If you are asking for accommodation for a spiritual practice:

- As soon as reasonably possible, tell your employer, union, landlord or service provider about your creed-related accommodation needs.
- Provide information on what steps can address your needs
- Take part in looking at possible accommodation solutions.

As an accommodation provider:

- Accept an accommodation request in good faith unless there is evidence the request is not genuine
- Ask only for information reasonably needed to determine accommodation options
- Respect the privacy of the person asking for accommodation, and share information only when necessary
- Take an active role in looking at accommodation solutions that meet individual and group needs
- Deal with accommodation requests as quickly as possible, even if it means creating a temporary solution while you develop a long-term one
- Cover the cost of accommodations.

Preventing discrimination

Preventing discrimination includes looking for ways to design policies, rules, procedures, practices and spaces with everyone in mind. This "inclusive design" supports equal treatment and participation.

For example, an organization adopts a policy that clearly recognizes that Indigenous employees (including Métis and Inuit people) may take a day off to take in Indigenous spiritual activities taking place on National Aboriginal Day, Louis Riel Day or Inuit Day.

To promote equal treatment and inclusion of Indigenous peoples with diverse spiritual beliefs and practices, organizations should develop and review:

- Strategies to prevent and remove barriers
- Anti-harassment and anti-discrimination policies
- Education and training on creed diversity
- Internal complaints procedures
- Accommodation policies and procedures.

These resources may need to change over time to make sure an organization is meeting its responsibility to prevent discrimination.

Employers, service providers and housing providers (especially those that regularly deal with the diverse public) should also equip their staff with the necessary cultural and religious competency skills to effectively and equitably serve people from diverse creed backgrounds.

For more information

The Ontario Human Rights Commission's *Policy on preventing discrimination based on creed* and other publications are available at www.ohrc.on.ca.

To file a complaint – called an application – contact the Human Rights Tribunal of Ontario at:
Toll Free: 1-866-598-0322
TTY Toll Free: 1-866-607-1240
Website: www.hrto.ca

If you need legal help, contact the Human Rights Legal Support Centre at:
Toll Free: 1-866-625-5179
TTY Toll Free: 1-866-612-8627
Website: www.hrlsc.on.ca

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Creed AND human rights for Indigenous peoples

Ontario
Human Rights Commission
Commission ontarienne des droits de la personne

What protection does the Ontario *Human Rights Code* offer?

The Ontario *Human Rights Code* (the *Code*) recognizes the dignity and worth of every person in Ontario. It provides for equal rights and opportunities, and freedom from discrimination. Indigenous peoples, including status, non-status, First Nations, Métis and Inuit peoples, are included in these protections.

The *Code* prohibits discrimination and harassment based on 17 personal attributes – called grounds. Creed is one of the protected grounds.

The *Code* protects your right to have and practice the creed beliefs you choose without discrimination. This right applies in the areas of housing, services (such as education, health care, police, government), employment, contracts and membership in unions or professional associations.

No right under the *Code* is absolute – which means that rights based on creed may be limited if they interfere with other people's rights. Creed practices are not protected if they incite hatred or violence against other people or break criminal laws.

The *Code* recognizes people's right to come together and form associations for creed-related purposes in certain circumstances, even if that means excluding others who do not share the same creed beliefs.

What does creed mean?

The *Code* does not define creed. In the Ontario Human Rights Commission (OHRC) policy, creed includes religion in the broadest sense. It may also include other belief systems that, like religion, substantially influence a person's identity, worldview and way of life. Our policy reflects court and tribunal decisions.

Creed and Indigenous Spirituality

Creed includes Indigenous Spirituality. The OHRC does not define "Indigenous Spirituality" in recognition of Indigenous peoples' right to define and determine this for themselves.

The OHRC recognizes the diversity of beliefs and spiritual practices among Indigenous peoples.

A person's spiritual beliefs may include other faith traditions, like Christianity. Practices may be long-standing practices with a symbolic meaning, or newer cultural practices connected to Indigenous identity.

Indigenous peoples may not identify their spiritual beliefs as a religion, but legal cases have clearly recognized Indigenous Spirituality to be within the meaning of creed under the *Code*.

The duty to accommodate

Under the *Code*, employers, unions, service providers, and housing providers under provincial jurisdiction have a legal "duty to accommodate" Indigenous spiritual beliefs and practices. This duty applies when a rule or requirement negatively affects sincerely-held creed beliefs and practices.

The goal of accommodation is to allow people with different creed beliefs to equally benefit from and take part in the workplace, services, housing and other areas covered by the *Code*.

The most appropriate accommodation is the one that most respects dignity, meets a person's individual needs and allows them to fully take part and contribute.

Not every creed belief or practice that is negatively affected by a rule or requirement will necessarily require accommodation. The duty to accommodate may sometimes not exist or be limited, including when the accommodation causes undue hardship (considering costs and health and safety), or interferes with a competing right or with meeting a legitimate (*bona fide*) requirement.

Organizations should search for alternative ways of meeting goals in ways that do not negatively affect people based on their creed. Where this is not possible without creating undue hardship, organizations must still explore alternative or "next best" solutions.

Accommodation is a shared responsibility. Everyone involved, including the person asking for accommodation, should work together, exchange relevant information, and look for accommodation solutions together.

Accommodation and Indigenous Spirituality

Indigenous peoples in Ontario continue to face major barriers practicing spiritual traditions. This has sometimes been because people do not understand Indigenous Spirituality as a whole way of life, and as a result don't recognize and accommodate Indigenous Spirituality in its diverse forms and expressions. Also, attitudes and institutional practices of the colonial past continue to affect us today.

Organizations may have a duty to accommodate creed-related practices that conflict with existing schedules, holidays or absence policies. Not accommodating an Indigenous person's spiritual beliefs or practices may be discrimination under the *Code*.

Examples may include:

- Providing time off for activities such as solstice celebrations or other ceremonies marking the seasons or harvest time
- Offering space for a spiritual ceremony such as a smudge
- Giving time off for significant days connected to Indigenous Spirituality, such as bereavement time for extended family

Organizational policies or rules should not be used to deny accommodating Indigenous spiritual practices.

Spiritual practices

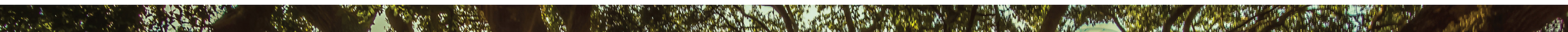
Indigenous Spirituality may include non-ceremonial practices, perhaps related to food, dress and appearance.

Organizations may have a duty to accommodate these standards when they are connected to an Indigenous cultural-spiritual belief.

Sacred objects

Organizations may also have to provide access to sacred objects (required for Indigenous spiritual practices, and make sure these objects remain accessible as needed (for example, providing hospital patients access to traditional medicines).

Indigenous peoples can advise on the best way to handle and store sacred objects in a way that respects their significance and spiritual value.

Accommodation responsibilities

Appropriate accommodation respects dignity, including privacy and confidentiality. It responds to a person's individualized needs, and allows for integration and full participation.