

Module 3: Example 4

Code right v. Charter right: Employer distributing Bibles and religious advice

Here is an example of a *Code* right (creed) versus a *Charter* right (freedom of religion and expression).

An employer often discusses his religion and his views on issues related to his religion with his employees. He encourages them to attend church meetings, gives each a Bible as a gift for Christmas and asks them if they share his opinions on a variety of matters. Employees have made it clear that they do not welcome or appreciate his comments and conduct in their workplace and that they plan to file a claim under the Ontario *Human Rights Code*. This could be argued as a competing rights situation because:

- The employees have a *Code* right to be free from discrimination and harassment based on creed (religion), which includes the right to be free from religion at work.
- The employer may try to argue that applying the *Human Rights Code* in a way that prevents him from expressing his religious views in the workplace violates his *Charter* rights to freedom of religion and expression.

