

# HUMAN RIGHTS CODE (THE CODE) AND CREED (RELIGIOUS PRACTICE)

- The Ontario Human Rights Code (the *Code*) protects the rights of people with different social, racial, religious or other characteristics defined as Code grounds.
- The *Code* prohibits actions that discriminate against people based on 17 protected grounds in 5 protected social areas.
- The *Code* requires equal treatment in employment, housing, contracts, goods, services, and facilities, and membership in vocational associations and trade unions.
- The *Code* requires that organizations, service providers (commercial, non-profit and government) and employers provide equal rights and opportunities to all employees, clients and volunteers.
- The *Code* recognizes that people with different racial, religious, ethnic and other social backgrounds, might have different needs. To ensure that society reaches its full potential, barriers to their participation in services, employment, housing and other social areas should be addressed.
- The *Code* requires that all policies, programs and processes be designed to address, prevent and eliminate discrimination in all 5 social areas.
- The *Code* requires organizations and employers to prevent rather than tolerate harassment, taking prompt action if such acts occur.

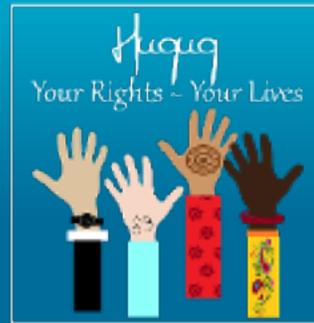
## **Protected Grounds:**

The *Code* prohibits discrimination or harassment against people based on the following protected grounds:

- Age
- Ancestry
- Colour
- Race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity
- Gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

## **Protected Social Areas:**

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations



## **What is creed?**

The Ontario Human Rights Commission interprets creed to mean "religious creed" or "religion" in a broad sense. They further define creed "as a professed system and confession of faith, including both beliefs and observances of worship."

## **Creed-based discrimination:**

- Individuals might experience discrimination because of their religious beliefs and/or practices. This also includes people who don't practice any religion.
- Someone can experience discrimination or unequal treatment in housing, employment, services because of their religious beliefs and practices or through association with any religious based groups or organizations.
- Some examples of creed-based discrimination include Islamophobia, xenophobia or anti-Semitism.
- Under the *Code*, organizations and service providers (commercial, nonprofit and government) have a legal duty to accommodate people's beliefs and practices to the point of *undue* hardship. This means addressing any religious based barriers or needs so that individuals with creed or religious identities can continue to be active members of society and equally access or benefit from employment, housing and services.

### **The Duty to Accommodate:**

The Code requires an effort, short of *undue hardship*, to accommodate the needs of persons who are protected by the Code. The *duty to accommodate* describes the duties of an employer/service provider or landlord to give equal opportunities, access and benefits to people who are protected by the Code. The duty to accommodate recognizes that people have different needs and want different solutions to their needs. For example, a Muslim woman working in a factory might not be able to adhere to the standard company uniform as it might contradict her religious beliefs. The Code requires the factory to accommodate her religious needs while ensuring that it's in line with health and safety requirements up until the point of *undue hardship*.

### **Undue Hardship:**

An employer, service provider or landlord can reject a request for accommodation if they can prove that the required accommodation causes them *undue hardship*. This can include the accommodation being too costly for their business / institution, they are unable to acquire any external funding to bear the cost of accommodation, or if the required accommodation is likely to cause significant health and safety risks to all involved.

### **Some examples of religious based accommodation for Muslims:**

- Ramadan consideration;
- Issues of pork and alcohol, halal food (provision of halal food)
- Prayer observance (time, space)
- Creed-based exemptions (curriculum, activities)
- Dress codes, appearance rules
- Creed-based holidays, leaves, and ritual observances

### **The duty to accommodate example:**

A Muslim woman working, might require accommodation for prayer time and space, unless they can prove that accommodating said needs would cause *undue hardship*.

### **Asking for accommodation (You are responsible to ask):**

- Explain why you need accommodation (in writing)
- Provide information that is directly relevant to your needs, restrictions or limitations (this can include medical information, but only the information that is directly related to your request for accommodation)
- Participate in discussions about possible accommodation solutions
- Cooperate with any experts whose assistance is required
- Try different forms of accommodation even if it is not perfect
- If you are an employee in a union, contact your union representative. Your union will often have good advice about your employer's procedures for getting accommodation.

### **To make a Human Rights Complaint:**

To file a human rights complaint (application): [www.hrto.ca](http://www.hrto.ca)

Toll-free: 1-866-598-0322

TTY: 1-800-855-0511

You can also contact the Human Rights Legal Support Center for your human rights complaint:

<https://www.hrlsc.on.ca/en/contact-hrlsc/contact-information>

### **Brought to you by:**

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