

GUIDELINES FOR DEALING WITH REQUESTS FOR ACCOMMODATIONS ON RELIGIOUS GROUNDS

THE GUIDELINES PROVIDE A FRAMEWORK TO BETTER ASSESS REQUESTS FOR ACCOMMODATIONS ON RELIGIOUS GROUNDS.

WHAT IS AN ACCOMMODATION ON RELIGIOUS GROUNDS?

An accommodation is a measure aimed at correcting or preventing a situation of discrimination.

It serves to prevent or correct a situation that infringes on a person's rights or freedoms due to personal characteristics listed in the Charter of human rights and freedoms, such as religion.

An accommodation on religious grounds could be, for example, to:

- take into account a particular diet when preparing meals;
- give access to a place for prayer
- grant leave for a religious holiday;
- allow a person to receive a service with his or her face covered.

The present Guidelines apply solely to accommodation requests based on religious grounds made to public bodies concerned by Bill 62.

CONSIDERED ON A CASE-BY-CASE BASIS, EACH REQUEST FOR AN ACCOMMODATION MUST MEET THE FOLLOWING CRITERIA IN ORDER TO BE ACCEPTED.

1 The request results from the application of section 10 of the Charter of human rights and freedoms.

To meet this criterion, the person making the request must demonstrate that:

- the difference in treatment is based on religion;
- the difference in treatment has the effect of impairing his or her rights, or freedoms, guaranteed under the Charter.

2 The request is serious.

To meet this criterion, the request must be based on a belief or practice that is either derived from a religion or related to a religion.

The person making the request must sincerely believe that he or she needs to conform to a religious conviction, or a practice, when exercising his or her faith. A frivolous request would not fulfill this condition.

3 The accommodation requested is consistent with:

- a) the right to equality of women and men;
- b) the right of every person to be treated without discrimination.

To meet this criterion, the request for an accommodation must respect the rights of other users and personnel members of the body, not to be discriminated.

Thus, the accommodation measure must not result in discrimination based, for example, on sex, race, gender identity, sexual orientation or other grounds prohibited by the Charter.

4 The accommodation requested is consistent with the principle of State religious neutrality.

To meet this criterion, the accommodation must preserve the neutrality of the State, namely, allowing each individual the freedom to believe or not and not favouring or disfavouring any belief.

5 The accommodation is reasonable.

To meet this criterion, the request for an accommodation on religious grounds must not cause undue hardship for the body concerned.

In order to assess this criterion, the body must consider, among others:

- the rights of others;
- the risks to health or safety;
- the body's proper operation and the actual cost of the requested accommodation.

For there to be undue hardship, the accommodation measure must have a significant impact on:

- the provision of services;
- the body's mission;
- its capacity to provide quality public services.

6 The person making the request cooperates in seeking a satisfactory and reasonable solution.

To meet this criterion, the person making the request must cooperate, for instance, by :

- providing the information relevant for dealing with the request;
- making concessions in order to reduce the hardship that may be caused by the request for an accommodation.

When the cooperation of the person making the request is needed, failure to cooperate may result in the request for an accommodation to be dismissed.

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EACH ACCOMMODATION REQUEST IS CONSIDERED ON A CASE-BY-CASE BASIS DEPENDING ON THE CONTEXT AT THE TIME THE REQUEST IS MADE.