# PREFACE

**Chief Commissioner Barbara Hall, Ontario Human Rights Commission**

Last year marked the 50th anniversary of the Ontario Human Rights Commission, and this year we're celebrating the 50th anniversary of the *Ontario Human Rights Code.* From the very beginning, creed has been a part of the *Code* – but many of the issues were different in 1962. Too many Ontarians faced blatant discrimination in many parts of their lives because they were Jewish, Seventh Day Adventist or Jehovah's Witnesses, or their beliefs differed from those of mainstream Christianity.

Ontario (and Canada) is a much different place today. People come to Canada from all over the world. They bring with them different systems of beliefs and different ways of celebrating their faith. They are often drawn here because of Canada's image as a place where people from all backgrounds and creeds are welcome.

But there are challenges to living up to this image. As Canadian society becomes increasingly diverse, there is potential for tension as creed issues play out more and more often in the public sphere. Should religious organizations be allowed to have a say on the sex lives and life choices of their employees? Are veganism, ethical humanism or pacifism creeds? Can a school tell a student he or she can't bring a same-sex partner to the prom?

Recent cases coming before the Human Rights Tribunal of Ontario include a religious woman who was told by her boss that she wasn't allowed to pray because it was embarrassing, a Jewish man who was mistreated by firefighters because he was burning ceremonial candles, and a Mennonite man who was assumed to be part of drug culture because of his long hair.

We also see cases where religious rights and freedoms of one group seem to be in conflict with the rights of another group. Examples are a marriage commissioner refusing to perform a same-sex marriage ceremony, or a cab driver refusing a blind passenger with a service dog because of his religion.

Human rights principles help move us away from "us versus them" attitudes to an understanding that all rights matter. Part of what we do at the OHRC is respond to changes in society by regularly updating our human rights policies to help prevent and resolve conflict before it flares up.

We recently launched a brand-new *Policy on Competing Human Rights,* which provides clear, user-friendly guidance for organizations, policy makers, litigants, adjudicators and others on how to assess, handle and resolve competing human rights claims.

We also began work on revising our policy on creed for the first time in 15 years. The project will involve wide consultation with faith leaders, diverse community members, academics, and human rights lawyers and practitioners. We will also offer opportunities for members of the general public to share their ideas with us through online surveys, interviews, focus groups and other meetings.

Overall, the project will take 2-3 years to complete, and we hope it will provide answers to some of the pressing questions that relate to creed, like:

- What obligations do employers have to accommodate religious holidays for non-Christian staff? Do they have to give staff paid days off or ask them to use vacation days?
- What obligations do hospitals have to meet patients' food requirements because of their religion?
- How much can co-workers talk about their faith before it violates other people's rights?
- How does a person know if their comments on religion in their workplace, or when providing a service, have crossed the line and become harassment?
- Can prayers be held within public schools during school hours?
- Where does the duty to accommodate creed beliefs and practices in public space begin and end?

Another important question we hope to explore is the definition of creed. We're seeing a lot of new ideas and concepts being associated with creed. How should our definition be updated?

There are no easy answers to these questions. But they are important questions to ask if we want to make sure everyone is included and treated with dignity and respect.

In January 2012, the OHRC started on the search for answers by inviting a variety of academic, legal and community experts to submit short papers for discussion at a policy dialogue session in partnership with the University of Toronto's Religion in the Public Sphere Initiative and Faculty of Law. Presenters were also invited to submit longer versions of their papers, which would give an opportunity to expand on the key points they wished to make in the discussion on creed.

The articles presented here are the result of that work. They offer many insights on human rights, creed, freedom of religion and the law, and take many different positions based on many different perspectives. These articles serve as a starting point as we move forward to craft a new creed policy that reflects the changing needs and realities of today's Ontarians.

**Barbara Hall, B.A, LL.B, Ph.D (hon.)**
Chief Commissioner
Ontario Human Rights Commission

**A BIT OF HISTORY...**

*Getting started in 1962*

Ontario's first *Human Rights Code*, proclaimed on June 15, 1962, prohibited discrimination in signs, services, facilities, public accommodation, employee and trade union membership on the grounds of race, creed, colour, nationality, ancestry and place of origin.

**A BIT OF HISTORY...**

*Life Together raises the human rights bar*

In July 1977, the OHRC released a comprehensive report, *Life Together*, that outlined the findings of a province-wide consultation on the Ontario *Human Rights Code* and what could be done to improve it. The report recommended sweeping changes, many of which would eventually become law.