

Ch4-s1-21

Cultural and Religious Leave Policy

Responsible Authority:	Organizational Effectiveness
Approval Authority:	Senior Team
Date First Approved:	2021-05-17
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PURPOSE

Confederation College recognizes and values employees from a diverse range of cultural and religious backgrounds. The College is committed to accommodating employees in accordance with its obligations under applicable legislation, collective agreements and College policies.

Confederation College recognizes that in ensuring employees have a right to equal treatment without discrimination in employment on the basis of creed, accommodation measures may be required to facilitate the practice of cultural and/or religious observances.

SCOPE

This policy, and its related procedures, apply to all employees of Confederation College.

This policy applies to all situations where an employee's cultural and/or religious observance affects his/her employment and requires accommodation.

DEFINITIONS

For the purposes of this policy, the following definitions apply:

Accommodation: An adaptation or adjustment made to enable a person to perform the essential duties or requirements of a position. The requirement, qualification or factor must be reasonable and *bona fide* in the circumstances.

Bona Fide: Means "good faith" in Latin. For the purposes of this policy, a *bona fide* request is one made in good faith and without fraud or deceit.

Religion or Creed: Creed is interpreted to mean religious creed or religion. It is defined as a professed system and confession of faith, including both beliefs and observances or worship. A belief in a god or gods, or a single supreme being or deity is not a requisite. Religion is broadly accepted by the Ontario Human Rights Commission to include non-deistic bodies of faith, such as the spiritual faiths/practices of Indigenous groups and cultures, as well as *bona fide* newer religions.

Religious or Cultural Observance: Refers to commitments or obligations based on a person's religion or creed and/or culture. This can include, but is not limited to, the celebration of religious holidays, requirements concerning attire, prohibitions, or observances related to particular events, e.g. death of a family member. The College understands that Indigenous spiritual and cultural observances cannot be easily defined and may include ceremonies that are connected to the seasons or to life stages.

Undue Hardship: Reasonable accommodation must be granted to allow employees to fulfil religious and/or cultural obligations, unless to do so would create undue hardship. Determining whether a particular means of accommodation is reasonable, or creates undue hardship, requires an assessment of factors including, but not limited to:

1. Cost – undue hardship exists if the financial costs related to accommodation of the needs of an individual would alter the essential nature or would substantially affect the viability of the organization responsible for the accommodation;
2. Operational impact and morale;
3. Collective agreement and contract restrictions;
4. Treatment of other kinds of requests;
5. Ability to alter the work schedule.

POLICY

Confederation College will accept all requests for accommodation of religious and/or cultural observances as *bona fide*, unless there is specific evidence to indicate an abuse of the policy.

All Confederation College employees who require time off due to religious and/or cultural observances are entitled a maximum of two (2) paid days off per calendar year. These days are not cumulative from year to year.

Requests for religious and/or cultural leave in addition to these two (2) days will be considered on a case-by-case basis. Some options that may be considered to allow for this additional time off include, but are not limited to, unpaid leaves of absence, rescheduling of work hours or vacation

PROCEDURE

<u>Action</u>	<u>Responsibility</u>
1. Request for Accommodation of Cultural and/or Religious Observances	
1.1 An employee who requires accommodation for religious and/or cultural observances must make a request for that accommodation, in writing, to his/her immediate supervisor. The request should indicate the nature of the accommodation, the particular circumstances and requirements, and any suggestions or alternatives concerning how the observance can be accommodated	Employees
1.2 Where time off is required, employees should make requests for accommodation far enough in advance of the date(s) when they require the time off, so as to allow their manager sufficient time to assess the request and make an appropriate determination. If the observance is a regular, recurring "holiday", the employee should make the request as soon as the specific dates are known, e.g. by making a request for time off for holidays in a year at the beginning of every year.	Employees
2. Responding to Requests for Accommodation of Cultural and/or Religious Observances	
2.1 Managers will make every reasonable effort to provide accommodation as requested by the employee, unless to do so	Managers

would create undue hardship. Managers may consult with Organizational Effectiveness concerning requests.

- 2.2 In situations where time off is granted, the following options should be considered in order to meet the College's obligation to provide reasonable accommodation: Managers
- a. Using the allotted two (2) paid days off;
 - b. Allowing the employee to make up the time as mutually agreed between the manager and the employee;
 - c. Adjusting shift schedules;
 - d. Allowing the employee to use vacation, accrued overtime or voluntary leave (where it exists contractually and if the employee has sufficient credits in his/her bank);
 - e. Provide leave without pay.
- 2.3 In addition, for faculty members and instructors, the following options may also be considered concerning coverage of teaching responsibilities:
- a. Rescheduling / making up classes; or
 - b. Class coverage by another faculty member.
- 2.4 All arrangements with respect to section 2.3 are subject to approval, in advance, by the Dean, and in accordance with the collective agreement. Dean

3. Appeals Process

- 3.1 Where an employee is dissatisfied with the accommodation process, or believes that their request for accommodation has not been handled in accordance with the policy or relevant legislation, the employee may discuss the situation with their Union representative (if applicable); and/or the Equity and Human Rights Advisor. Employees
- 3.2 Where the employee remains concerned they may submit a written appeal to the Executive Director, Organizational Effectiveness who will make the final decision.

CONFIDENTIALITY OF INFORMATION

Personal information concerning an employee's culture, religion or creed cannot be released without the prior written consent of the individual.

Where the accommodation process requires the release of confidential information to a third party, the third party and any person or department delegated by that third party will be required to ensure that

confidentiality is protected, that the information obtained is kept in a secure location, and used solely for the purpose that the release was required.

RELATED POLICIES

Ch4-s1-13 Voluntary Unpaid Leave

Ch4-s5-02 Vacation and Carryover

RELATED MATERIALS

Collective Agreements

<https://www.confederationcollege.ca/human-resources-services/collective-agreements>

Ontario Human Rights Code

<http://www.ohrc.on.ca/en/ontario-human-rights-code>