

Veganism is Not a Protected Creed in Canada, Not Yet Anyway



Recently there was excitement in the vegetarian, vegan and animal rights community when the Ontario Human Rights Commission (the Commission) appeared to open the doors to include ethical or dietary veganism or vegetarianism as a protected 'Creed' in Ontario. Not so fast said the Ontario Human Rights Commission as it clarified that *"it was not its role to determine whether any belief system qualified as a "creed" within the meaning of the Code and that it was up to the courts and the Ontario Human Rights Tribunal to do so on the basis of the facts of any particular case."*

The Commission does not actually list any categories as creeds, but it did refer to food restrictions and vegetarian dietary requirements as areas requiring accommodation.

In late 2015 the Commission did publish an updated policy on the topic of preventing discrimination on the basis of creed. The term creed, the new policy clarified, did in their view, include non-religious belief systems that "substantially influence a person's identity, world view and way of life." This was a change from the way the policy previously considered creed.

What the Commission further clarified was that employers and service providers should take into consideration with regards to accommodating creed was whether a person's beliefs were:

Sincerely, freely and deeply held

Integrally linked to a person's identity, self-definition and fulfillment,

Comprehensive and overarching system of belief that governs one's conduct and practices,

Address ultimate questions of human existence, including ideas about life,

purpose, death and the existence or non-existence of a Creator,

A system having some connection to an organization or community that professes a shared system of belief.

The Definition of Creed

In a summary of the Policy online, the Commission offers the following: Given the breadth of belief systems that have been found to be a creed under the Code – from Raelianism [a UFO religion] to the “spiritual cultivation practices” of Falun Gong – organizations should generally accept in good faith that a person practices a creed, unless there is significant reason to believe otherwise, considering the above factors.

So far the definition of creed does not include political views or beliefs, although it is possible that a philosophical view may achieve the classification of creed. Furthermore the right to practice or express creed beliefs still appears to be limited when it interferes with other rights under the Code or the *Charter of Rights and Freedoms* (the “Charter”).

Workplace Implications

It is easy to imagine that with this news it won’t be long before an animal or vegan rights group puts forth a complaint against an employer or service provider based on veganism or vegetarianism discrimination. As an employer you may be wondering what the implication of this information is for your organization.

Generally most organizations will not be subject to a complaint of discriminating against someone because of their vegan beliefs. Most organizations are already cognizant of the fact that some of their employees have beliefs that may differ from the majority of their employees and try to accommodate these differences. For example, your organization may hold a company barbecue in the summer and provide foods that would include vegetarian and vegan options. However, this is not where the potential problem may lay.

When trying to understand the question of discrimination it is helpful to keep in mind that at the heart of the discrimination is the issue of treating a category of people differently in a way that limits or denies them access to opportunities afforded to others. If your organization requires employees to wear leather shoes or uniforms you may have to provide alternative options to your vegan or vegetarian employees.

Similarly if your organization always and only holds important company ‘get-togethers’ or interviews some job candidates at a restaurant that does not provide vegetarian or vegan options you may limit the options of your vegan/vegetarian employees or job candidates. While you might be tempted to say that the vegetarian or vegan can attend at the restaurant and simply not eat or attend and bring his/her own food this may not satisfy the issue because you may be asking the person to potentially stand out as different because of their beliefs. Singling an individual out for different treatment or pointing out

their differences can result in different treatment that may limit his/her opportunities.

Does this mean you can never take your employees out to the local steak house or to watch jousting at the Medieval Times restaurant? Not likely. It just means that you need to also provide opportunities for people who may have different beliefs to participate where they can also be made to feel comfortable.

Understanding the different beliefs of your employees and being open to accommodating deeply and consistently based beliefs that go beyond traditional religious beliefs should be on your organization's radar as commissions and courts recognize more ways to protect the rights of individuals in Canada who hold different beliefs.

Resources

Ontario Policy Preventing Discrimination Based on Creed