

RELIGIOUS ACCOMMODATION: KEY FACTS

There has been a lot of talk lately about religious accommodation in the Peel District School Board. Debate and conversation are welcomed. But with this issue there has often been an effort to counter a clear legal requirement with deliberate misinformation. That is not acceptable. We take our legal obligations seriously, as we do our board commitment to genuine inclusion. We want all students to feel safe and welcomed—that is the foundation for their personal excellence. To help clarify, here are some important facts that are often misinterpreted.

FACT: There is a legal requirement for all school boards in Ontario to provide religious accommodation. It's also the right thing to do and consistent with Peel board values.

Religious accommodation is required under the Ontario Human Rights Code, as referenced in Section 11. Specifically, the Ontario Human Rights Commission (OHRC) states that, *"Employers, service providers, unions and housing providers have a legal duty to accommodate people's beliefs and practices."*

FACT: All school boards are required to have a religious accommodation procedure.

All Ontario school boards—public and Catholic—are legally required to offer religious accommodation (as per the OHRC) and have a religious accommodation procedure in place (as per the Ministry of Education's 2009 Provincial Equity and Inclusive Education strategy). For students under the age of 16, the parent/guardian must request the accommodation.

FACT: Religious accommodation has been taking place in Peel schools for over 15 years.

Religion is not and has never been banned in schools—religious accommodation has been a requirement of school boards for many years. As required by the Ministry of Education, the Peel board has had a formal religious accommodation procedure since 2012. For over a decade before that, the board provided legally required religious accommodation through an established process. During the 2016-17 school year, the procedure was updated.

FACT: Trustees have heard and continue to listen to the public regarding religious accommodation.

Trustees have accepted many delegations and have heard from those for and against Friday Prayer accommodation. Their role is to make policy decisions for the entire community they serve. However, there was no 'decision' for trustees on Friday Prayer—religious accommodation is a legal requirement, and the Religious Accommodation Operating Procedure is administrative, not a board policy.

Delegations are only one way to be heard. You can also express your opinion to your local trustee. Find out who your local trustee is at www.peelschools.org/trustees

FACT: The board does not favour one faith over another.

We have heard concerns that by providing accommodations for Friday Prayer, the board favours the Muslim community. Not only is this untrue, it is insulting to the board and to our Muslim community.

Religious accommodation is for all faiths. Faith is personal, and the honouring of faith is different by faith, and by person. The board is required to accommodate based on personal faith practice, not in comparison with other faiths.

FACT: Religion does have a place in secular schools, if accommodations are requested.

The promotion of a faith is not the role of public schools, but religious accommodation is. According to the OHRC, *"The duty to accommodate also is not negated simply because a person or organization thinks a belief or practice is unreasonable or objectionable, or because an organization operates in the secular public sphere. The Supreme Court of Canada has said that a secular state respects and accommodates religious differences, instead of trying to extinguish them."*

FACT: Friday Prayer does not negatively impact student learning.

Friday Prayer has no impact on other students in the class. The focus remains on achieving personal academic excellence. For the students who request accommodation to pray, the board has clear and specific guidelines to minimize disruption to their learning and the learning of others. We try to find a time when students are already out of class—lunch for example—or if in class, 15 minutes at the start or finish of the class. If parents have any concerns, they should contact their principal or vice-principal.

FACT: There is no cost or undue hardship in providing accommodation for Friday Prayer.

There is no cost in providing accommodation for Friday Prayer. Students use an already open space for 15 to 20 minutes and they are supervised by a staff member who volunteers their time. The accommodation does not result in more portables or create a problem for space in the school.

The OHRC states, *“The duty to accommodate people’s creed beliefs and practices should not be limited or denied because of such factors... third-party preferences, business inconvenience, or collective agreements or contractual terms.” “Accommodation need not be provided if it causes undue or excessive hardship. However, some degree of hardship is acceptable.”*

Under the Code, there is no case for undue hardship to accommodate Friday Prayer.

FACT: Accommodation is different depending on the family’s faith and beliefs.

Religious accommodation is different based on the beliefs and requirements of the faith. Requests are carefully reviewed by the school and must comply with the Education Act and Ontario Human Rights Code. The board has a legal requirement to provide accommodation to the best of our ability.

According to the OHRC, *“The duty to accommodate is about more than providing the most appropriate accommodation in the circumstances. It is also about engaging in a meaningful, good-faith process to assess needs and find appropriate solutions. Failing to carry out either component appropriately may be discriminatory.”*

By providing accommodation at the school, time away from the classroom is reduced and students have more time for in-class learning, which supports success.

FACT: There is also a legal requirement for the board to allow religious clubs at the request of students.

The board can’t discriminate by student interest, including faith. We must treat all student interests equally. We can’t treat religion differently than any other interest in the creation of a student club. There are many such clubs in schools based on student interest. These clubs follow the rules of any other extracurricular club or activity. Membership in religious clubs must be open to all students.

FACT: Although staff will be supervising Friday Prayer, the board cannot interfere with the practice of the faith.

The law is clear—the board cannot interfere in the practice of faith. Students choose where to sit and how they pray. There is always a staff supervisor present and the student Khutbah (reflection) will always be in English.

FACT: There is a significant difference between the Ontario court removal of the Lord’s Prayer and religious accommodation.

The Lord’s Prayer was previously practised by *all* students, including those who did not practise that faith. Friday Prayer, on the other hand, is not a board-mandated practice for all students and only impacts students who have individually requested that particular religious accommodation.

FACT: The Ontario Human Rights Code has precedence over any other Code or Act.

According to the OHRC, *“The Code has primacy – or takes precedence – over all other provincial laws in Ontario. Where a law conflicts with the Code, the Code will prevail.”*

FACT: The Peel board does not tolerate any campaigns that discriminate against a faith.

It has been frustrating and disheartening to see what is often hatred and prejudice towards a single faith group disguised in a supposed campaign about religion in schools. No one has expressed concern about school-wide celebration of Diwali, or that we provide vegetarian options in food, or post posters acknowledging all major faith days, including Christmas. This is a campaign against Islam — counter to the laws of the Country, the Ontario Human Rights Code, and our board values.