

What Is “Creed” Discrimination?



Company A refuses to promote a history professor because of his extreme political views on the Israel-Palestine conflict.

Company B refuses to grant an employee who follows a secular belief system called the Rocky Mountain School time off from work so he can make a pilgrimage to the Rocky Mountains.

Company C considers Falun Gong, a discipline that combines slow-moving exercises and meditation with a moral philosophy, is a cult and fires an employee for practicing it.

QUESTION

Which company committed creed discrimination? (*There may be more than one correct answer*)

1. Company A
2. Company B
3. Company C
4. None of the above
5. All of the above

[learn_more caption="Answer"]

Company B and C committed creed discrimination; Company A did not.

EXPLANATION

Human rights laws ban employment discrimination on the basis of an employee's religion **and/or** creed. Although religion and creed are commonly treated as synonyms, there are subtle but important differences between the two. Creed discrimination has become so significant that the Ontario Human Rights Commission recently issued a 200+ page Policy on the subject.

[Model Accommodation Policy]. The three scenarios above, which are based on actual court cases cited in the OHRC Policy, are designed to illustrate what does and does not constitute creed for purposes of human rights law.

Creed isn't just a simple belief in something or someone. According to the OHRC Policy, to constitute a creed, the belief must meet five criteria:

- It must be sincerely, freely and deeply held;
- It must be integrally linked to a person's self-definition and spiritual fulfilment;
- It must be a particular, comprehensive and overarching system of belief that governs a person's conduct and practices;
- It must address ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a creator and/or a higher or different order of existence; and
- It must have some "nexus" or connection to an organization or community that professes a shared system of belief.

WHY WRONG ANSWERS ARE WRONG

Each Company treated an employee unfavourably because of his or her personal belief. To the extent they constitute creed, the company would be guilty of creed discrimination.

Company A did not commit creed discrimination because an individual's political belief or opinion does not count as creed. Caveat: Unlike Ontario, some provinces make it illegal to discriminate against an employee or job applicant on the basis of political belief.

Company B did commit creed discrimination because the employee's belief in the Rocky Mountain School system meets the OHRC criteria. The moral: Belief in a secular spirit may constitute creed even if it's based on a supreme being or god.

Company C did commit creed discrimination because Falun Gong is also a creed; and the employer's pooh-poohing it as a cult was out of bound. The moral: It doesn't matter what employers think of the creed. As long as the belief is sincere and meets the other criteria, it's protected.

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