

Supplementary Guide to the Multicultural Calendar: Religious Accommodation on Campus

Introduction

Through the *Equity & Human Rights Services* office, Western offers an online Multicultural Calendar (www.uwo.ca/equity/discrimination/accommodate/resources_tools.html) to help facilitate the accommodation of religious and cultural holidays or celebrations on our campus. This document is intended to provide guidance to the Western community on issues related to the accommodation of religion in both the workplace and academic environments.

The Duty to Accommodate

Under the Ontario Human Rights Code (the “Code”), when an individual’s religious beliefs conflict with a requirement, qualification or practice, the Code imposes a duty to accommodate. That duty is based on the needs of the group of which the person making the request is a member. As such, you must look to the accepted religious practices and observances that are part of a given religion or creed. However, personal religious beliefs, practices or observances are protected by the Code **even if they are not essential elements of the creed**, provided they are sincerely held.

The duty to accommodate is limited to the steps that may be required to accommodate, short of undue hardship. The factors to consider when determining undue hardship are cost, outside sources of funding (if any) and health and/or safety requirements. The concept of undue hardship is a relative one, determined by the number of people making the request, the cost of the request and the size of the institution. The burden for proving undue hardship lies with the person responsible for providing the accommodation. Note that, in the opinion of the Ontario Human Rights Commission (“the Commission”), administrative inconvenience will not constitute undue hardship. To view the Commission’s policy on Creed and the Accommodation of Religious Observances, please contact Equity & Human Rights Services or visit the following website: <http://www.ohrc.on.ca/en/resources/Policies/PolicyCreedAccomodEN>

The electronic Multicultural Calendar, available through the EHRS website, lists dates that are commonly recognized as days upon which individuals belonging to various faiths may require accommodation, including dates that they cannot work. For your convenience, days when individuals of a specific faith may request to take time off to observe a holiday are indicated with a checkmark.

Rights and Duties in Accommodation

We have reproduced below the rights and responsibilities of the person requesting accommodation and the person responsible for providing accommodation according to the Commission. This structure should be followed when an individual makes a request for religious accommodation. Please note there may be dates or faiths not included in the accompanying calendar. The process below should also be followed for these dates or faiths.

Rights and Duties

Person Requesting	Person\Organization Responsible
Take the initiative to request accommodation	Respect the dignity of the person seeking accommodation
Explain why accommodation is required	Assess the need for accommodation based on the needs of the group of which the person is a member
Provide notice of request in writing, and allow a reasonable time for reply	Reply to the request within a reasonable time
Explain what measures of accommodation are required	Grant requests related to the observance of religious practices
Deal in good faith	Deal in good faith
Be flexible and realistic	Consider alternatives
The individual may request details of the cost of accommodation if undue hardship may be a factor	If accommodation is not possible because of undue hardship, explain this clearly to the person concerned and be prepared to demonstrate why this is so

The Commission does acknowledge that, at times, it may not be possible to completely resolve the conflict without causing undue hardship to the person responsible for providing the accommodation. A measure of accommodation may be acceptable if it meets the needs of the person, to the greatest extent possible, short of undue hardship, and if it respects the dignity of the person requiring the accommodation.

Break Policies

It is important to note that some religions require that members pray at particular times throughout the day. As such, employers have a duty to accommodate where this practice may conflict with an employer's regular work hours or routines in the workplace.

Possible forms of accommodations for breaks within the workday include:

- 1) a modified break policy
- 2) flexible hours
- 3) providing a private area for devotions

Religious Accommodation and Paid Time Off

While employers have a duty to accommodate employee's religious observances to the point of undue hardship, a decision of the Human Rights Tribunal of Ontario has held that the duty to accommodate does not require that employees be paid for time off for religious observation. However, this will depend on the terms of the employee's employment agreement and necessitates that these policies be applied equally among employees. As a best practice, leaders and/or supervisors should provide employees with options relating to the time off including options which allow the time to be paid (e.g. working an alternative day, making up the time after hours, etc.).

Academic Accommodations

The University of Western Ontario is committed to recognizing and valuing religious diversity. To view Western's policy on *Accommodation for Religious Holidays*, please see the following: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_religious.pdf

Further Assistance

This guide was prepared by Equity & Human Rights Services (EHRS). For further assistance on issues relating to religious accommodation please contact EHRS at 519-661-3334. Equity & Human Rights Services is also available to assist with harassment, discrimination and diversity issues. Print resources, an informal resolution process and training opportunities are available. Please contact EHRS for more information.

Sources

Ontario Human Rights Commission. (1996). *Policy on Creed and the Accommodation of Religious Observances*.

Rubin Thomlinson LLP. (October, 2008). *Time Off During the Holiday Season: To Give or Not to Give*. Employers Alert (Issue 6).