

“Religious accommodation” at Universities.

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What is "religious accommodation"?

Under the B.C. Human Rights Code, people are entitled to be free from discrimination on a number of grounds, including religion. This right also incorporates the entitlement to have one's religious practices accommodated by employers and providers of public services and facilities (such as universities). Therefore, "religious accommodation" is the right to have time away from work or study to practice the tenets of one's faith. It is triggered on notification - often in writing - to the employer or professor, indicating the wish to be absent for a particular holy day.

Why is SFU obliged to accommodate religious practices?

Like all other post-secondary institutions, SFU falls under the jurisdiction of the BC Human Rights Code. The obligation to accommodate is mandatory, not discretionary. The University is under a duty to accommodate up to the point of undue hardship.

When students sign up for a certain course, they *know* what the expectations are from the beginning. Why are we obliged to give special consideration to them after the fact?

Because that is what the law requires. Human rights legislation is quasi-constitutional in nature, which means that other laws are subordinate to it. So, for example, if a Jewish student signing up for a Chemistry lab knows before he registers for the course that he will need to be away from the University on Rosh Hashanah and Yom Kippur, two of the significant holy days in Judaism, he has the right to register for the course, and the University has the obligation to accommodate him.

Similarly, when someone applies for a job, they know in advance about the hours of work, vacation entitlement and statutory holidays. If, for religious reasons, they cannot be available during those times, why are they not obliged to give us that information before they are hired?

There is no onus on a job candidate to disclose that they may require religious accommodation if they are the successful applicant. If we declined to offer a position to a candidate based on the person's religious beliefs because we suspect that they will require accommodation, that would constitute religious discrimination because we would have imposed a burden, an obligation or a disadvantage on that individual because of their religious practice.

Is it lawful if I decide not to hire someone because I believe that he / she will be making special requests for time off for religious reasons?

It is a contravention of human rights legislation to refuse to hire someone for reasons related to their religious practice. If you engage in discriminatory behaviour, you and the University will be named in any complaint.

If I am not in agreement with granting time off for religious reasons, am I able to make that a condition of my course?

No--you cannot ignore the obligations you have under human rights law.

What is meant by undue hardship"?

In relation to religious accommodation, the law requires us to accommodate employees and students up to the point of undue hardship". What constitutes undue hardship is determined on a case-by-case basis, but generally speaking the University would need to show that accommodating a religious practice for a student or an employee would create unduly onerous conditions. Factors that are considered are the cost (relative to the overall budget of the University), disruption of the workforce, and the effect on other students and

employees. It is difficult to imagine, in a University of this size and scope, the point at which we would be justified in saying that undue hardship had been reached.

Is there a difference between days of religious" and cultural" significance? Do we accommodate cultural differences?

Yes, there is a difference. Chinese New Year would be an example of a culturally-significant day that does not have the religious connotations it used to have, but is nevertheless an important 15-day celebration among Chinese people here and abroad. If a student or an employee were to request time away from work or study to celebrate Chinese New Year, if operational requirements allow it, it would be appropriate but not required to grant the time off.

If a student cannot write an exam because it is scheduled on a holy day, what is their entitlement?

They are entitled to be absent, without penalty, and perform the work at another time. Accommodation can involve any of the following:

- writing a make-up exam on another day;
- assigning the value of the exam to a later exam;
- requiring the student to submit another type of assignment.

Religious accommodation causes extra work - for professors, instructors TAs and TMs. Is it fair to increase their workload?

It is a legal requirement; therefore, the University and its faculty and employees are obliged to follow the law.

Which religions" are accommodated? Would witchcraft be accommodated as a religion?

Please refer to the [Interfaith Calendar](#). Those who practice Wicca are generally accommodated.

How do we verify that the person is a *bona fide* member of a religion? Is it appropriate to ask for proof?

It is not recommended that you embark on a search for verification because people are entitled to privacy with regard to their religious practices.

How does one verify if the religion is *bona fide*?

Generally speaking, refer to the [Interfaith Calendar](#) that will be published annually on the Human Rights Office web page.

It is relatively easy to accommodate a religious practice for one or two days a year. However, the tenets of some religions require practices that are undertaken once a week or more. Are they entitled to accommodation, as well?

Yes. Some religions, like Orthodox Jews and Seventh Day Adventists, practice their religious faith by worshipping from sundown on Friday until sundown on Saturday. Therefore, they are required to be away from work and study during these times. In winter, when the days are shorter, it may be more difficult to accommodate because sundown arrives early. Nevertheless, accommodation is still a legal requirement. Similarly, Muslims who fast during Ramadan may require daily accommodation in order to fast. These practices all trigger the duty to accommodate.

Should we respond any differently if the person seeking accommodation is part of a mainstream (eg, Christian) religion?

No. Christianity is a religion like any other, and their rights to accommodation are similar to their brothers and sisters in other faith communities.