
Creed and the Accommodation of Religious Observances

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www.ona.org

Introduction

- The right to be treated equally based on creed is a fundamental human right in Ontario
- The right to be free from discrimination is an important Canadian value in a multicultural and democratic society



Outline of Presentation

1. What is creed?
2. What is discrimination based on Creed?
3. The duty to accommodate creed
4. Resources for Members
5. Q&A



What is Creed?

- The Ontario Human Rights Code does not define creed
- Creed may include religious beliefs, practices, and non-religious beliefs that influence a person's life



What is Creed?

- Sincerely and freely held
- Provides spiritual fulfillment
- Governs one's conduct
- Provides believer with answers to questions encountered in life
- Connection to community with shared beliefs



Exclusions: what is not protected?

- Practices or observances that:
 - Are hateful
 - Incite hatred or violence against individuals/groups
 - Contravene criminal law

- To date, no tribunal has found a political opinion or belief to be creed under the Code



What is discrimination based on creed?

To establish discrimination under the Code, a person must show:

- They engage in a belief or practice connected to their creed;
- They experienced negative treatment; and
- The person's creed was a factor in the negative treatment.



The Duty to Accommodate Creed

- Employers must provide accommodations necessary for employees to practice their beliefs
- The goal of accommodation is to ensure that people do not have to choose between observing their religion or creed and their employment



Accommodating creed

Step 1: Employee must assert a religious belief or practice requiring accommodation

- Employee must make request to employer for accommodation, preferably in writing
- Employer should limit inquiries to establishing sincerely held belief



Accommodating creed

How much information should be provided to prove a religious belief or practice?

- Employer should take requests in good faith
- Limited to showing that belief is sincerely held
- Expert evidence is not necessary
- Documentation may be necessary to show connection between the belief and accommodation



Accommodating Creed

Step 2. Employer must provide all accommodations to the point of undue hardship

- Must provide reasonable and appropriate accommodation
- If not accommodated by employer, the employee should obey and later grieve



Examples of protected practices

- Indigenous spiritual practices
- Creed-based holidays, leaves and ritual observances
- Dress codes and appearance rules and standards
- Displaying religious or creed-based symbols
- Food restrictions
- Exemptions from activities that adversely affect a person's creed



Some Examples from ONA

- Member of a Christian Church required Thursdays and Sundays off in order to attend services.
- Muslim member required accommodation to pray five times per day.
- Jewish member required time off for Rosh Hashanah. Manager required her to bring a letter from her Rabbi outlining her religious requirement to have the time off.
- Muslim nurses require time off to attend mosque on Friday night. The Hospital offered Friday prayers with an Imam in the Hospital, and there were mosques closer to the Hospital. The members were part of a specific religious community and required access to an Imam who was a member of their branch of Islam.

Resources for Members

- Policy on Preventing Discrimination Based on Creed
- <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed>
- •ONA's Human Rights and Equity Team's confidential voicemail:
1-800-387-5580 or 416-964-8833 ext. 7768

Q&A

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