

**THE CORPORATION OF THE CITY OF WINDSOR
POLICY**

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| Service Area: | City Clerk | Policy No.: | HRADM – POL - 0001 |
| Department: | Human Resources | Approval Date: | January 18, 2010 |
| Division: | Administration | Approved By: | City Council – CR #14/2010 |
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| Subject: | Religious Observance | Procedure Ref.: | HRADM – PRO - 0002 |
| | | <i>Pages:</i> | Replaces: |
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1. POLICY

1.1 This policy will address the accommodation of employees who seek time away from work for religious observance.

2. PURPOSE

2.1 The City of Windsor is committed to maintaining a workplace climate that embodies mutual respect and the dignity and worth of each person. In this diverse and equitable workplace, all employees will have the opportunity to contribute fully to the City of Windsor’s core values of integrity, respect, innovation, diversity and empowerment.

The City of Windsor acknowledges that an employee’s religious beliefs and followings may require time away from work on days of religious observance and/or time for prayer during scheduled working hours.

This policy and its accompanying procedures outline the process for accommodation of the time required by an employee for religious observance as per *The Ontario Human Rights Code*.

2.2 The City recognizes that accommodation measures may be required to ensure employees have a right to equal treatment without discrimination on the basis of religion or creed.

3. SCOPE

3.1 This policy applies to all City of Windsor employees including, but is not limited to, all regular full-time, regular part-time, temporary full-time, temporary part-time, contract and all other employment relationships within the Corporation of the City of Windsor.

4. **RESPONSIBILITY**

4.1 The Chief Administrative Officer and designated subordinates are responsible for supporting this policy and ensuring its application is in line with its purpose.

4.2 The Executive Director of Human Resources is responsible for the administration and changes to this policy, and will review this policy every two years to address changing legislation and corporate circumstances.

4.3 Executive Directors are responsible for:

- 4.3.1 Ensuring the employee seeking accommodation is treated with respect and confidentiality.
- 4.3.2 Conducting the accommodation process in such a way that dignity is preserved and business and operational needs are met.
- 4.3.3 Committing to being flexible in finding alternative work arrangements to meet the accommodation needs of the employee.
- 4.3.4 Monitoring potential health and safety risks which may be caused by reduced workforce.
- 4.3.5 Ensuring that customer and organizational needs are served.
- 4.3.6 Ensuring the absences are documented in accordance with the accompanying procedure and appropriately tracked in the Corporate absence tracking system.

4.4 Employees are responsible for:

- 4.4.1 Ensuring they request accommodation under the terms laid out by the accompanying procedure under the terms of this policy.
- 4.4.2 Being flexible and realistic in terms of their requests.
- 4.4.3 Working collaboratively with their Supervisor to examine all possible accommodation options.

5. **GOVERNING RULES AND REGULATIONS**

5.1 DEFINITIONS

For the purpose of this policy, the following definitions will apply:

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.

Religious Observance – Religious observance refers to commitments or obligations based on a person's religion or creed. Examples may include, but are not limited to:

Holy Day – A day dedicated to a religious observance or religious festival. This does not include Christmas Day, Good Friday, or Sunday, which the Supreme Court of Canada has now deemed to be secular pause days, and not religious holy days.

Prayer Break – Portions of a day where the employee may need time away from work in order to pray as required by their religion or creed.

Undue Hardship – Refers to the extent to which an employer must attempt to accommodate the needs of an employee on grounds protected under the *Ontario Human Rights Code*.

5.2 CATEGORIES OF REQUEST

HOLY DAY OBSERVANCES

5.2.1 The employee seeking the accommodation should request their required holy days by January 1 of each calendar year. If this is not possible, the employee must make the request in writing to their Supervisor no later than six (6) weeks prior to the day in question.

PRAYER BREAK OR PARTIAL DAY OBSERVANCES

5.2.2 Supervisors should be flexible in scheduling breaks and/or start and end times to ensure periods of prayer can be accommodated.

5.2.3 The employee seeking the accommodation is responsible for submitting their accommodation needs or changes in writing to their current Supervisor as soon as possible. The employee should be mindful that the Supervisor might require time to make arrangements for ongoing and permanent accommodations (i.e. Memorandum of Agreement).

5.3 Upon receipt of the written request, the employee will be given options which do not involve taking the time without pay, such as:

5.3.1 Scheduling changes (shift change).

5.3.2 Flexible Work Schedules (making up the time at another date - within reasonable limits).

5.3.3 Rearranging break or lunch periods to accommodate prayer breaks or partial day observances (within reasonable limits).

5.3.4 Compressed workweek (working more hours in the days prior to the religious observance).

5.3.5 Substituting the day for one of the public holidays in the *Employment Standards Act*, where operationally possible.

5.3.6 Using vacation, banked overtime, or Management Overtime (where applicable).

5.4 If none of the options presented in Section 5.3 are possible, the employee will also be offered a Leave of Absence without Pay.

5.5 After receiving an accommodation of time request, the supervisor/manager will determine whether accommodation can be provided and, if so, what form the accommodation will take. Accommodation will be determined on a case-by-case basis

5.6 This policy will also be governed by the following:

5.6.1 Ontario Human Rights Code

5.6.2 Ontario Employment Standards Act

5.6.3 Ontario Occupational Health & Safety Act

5.6.4 City of Windsor Respectful Workplace Program

5.6.5 Collective agreements negotiated between the City of Windsor and any of its local unions/associations

5.6.6 Corporate Records Management Program