbed in the intestine and incorporated into the blood fluid for subsequent distribution throughout the body. In addition to this consumption, our body loses water (in an amount that varies according to the outside temperature, or the activities carried out).

Through the mechanism of thirst, this need for liquid is manifested, which is intensified in cases where physical effort is made. It is considered that a person is in a situation of dehydration when the decrease or loss of water in the tissues supposes 3% or more of the body weight, and from 9% it supposes a risk for life (GUERRERO MORILLA, 2008, p. 52)

The climate and physical exercise increase this need for fluids, with a greater risk of heat stroke and circulatory shock, depending on capacity, experience, and training. In any case, due to the lack of liquids and mineral salts (levels of sodium, potassium, etc.) both physical and mental performance will decrease.

Fasting in Ramadan time has some peculiarities that makes it different, since it never lasts beyond 12-16 hours. This does not mean that it does not have effects on the body. In fact, it is fundamentally affected by fluid restrictions (with effects especially in the first week of fasting, until the body adapts) and by the change in cycles, especially sleep cycles. Dehydration fundamentally affects to physically stressed workers as well as lactating women (who, as has been seen and depending on the levels of affectation, can be exempted from fasting in Ramadan under medical prescription).

Regarding the psychological effects, there are several studies that have shown the existence of changes in perceptive abilities (reflexes, alert levels), in attention, and in irritability. Levels of intellectual performance and ability to concentrate are also reduced. For its part, the change in the rhythms of life leads to a lack of sleep that has been related to problems such as increased irritability, headaches, anxiety, among others.

Due to these described effects, there is a deeply rooted belief about the practice of these precepts, due to the radical change of biological rhythms and for extending throughout an entire month, in which these effects on health and performance are very intense . In a special way, it can increase the risk of suffering damages derived from work, such as work accidents and occupational diseases. This, in addition, can result in a greater risk for other workers, with whom they share tasks, places and time for teamwork. (BERTOLI, 2020, p. 3)

In any case, due to the peculiarities of fasting (which is intermittent ,so that what was lost during the day is recovered at the end of the day, given that, during fasting, two main meals are usually eaten, the first corresponding to the moment in which the sun sets and the second during the night, between 00:00a,m and 3 a.m.) studies have shown that there is no problem for the performance of the activity and physical effort, beyond those derived from the own adaptability of individuals. There is no risk, although if, at high levels of demand, it can affect certain skills (for example, precision, resistance, or agility) (AGOUMI, 2015)

It is needed then, to study deeply throughout several studies on this matter to see how health, performance and, especially, the professional risks of these workers and their colleagues can be compromised or affected. These studies have focused on those occupations that require greater physical effort and resistance and, consequently, whose workers may be more vulnerable to these practices of fasting and radical changes in time and eating habits sustained over time for almost a month, such as occupations related to agriculture or construction in which, in addition to having a higher percentage of migrant workers, most of them came from countries with a Muslim majority, especially in communities in the southern Spain, such as Murcia or Andalusia among others.

Consequently, from the study carried out by JAVIER SIERRA RODRÍGUEZ and his team and published in July 2012 with the title "*Occupational health and safety among the Muslim population during Ramadan*" it can be deduced that there is no special incidence regarding work related accidents of these workers, which are mainly located (up to 75% approximately) in the agricultural sector at the time of Ramadan.

These results are hard to obtain due to several reasons, on the one hand, the difficulty in selecting the sample of workers due to the constitutional right not to declare about beliefs, which have led in this case, to select workers of Moroccan nationality or origin, on the other hand, logically, as expected the results shown are slightly inaccurate, since there will be a lack of workers who practice Ramadan and come from other countries, such as Algeria or Senegal, and there will be workers of Moroccan origin who do not follow this practice, although in this case they are the fewest. Moreover, workplace accidents with sick leave that have been formally reported to the Occupational Health and Safety Institute decreased during that month throughout the study period (which was three years, between 2009 and 2011, coinciding with the summer months). The same can be said for commuting accidents. (SIERRA RODRIGUEZ, 2012)

To conclude, it seems that there is not a direct correlation between the practice of fasting during the month of Ramadan and accident at work with sick leave. The

same happens if we focus on the incidence rates (proportion of accidents in relation to the number of workers).³

Obviously, these are approximate figures (there may be unreported accidents, workers in an illegal situation and, therefore, in the underground economy, and workers who take advantage of these months to take vacations and reunite with their families in their countries of origin, since we are talking about the coincidence with summer months). In addition, it does not mean that there are no occupational risks and minor accidents, with no sick leave of more than one day and, therefore, not reported, such as dizziness or fainting.

The second of the studies considered in this paper on the incidence of the practices of the precepts of Ramadan in occupational accidents, more recent, is that of the professors PAOLA BERTOLI, VERONICA GREMBI, AND JUDIT VALL-CASTELLÓ, published with the title of "*The Ramadan Effect in the Workplace*" in 2020, and to which reference has also already been made in this work. From this study we can draw very similar conclusions, and the range of years is much higher, so that Ramadan celebrations can be collected throughout the summer and autumn, between the years of 2003 and 2016 (between the months of June and November) Here it is also concluded that occupational accidents decrease between 0.9 and 1.4%, while they remain the same in the case of the non-Muslim population. They use data from the Sanitary Barometer (based on the use of medical services by workers). Muslim workers go less to emergency services (those normally used for accidents at work). There are also no significant changes in the severity of these accidents (measured through parameters such as number of deaths, days off, etc.). This decline is particularly noticeable in the second half of the month of Ramadan. In this case, the sample includes migrants from many more nationalities of Muslim culture (up to 48 countries). There is, in this case, no correlation either between following the Ramadan precepts and accidents. in the workplace that have required medical attention. We find ourselves, here, with the same problem, there may be unreported accidents or that have not required assistance or hospital care.

Having said all the above then, if there is no relationship between the increase in accidents at work and the practice of the Ramadan precepts, then why is there such a perception in society that fasting carries increased risks? This is so because

³ Ratio between the product resulting from the number of accidents in working time with absence per 100,000 and the annual average of workers affiliated to the Social Security who have occupational contingencies.

this lack of correlation between occupational accidents with sick leave and hospital medical care and the observance of the Ramadan precepts that we have been verifying, does not mean that intermittent fasting and the sudden change in biological rhythms in workers do not have any consequence with respect to the increase in occupational risks. In fact, from the description made of the physical and psychological effects of fasting, we extract exactly the opposite. There is an aggravation of certain occupational risks that particularly affect to activities that require a significant physical effort, although it does not translate into an increase in serious accidents, it has repercussions in other situations that we will analyze below.

From the analysis of the physical and psychological consequences of fasting and the restriction of liquids that we have been observing in this work, as well as the radical change in habits and, above all, the lack of sleep derived from the change in schedules, we can deduce that, indeed, the practice of Ramadan can generate occupational hazards or aggravate existing ones. Thus, as physical consequences we can point out tiredness, fatigue, fainting, headaches, back pain, low back pain, cramps, weakness, low blood pressure, stomach problems and a greater propensity to suffer fainting or heat stroke, direct consequence of dehydration (SIERRA RODRIGUEZ, 2012, p. 31)

From the psychological consequences, such as lack of concentration, reflexes, balance and ability, it is concluded that these can generate risks especially in those workers who have to operate machinery, working at heights or drive vehicles. It can also increase the risks of those workers who share team tasks. These risks, as has been said, are especially important in sectors such as agriculture and construction (working at heights, handling heavy machinery and hand tools such as radials, in addition to greater physical effort and exposure to high temperatures outdoors or in greenhouses). It is about taking the appropriate preventive measures so that religious practices can be compatible with work in safe conditions and, especially, do not give rise to situations of discrimination.

3. CORPORATE SOCIAL RESPONSIBILITY AND RELIGIOUS FREEDOM AT WORKPLACE

In Spain, in neutral companies in religious matters, we have to bear in mind not only art 14 stating prohibition of discrimination for religious reasons in force (article

14 and 16 of Spanish Constitution and article 17 of Workers Statute), but it is also in force, although with certain modulations, as it is a non-specific fundamental right, the individual right to religious freedom with legal development in Organic Law 7/1980, of July 5, on Religious Freedom. However, here the role and dynamics of the right to religious freedom in the employment relationship will be left aside, to focus the analysis on what role the so-called Corporate Social Responsibility can play (TOLEDO OMS, 2020).

In relation to the legislation referring to occupational risk prevention, it is well known that the risks do not decrease in the company immediately after the entry into force of the law, but the risk authentically decrease when companies, thanks to the trade unions, employer organizations and public administrations integrate a preventive culture at all levels in the workplace in order to guarantee in an effective way the protection of the psychophysical health of the worker.

Well then, everything indicates that until employers and workers have adequate training in diversity management, and cultural diversity is not truly integrated within companies, it does not seem likely that articles 14 and 16 of Spanish Constitution are respected to their fullest extent in the workplace, or, at least, satisfactorily in relation to the right to religious freedom, especially regarding workers belonging to minority religions. Therefore, training in interculturality provided by companies will go hand to hand with the concept of corporate social responsibility, and the promotion of this business model can lead to employee and employers in a company to respect religious freedom practices at workplace.

How can a manager organize the work to be carried out by Muslim workers in a respectful manner with Article 16 of the Spanish Constitution and also in line with the legislation on occupational risk prevention if he or she does not know what the celebration of Ramadan consists of? or, How can it coexist during long working hours, with a desirable constructive exchange of ideas within an interdisciplinary team if neither its members nor its managers really know what it means for practical purposes to be Catholic, Muslim, Jew or Buddhist? It should be kept in mind that the legislator has not legally developed the exercise of the right to religious freedom in the employment relationship, therefore, given the current underutilization of collective bargaining agreements in this matter, it is highly recommended that companies use, as a minimum or in a complementary way, the path offered by corporate social responsibility to manage religious diversity in the business organization.

If, for example, the lack of knowledge of languages can decisively affect the prevention of occupational risks or can lead to the impossibility of offering services to a wide public; The lack of training and skills with respect to other cultures and religions can significantly affect the materialization of a correct respect for the principle of freedom of religion included in the Spanish Constitution and also can compromise the essential anti-discriminatory protection that must govern labor relations. Each company must find the instrument that is most appropriate according to its context, for example, a guide to good practices could be created or one already created could be used, in what is useful and feasible, such as the "Best Practices for Eradicating Religious Discrimination in the Workplace" approved by the American company U.S. Equal Employment Opportunity Commission (EEOC) (TOLEDO OMS, 2020).

It is also worth noting the recent Spanish legislation on equal treatment, and its reference in this sense to training plans, we are referring to the new comprehensive law for equal treatment and non-discrimination⁴

This new Law aims to prevent and eradicate any form of discrimination and effectively protect victims in all areas of society: educational, health, cultural, real estate and also at work. According to the explanatory statement of the Law, it is about transposing in a more adequate way the objectives and purposes of Directives 2000/43/CE and 2000/78/CE, as well as incorporating certain constitutional jurisprudence on article 14 of the Spanish Constitution. The most relevant developments in terms of work for others are the expansion of cases of discrimination.

Although, up to date the legislator had focused on employment discrimination from a gender perspective, with this new Comprehensive Law for Equal Treatment and Non-Discrimination the legislator clearly broadens the focus to all types of discrimination based on any variable such as access to employment. limitations, segregations or exclusions, that may not be established by reason of the causes provided for in the Law for access to employment as an employee, including selection criteria, in training for employment, in professional promotion, in remuneration, in the working hours and other working conditions, as well as

⁴ Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación. BOE» núm. 167, de 13/07/2022

suspension, dismissal or other causes of termination of the employment contract. We also find within this new regulations, new obligations for companies, then, it will be mandatory for companies to detect, prevent and stop discriminatory situations through the application of new methods. If a situation of discrimination occurs within the company and these obligations have not been complied with, then, the company may be liable for the damage caused.

This new Law, which expands the cases of discrimination, represents an opportunity to improve the management of diversity in companies, going beyond the gender perspective, both through specific policies and measures aimed to prevent and detect any possible type of discrimination, as well as through the implementation of diversity plans. In this way, the new regulation has been designed to achieve new targets, including not only the prevention of discrimination in the workplace but also the promotion of diversity.

While the fight against discrimination and the promotion of diversity are often presented as the two sides of the same coin, these two objectives may also diverge or oppose each other. In such wise, it is expected an evolution and impact that will change responses to the two major challenges questioned: the inequality of access to employment and the recognition of sociocultural diversity.

4. RECOMMENDATIONS TO RECONCILE RELIGIOUS PRACTICE AND WORK DURING THE MONTH OF RAMADAN.

Analysing all the above, we find that several conflicting rights are in issue. On the one hand, we find the right to religious freedom, on the other hand, the right of the employer to order the activity of his company in optimal conditions of safety and productivity, as well as the right of workers, both Muslim group and those who do not practice this religion to effective protection of their health in the workplace.

This right is also included in the Spanish Workers' Statute in its art. 4.2 c), which establishes a prohibition of discrimination “for employment, or once employed, for reasons of (...) religious or political ideas”. It extends then to the entire life of the employment relationship. It is worth asking, therefore, in the first place, if this right to religious freedom translates into an obligation for the employer, for instance in allowing workers to reductions in working hours, transfer to other jobs with less risk, permits, etc.

As there is no state religion in Spain, the principle of respect for religious freedom must be adapted to the specific needs of work activity and respect for employment contracts and their content. First of all, article 16.1 of the Spanish Constitution "guarantees ideological, religious and religious freedom" which means, according to our Constitutional Court (STC 19/1985 of February 13), the recognition among other things, of the power of any person to act in accordance with their own convictions and uphold them against third parties. In the workplace, it will be necessary to adapt the business needs to the beliefs of the worker, in those cases in which the practice of the same may alter the normal development of work obligations. In these cases, the labor obligation will prevail, if there is a reasonable justification for the work to be organized in this way and it has been done in good faith, in the sense that the employer has made all possible efforts to reconcile the work and religious practice, offering, if possible, reasonable alternatives that do not cause excessive damage to the company (PANIZO ROMO DE ARCE, 2015).

Regarding the weekly rest, the Ruling of the Constitutional Court 19/1995, of February 13, denies the "*amparo*", this is to say, the appeal on the grounds of unconstitutionality to dismissed worker for taking the weekly rest due to her condition as a Seventh-day Adventist, she requested a change of schedule, which was denied, so she could not attend work on Friday afternoon and Saturday morning. The Constitutional Spanish Court understands that "the invocation of these rights or freedoms cannot be used by one of the contracting parties to impose on the other the modifications of the contractual relationship". Regarding the celebration of religious festivities, attempts have been made to reach agreements with different confessions and, consequently, regarding Ramadan, the members of communities belonging to the Islamic Commission can work non-stop and finish the working day one hour before sunset during the month of Ramadan (prior agreement with the affected employer and recovering the hours). This agreement has the force of law⁵ Therefore, companies have the obligation, at least, to try, in good faith, to reach agreements with workers who practice these obligations (ARASTHEY SAHÚN, 2008) A good

⁵ Law 26/1992, of 10 November, approving the Cooperation Agreement between the Spanish State and the Islamic Commission of Spain of 28 April 1992, based on Organic Law 7/1980, of 5 July, on religious freedom. Art. 12.

practice would be to try to bring these agreements to those collective agreements of companies or sectors in which the number of Muslim workers is higher .

This need for the agreement between employee and employer means that the worker must express his religious needs at the time of being hired, in order to reach an agreement, if he or she does so later, the company is not obliged to attend to them, since the worker will be considered to have lacked loyalty and contractual good faith (POQUET CATALÁ, 2015, p. 8) , this can lead to workers to not express their religion due to the fear of not getting the job and also due to the right to don't express their own beliefs. In cases of change in beliefs, it will no longer be possible to speak of this lack of good faith, but the Constitutional Spanish Court, as we have seen, has not consider this as a sufficient reason to unilaterally change the conditions of the contract.

5. CONCLUSIONS

The ideal, therefore, is to reach agreements with workers, whether or not within the framework of collective bargaining (the latter aspect, which would be ideal, to increase legal certainty), this has been done in the agreements of the agricultural field sector in Almería and also in the Forestry and Livestock Collective Agreement of the Region of Murcia of 2010, which establishes that “during the months of May, June, July and August, the daily working hours cannot exceed 7 hours a day and the rest of the year, the ordinary day will be 8 hours”. During the period of intensive working hours, the companies and the workers' representatives may agree on different working hours, if it is justified and properly motivated. In this way, a shorter duration of the day is foreseen during the hottest months, and, in addition, the possibility is opened to agree on different working days.

The principle of adapting the work to the person, fundamental in the Spanish legislation, forces the employer to look for suitable occupations and to take these situations into account in the risk assessment and in the planning of preventive activity. In this sense, measures must be included such as raising awareness for the preparation of the fast (which must be done gradually, several days before, and not start abruptly and radically), the adaptation of the working day hours, (with the possibility to recover later), training and medical advice in order to detect symptoms of possible risk situations (heat strokes, drowsiness, abandonment of medical

treatments that, despite the dispensation, many people do in order to comply with the fast, etc. .)

In addition, article 34.8 of the Spanish Workers' Statute, when establishing the right to reconcile work and personal and family life, includes ideas such as "the use of continuous working hours, flexible hours or other ways of organizing working time and breaks that allow greater compatibility between the right to reconcile personal, family and work life of workers and the improvement of productivity in companies", which we could very well apply to this specific case. It would also be of great interest to negotiate measures such as making this period coincide, if possible, with the worker's vacations, or with permits days given that, moreover, it is a holiday that lends itself well to family reunions, for example, the establishment of the continuous day, which are measures similar to those taken in the countries of origin of these people, the conditioning of premises to avoid prolonged exposure to the sun or the establishment of showers or other elements that allow refreshing and hydration without breaching the Ramadan precepts. In short, the appropriate framework is that of the agreement between the management of the company and all the workers, both those who practice Ramadan and others. In the words of John Fitzgerald Kennedy, "If we cannot end our differences, let us help make the world a fit place for them", lets apply this also to the world of work.

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