



PROCEDURE

Title: **RELIGIOUS AND CREED-BASED ACCOMMODATION OF STAFF** Procedure No.: **2022b**
Effective Date: **2011 October 11**

Department: Organizational Support Services – Human Resources

Reference(s):

- Equity and Inclusive Education Policy 2022
- Religious and Creed-based Accommodation of Students
- *Ontario Human Rights Code*
- Policy on Preventing Discrimination Based on Creed
- Policy and Guidelines on Disability and the Duty to Accommodate
- PPM #119 - Developing and Implementing Equity and Inclusive Education in Ontario Schools
- Harassment Policy and Procedures 3004
- *Tobacco Control Act*

The Thames Valley District School Board acknowledges an individual's right to follow or not follow religious and/or spiritual beliefs and practices free from discriminatory or harassing behaviour and is committed to taking all reasonable steps to provide religious and Creed-based accommodation to staff.

The Board encourages staff who require religious and Creed-based accommodation to assist supervisors and principals in developing a mutually acceptable accommodation through open discussion and the provision of necessary information.

The Board will take all reasonable steps to provide accommodation to staff to facilitate their religious or creed based beliefs and practices.

The Board will base its decision to accommodate staff requests on Board policies, the *Education Act* and the *Ontario Human Rights Code* (the Code).

Religious and Creed-based Accommodation

Persons requesting accommodation should advise their supervisor as soon as possible once the need for accommodation is known. Requests for accommodation may include but are not limited to the following: prayer, smudging, dietary requirements, fasting, and religious dress.

Observation of Holy Days or Creed-based Observances

The Board will accommodate requests from employees to observe recognized holy days or observances of diverse creed groups by providing leave as outlined below. Only holy days or observances of diverse creed groups that fall on a school day or another day when work is normally scheduled will be considered. The basis for this procedure is the Board's recognition

Administered By: **Organizational Support Services – Human Resources**

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of the rights of employees to equal treatment in employment without discrimination based upon creed. The Board upholds the principles of the Code and, in establishing this procedure, adopts the interpretation of creed as outlined in the policy on preventing discrimination based on Creed (see Appendix A).

- 1.0** Employees requiring leave to observe such holy days or creed-based observances will give a minimum of three weeks' notice in writing to the Associate Director, Organizational Support Services or designate through the Principal or Supervisor.
- 2.0** Permanent employees will be granted a maximum of three days with pay per school year to observe recognized holy days or creed-based observances. Any additional days required to observe holy days or creed-based observances shall be without pay.
- 3.0** Temporary and occasional employees who are in an assignment of ten consecutive working days or more will be granted a maximum of three days leave with pay per school year to observe recognized holy days or creed-based observances. An employee will receive pay if the day(s) for which leave is requested fall(s) within an assignment of ten days or more and if the employee is actively scheduled to work on the day(s) requested.

The pay received per absence shall be the daily rate of pay and any additional compensation as required in accordance with the *Employment Standards Act*.

Requests to observe holy days or creed-based observances in excess of three days per school year shall be without pay.

- 4.0** Temporary employees who are not in a long-term assignment of ten days or more will be granted a maximum of three days without pay per school year to observe recognized holy days or creed-based observances.
- 5.0** No temporary employee shall be denied the opportunity to accept an assignment because the employee may require leave to observe a holy day or creed-based observance.

Limitations to Religious and Creed-based Accommodation for Staff

The Board is committed to preventing or stopping within its workplaces discrimination and harassment based on the grounds set out in the Code, including creed. The Board supports freedom of religion and an individual's right to manifest religious and creed-based beliefs and observances. The right to freedom of religion, however, is not absolute.

The Board will not condone practices or behaviour in its workplaces which may put public safety, health or the human rights and freedoms of others at risk. As well, the Board will limit practices or behaviour in its schools and other workplaces that are in violation of other Board policies. These decisions will be made in accordance with the principles of the Code.

DEFINITIONS

1. Accommodation

The Ontario Human Rights Commission's *Policy on preventing discrimination based on Creed* (2015) defines "accommodation" as a duty corresponding to the right to be free from discrimination. The Code provides the right to be free from discrimination, and there is a general corresponding duty to protect the right: the "duty to accommodate." The duty arises when a person's religious beliefs conflict with a requirement, qualification or practice. The Code imposes a duty to accommodate based on the needs of the group of which the person making the request is a member. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation. (*Policy on preventing discrimination based on Creed, 2015, p. 54*)

2. Creed

Creed includes religion in the broadest sense. Creed may also include non-religious belief systems that, like religion, substantially influence a person's identity, worldview and way of life. The Policy provides the following characteristics as relevant when considering if a belief system is a creed. A creed:

- Is sincerely, freely and deeply held
- Is integrally linked to a person's identity, self-definition and fulfillment
- Is a particular and comprehensive, overarching system of belief that governs one's conducts and practices
- Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence
- Has some "nexus" or connection to an organization that professes a shared system of belief

Based on these characteristics, creed includes, but is not necessarily limited to, "religious creed" or "religion". In our society, religion is broadly understood to include a system of faith, worship and belief in a divine power. Personal convictions or beliefs allow an individual to develop a personal connection with the object of their faith. It is important to note, however, that under the policy, religion or creed does not require a belief in a God or gods or a single Supreme Being or deity. The characteristics presented in the Code also make it possible to include the spiritual beliefs and practices of indigenous cultures.

The existence of religious beliefs and practices are both necessary and sufficient to the meaning of creed, if the beliefs and practices are sincerely held and/or observed. Creed does not include secular, moral, or ethical beliefs or political convictions. This

policy does not extend to religions that incite hatred or violence against other individuals or groups or to practices and observances that purport to have a religious basis, but which contravene international human rights standards or criminal law (*Policy preventing discrimination based on Creed, 2015, p. 21*).

3. Undue Hardship

Accommodation will be provided to the point of undue hardship, as defined by the OHRC (for example in the *Policy and Guidelines on disability and the Duty to Accommodate*). A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence. For more information about the evidence needed to prove undue hardship, see *Human Rights at Work* p.133-134.