

Accommodation of Religious Observances Procedure

Procedure #PPL-PRO-11

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Director, People and Culture	Denise Balfe	03/05/2024
Policy Holder	Print Name	Date (MM/DD/YYYY)

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VP, People and Culture	Alim Remtulla	03/05/2024
Approver	Print Name	Date (MM/DD/YYYY)

Purpose

The Accommodation of Religious Observances procedure has been developed to ensure all members of the College Community can observe the special observance days of their religion or creed.

Georgian College, in agreement with and in support of the Ontario Human Rights Code, is committed to respecting the religious beliefs and practices of all members of the College Community and to making accommodations for observances of special significance to adherents.

Scope

This procedure applies to all employees of Georgian College.

Definitions

Religious Observance: According to the [Ontario Human Rights Commission](#) a religion “includes the practices, beliefs and observances that are part of a faith or religion” and “it does not include personal moral, ethical or political views.” The Ontario Human Rights Code also does not provide protection for beliefs “that promote violence or hate towards others, or that violate criminal law.”

The Ontario Human Rights Code prohibits discrimination or adverse treatment with respect to religion or “creed.” This could look like refusing to make an exception to dress code to recognize religious dress requirements, refusing to allow employees to observe periods of prayer at particular times of the day or refusing to allow employees time off to observe religious holidays.

It is equitable that people who celebrate religious holidays which conflict with their regular work schedule be allowed to take time off for their religious observances.

Duty to Accommodate: The obligation of the college to take reasonable steps, to the point of undue hardship, to adjust or modify the work environment or the method of doing work in order to address the individual needs of employees who are protected from discrimination under the Ontario Human Rights Code.

Employment Accommodation: An individualized process by which the employer removes barriers in the workplace that keep an employee from participating equally in all aspects of employment because of a prohibited ground of discrimination under the Ontario Human Rights Code (e.g., age, sex, disability). Employment accommodation (EA) must be done in consultation with the individual requiring the accommodation and be tailored to meet the current and known needs. Employment accommodation may be temporary or permanent, depending on the restrictions and abilities of the employee, and the requirements of the job.

Examples of EA include: workstation adjustments, job redesign, policy and practice adjustments; technical aids/assistive devices, human support; alternate formats, and building modifications, changes to scheduled hours of work, accessible parking, providing materials in alternative formats, temporary or permanent modified duties.

Barrier: Anything that prevents a person with a disability from fully participating in all aspects of society because of their disability including a physical barrier, architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier or a policy or practice which inadvertently pose barriers.

Undue Hardship: The point at which an employer is not legally required to accommodate an employee’s particular needs, as the action would impose significant strain or risk to the operation or the business. The Ontario Human Rights Commission prescribes three considerations in assessing whether an accommodation could cause undue hardship: cost, outside source of funding, and health and safety

considerations. Budgetary restrictions cannot be assumed to be a barrier to accommodation, and therefore cannot be presumed to be the point of undue hardship.

Responsibility

All parties are required to work diligently to ensure that all requests for accommodation are dealt with in a timely fashion and that all who are involved in the process treat the individual requesting the accommodation with respect and dignity. The onus for initiating the accommodation request rests with the individual who requires the accommodation.

An employee's direct supervisor is responsible to:

- where applicable, inform employees of the procedure and the process to request an accommodation
- receive the employee's request for an accommodation and confirm the specifics regarding the accommodation request directly with the employee
- where required work collaboratively with People and Culture to coordinate the collection of any required information
- implement the approved accommodation plan
- meet with the employee and their representative (if applicable) to discuss the accommodation plan (temporary or permanent) and implementation process
- ensure that the accommodation plan is documented including information about discussions held, options considered, reasons for acceptance or rejection of options, and actions taken
- ensure the implementation process and accommodation plan is adhered to
- respect the confidentiality of the process and the employee during the request review and implementation process

Employees are responsible to:

- identify to their manager as soon as possible any accommodation needs that relate to their ability to perform job duties or participate fully in the workplace
- cooperate with requests for information to provide clear and sufficient information to support the accommodation request if required
- collaborate with the manager in developing an religious accommodation plan
- accept an accommodation that meets accommodation needs and treats the employee with dignity, even if the solution is not necessarily the one the employee would have preferred
- adhere to the accommodation plan, monitor how well it is working, and advise the manager promptly about any difficulties encountered
- advise the manager promptly of any changes in status that may require changes in an existing accommodation

People and Culture is responsible to:

- work collaboratively with managers to review accommodation requests if required
- provide information on accommodation procedure and processes

Union representatives are responsible to:

- be available to participate in accommodation meetings as required
- understand the college accommodation procedure

Policy

Georgian College will provide support for, and facilitate the accommodation of employees within the meaning of the Ontario Human Rights Code, so they may share the same level of access to opportunities, participate in the full range of activities that Georgian College offers, and achieve their full potential.

Fundamental principles underlying and requirements within the workplace accommodation procedure include:

Partnership:

- Workplace accommodation is a shared responsibility and accountability, including a partnership between the employee, manager, People and Culture, the union and third party adjudicators where required
- All parties will exercise good faith in seeking and providing information related to the request for accommodation

Individualization:

- The accommodation process, while consistently applied, will involve a review of the circumstances unique to the individual situation and to each employee's specific needs
- The employee will be involved throughout the process and in the planning of the accommodation provisions
- Respect for the dignity of the individual and ensuring the accommodation provided meets the specific requirements based on individual circumstances
- All requests for accommodation will be taken seriously. No person will be penalized for making an accommodation request.

Confidentiality:

- Respect for confidentiality at all stages of the process such that only relevant stakeholders are involved in the development and implementation of the accommodation plan
- Personal information concerning an employee will not be released to any relevant stakeholder in the accommodation process without the prior written consent of the individual and must be managed in a manner that is consistent with Freedom of Information and Protection of Privacy Act. All documents relating to specific requests for accommodation will be kept confidential and will only be disclosed with the express consent of the employee
- Where required, the manager and/or People and Culture representative will collaborate with the employee to develop a communications plan to provide relevant information surrounding the accommodation (team members, other stakeholders)
- Finalized accommodation plans are kept in the employee file

Employment accommodation in relation to the recruitment and selection process must be offered to Georgian College job applicants, and provided if requested. Please refer to the Recruitment and Selection Procedure, for additional details.

All employees are responsible for supporting the employment accommodation of other employees, including accepting some change in duties when necessary to accommodate a co-worker's needs; and treating with dignity and respect other employees who require accommodation.

RELATED PROCEDURES:

Individuals who believe they have been treated contrary to the Ontario Human Rights Code by an act or acts of direct or indirect discrimination should refer to **#4-136 Employee Code of Conduct Procedure**

Individuals seeking sick leave and return to work information should refer to **#4-130, Sick Leave and Return to Work Procedure**

Individuals seeking accommodation during the recruitment and selection process should refer to **#4-125 Recruitment and Selection Procedure**

Individuals who have lost time at work due to a work related illness or injury should refer to **CS-33 Early and Safe Return to Work Procedure**

Individuals seeking accommodation for a disability should refer to xx-xxx **Accommodation for Disabilities**

Individuals seeking accommodation for family status should refer to xx-xxx **Accommodation for Family Status**

Related Materials