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SECTION 1

Religious Diversity, Legislation, and Policy

Diversity and Religious Pluralism in Manitoba's Schools

This document was created for educators and schools seeking to respond to the needs of their religiously diverse students and community. It is one of several resources developed by Manitoba Education and Training concerning diversity in general, and religious diversity specifically, in Canada and globally.

Manitoba's peoples may be viewed as a unique and evolving tapestry of diverse peoples. This diversity began and continues today with the unique cultures, spiritualities, and languages of the First Nations and Inuit peoples, the original inhabitants of this land.

The diversity present among the First peoples was expanded by the emergence of the Métis and other peoples as a result of subsequent immigration and migration from other parts of Canada. Many of these immigrants were seeking freedom from the ravages of natural disasters, oppression, and war. As such, human diversity in terms of culture, language, beliefs, spirituality, sexuality, physical characteristics and ability, and social and political organization, among others, has been a constant characteristic of Manitoba's peoples. This tapestry fulfills an Indigenous prophecy that foretold that all nations would come to Turtle Island to seek advice and work to find ways of better sustaining Mother Earth.

The last few decades have seen a significant change in the cultural, linguistic, and religious composition of Canada's and Manitoba's peoples that has resulted from several factors, including changes in the patterns of immigration and, especially for Manitoba, sustained high levels of immigration growth. It is important to consider the nature of the composition of Canada's population today and in the near future.



Figure 1.1: Diverse children

A study, *Projections of the Diversity of the Canadian Population 2006-2031*, by Statistics Canada indicates that the diversity of Manitoba's and Canada's population will continue to grow. This is especially true in terms of religious or spiritual affiliation and perspectives. Since the colonization of Canada, Christianity has been the dominant religious affiliation; however, the number of adherents of diverse faith traditions is expected to more than double by 2031, reaching between 5.3 million and 6.8 million in 2031 compared to an estimated 2.5 million in 2006.

In the last few decades (the post-residential school period), First Nations, Métis, and Inuit (FNMI) peoples have striven to reclaim their languages and cultures, including spiritual traditions. This has resulted in both religious and spiritual diversity in FNMI communities. This includes

- Continued adherence to forms of Christianity (Catholic, Anglican, Protestant, Pentecostal, etc.)
- A return to forms of traditional Indigenous spirituality and practices (both pan-Indian and localized “reconstitution” of ancestral spiritual traditions)
- A mix of Christian and Indigenous spirituality (adopted and practiced at varying levels of adherence)

According to the 2011 *National Household Survey*^{*}, 1,400,685 Canadians identified themselves as having a First Nations, Métis, or Inuit identity. With respect to religion, 63,825 Canadians of non-immigrant background identified their religion as being Traditional (Indigenous) Spirituality.

This data suggests that the majority of the FNMI peoples in Canada will still self identify themselves as “Christian” or following another religion; however, in practice, one can expect some blending of Indigenous spiritual practices and traditions, and Christianity.

Building Inclusive Schools

“We may have different **religions**, different **languages**, different coloured **skin**, but we all belong to **one** human race.”

Kofi Annan (Former Secretary-General of the United Nations)

Students, and people in general, need to see themselves reflected in the world around them. It is through this reflection and honouring of themselves, along with knowledge and understanding of the beliefs and practices of others that students learn to accept diversity. Students who learn to work and play

* Statistics Canada. May 2013, 2011 National Household Survey, Catalogue #: 99-010-XWE2011032 & 99-011-X2011026. www5.statcan.gc.ca/olc-cel/olc.action?objId=99-011-X2011026&objType=46&lang=en&limit=0.

collaboratively with classmates of various cultural backgrounds are better prepared for the world in which we live.

Creating an inclusive learning environment is a crucial element in successful and healthy school life and it provides students the skills to thrive in the diversity that is Manitoba. As such, Manitoba Education and Training is committed to fostering inclusion for all people.

Inclusion is a way of thinking and acting that seeks to ensure that every individual feels accepted, valued, and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship. In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all.

The goal of public schools in an inclusive society is to create environments, structures, and programs where all educators, learners, and their families feel that they belong and are welcomed. This sense of belonging is an essential step in ensuring our schools respond appropriately to the rich diversity that is present in our schools and in our community.

There is only one humankind and, as such, human beings reflect many similarities, which become evident when one goes beyond the more visible and obvious aspects of physical, cultural, linguistic, and religious characteristics. Nevertheless, it is equally important to recognize that there are many differences, which may be unique to specific peoples and reflect their different environmental and historical experiences. Inclusion requires the recognition and acceptance of human similarities as well as differences.

It is through the philosophy of inclusion (see www.edu.gov.mb.ca/k12/specedu/aep/inclusion.html) that schools become grounded in the awareness that diversity is strength and that all school life, planning, organization, curriculum, and instruction can build on and reinforce inclusionary practices. When there is a well-grounded understanding of inclusion, schools move beyond single decisions to accommodate families and students with different cultural, religious, and ethnic backgrounds—accommodating diversity becomes part of their day-to-day thoughts and behaviour.

Inclusion also requires administrators and educators to continuously examine and follow the changes in their school population. The student body is ever dynamic and changing—diversity grows and needs to be acknowledged and addressed consistently.



Figure 1.2: Symbols of world religions

Introduction

Manitoba Education and Training values the uniqueness and diversity of its students and community, and understands that people from diverse religious communities need to work and study in environments that are safe and respectful. In a region as dynamic and diverse as Manitoba, it is important that the public school system actively acknowledge both the freedom of religion that is protected by the Canadian Charter of Rights and Freedoms, and the protection from discrimination and harassment based on religion that is part of the Manitoba Human Rights Code. This proactive stance is demanding: it



Figure 1.3: Girls smiling

requires constant integration and evaluation of new knowledge and new approaches. Ultimately, Manitoba Education and Training believes that the process of accommodation and partnership with members of its community will help to foster an environment of mutual respect and understanding.

While this document establishes guidelines and procedures for religious accommodation in

Manitoba schools, the department acknowledges that many of those who study and work in the school system do not have a religious affiliation. The department assures the members of this community that their rights and privileges are not interfered with by the religious accommodation guidelines and procedures.

In addition to offering guidelines and recommended procedures for religious accommodation in Manitoba schools, this document also provides

- the legislative and policy context for religious accommodation
- appendices that briefly describe some of the religions of the staff and students in Manitoba, noting the practices and observances that may need accommodation
- an appendix that provides interfaith education resources
- frequently asked questions
- case scenarios

While these guidelines and procedures recommend courses of action and expectations for educators and schools in Manitoba, in the long term, the best strategies for achieving an inclusive learning and working environment is a pro-active and adaptive education system. It is essential that the curriculum, teaching methods, and management practices of the schools and school divisions support the values embodied in this document. As well, it is imperative that schools make every effort to remove any discriminatory barriers experienced by members of religious communities in employment policies and practices; and in access to programs, resources, and facilities for members of religious communities.

Respect for religious diversity is a shared responsibility. While school divisions and schools work to ensure that students and staff are able to observe the tenets of their faith, free from harassment or discrimination, it is also the responsibility of the religious communities and their adherents to help school staff understand their needs.

Manitoba's Legislation and Policy

All school divisions and schools fall under a broad context of laws and public policies that protect and defend human rights.

International and Canadian human rights documents provide for the dignity of all people, as well as the protection from discrimination and harm of diverse peoples and groups. Both the Manitoba Human Rights Code and the Canadian Charter of Rights and Freedoms provide for fundamental human rights for diverse peoples (with which school boards are already required to comply).

Specifically, the Canadian Charter of Rights and Freedoms protects freedom of religion and the Manitoba Human Rights Code protects an individual's freedom from discriminatory or harassing behaviour based on the "presence or absence of a religion, creed, religious belief, religious association or religious activity".

Manitoba Education and Training (the Department) is committed to providing a safe, inclusive, and equitable educational system and shares that mandate with all publicly funded schools. The department also recognizes and is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviour based on religion through its commitment to equity, as well as its Safe Schools legislation and policy.

Definitions

ACCOMMODATION

The Manitoba Human Rights Code prohibits unreasonable discrimination on the basis of religion in all of the protected activities under The Code, including employment (Section 14: “Discrimination in employment”) and services (Section 13: “Discrimination in service, accommodation, etc.”). This also imposes on the employer or service provider the need to reasonably accommodate the individuals or groups to prevent discrimination. When a person’s religious beliefs conflict with a requirement, qualification, or practice, the Code imposes a duty to accommodate based on the needs of the group of which the person making the request is a member.

Accommodation is an obligation that arises where requirements, factors, or qualifications, which are imposed in good faith, have an adverse impact on, or provide an unfair preference for, a group of persons based on a protected ground under the Manitoba Human Rights Code. The duty to accommodate is not required where it would cause an undue hardship.

The Manitoba Human Rights Commission provides the following guidance on *reasonable accommodation of religious beliefs*. (See www.manitobahumanrights.ca/publications/policy/policy_reasonable-accommodation-of-religious-belief.html.)

“In determining whether reasonable accommodation of an individual’s religious belief has occurred, the Commission will consider the circumstances of each case. Factors for consideration will include the procedure used by the respondent in assessing whether accommodation can be made. The Commission will examine the steps taken by the respondent to search for, and consider, options for accommodation.

Some questions that the Commission may consider are as follows:

- Were alternative approaches to accommodation that did not have a discriminatory effect explored?
- If alternative approaches were investigated and could have been implemented without undue hardship, why were they not implemented?
- Was the complainant provided with the opportunity to participate in the process of identifying and assessing possible accommodations?
- Did a complainant requesting religious accommodation provide reasonable notice of the need for such accommodation? Was the notice period required by the employer, service provider, or other respondent party, reasonable?
- Have all parties who are expected to assist in the search for possible accommodation, fulfilled their obligations, including the individual or group in need of the accommodation, or their representative?

The duty to reasonably accommodate religious belief does not extend so far as to result in unreasonable discrimination against other individuals or groups characterized by a protected ground, such as religious belief, sex, marital or family status, or sexual orientation.

The duty to reasonably accommodate does not extend so far as to cause undue hardship to the respondent. The burden of proving that undue hardship renders the accommodation required to meet the needs of the complainant unreasonable rests with the respondent. To meet that burden, the respondent must provide actual evidence that undue hardship exists (i.e., health and safety risks, considerable disruption to school life, financial costs that affect the viability of the school, substantial interference with the rights of others, and so forth), rather than relying on anecdotal or impressionistic assumptions.

In addition to examining the steps taken by the respondent to search for, and consider, options for accommodation, the Commission will evaluate the substance of the accommodation offered to an individual or group as to its sufficiency in satisfying the request for reasonable accommodation.

As stated above, in determining whether reasonable accommodation of an individual's religious belief has occurred, the Commission will consider the particular circumstances of each case."

Some examples of reasonable accommodation in schools with respect to religious diversity follow:

Ceremonies and Ritual Practices

- A school administrator ensures that school staff, students, and parents and guardians are aware of the guidelines and protocols regarding smudging and that FNMI students have access to an appropriate space for students to smudge during the school day and special events.

Prayer

- A room in the school is designated for use by students whose religious observance requires prayer at noon-hour.
- A school with a large Muslim student population has a designated and appropriate space within the school to accommodate the weekly Friday congregational prayer observances.
- A school division advises school administrators and teachers to keep in mind the needs of students to observe time-specific prayers, when scheduling school-wide events, examinations, tests, class outings, and overnight trips.

Dress and Modesty Requirements

- A school's dress-code is revised to make it more inclusive and allow religious head coverings of various faith groups to be permitted.
- A school with students whose religious modesty requirements or other factors do not allow them to dress for physical education classes or team sports in front of others in change rooms accommodates the students by allowing them to change in an individual stall within the change room, or in an alternate location in the school or facility, or at a different time allowing for the needed degree of privacy.
- A school accommodates students in swimming classes and pool related sports by allowing them to wear burkinis, sun suits, and other types of modest swimwear that meet their religious needs and safety requirements.

Cultural Activities

- A school equitably displays a wide variety of symbols and information about diverse (religious and non-religious) belief systems, inclusively reflecting the cultural and religious diversity of the community it serves, as well as the broader Canadian and global societies.
- A school, which integrates Halloween activities into its school curriculum, accommodates children who do not celebrate Halloween for religious reasons by exempting them from taking part in the Halloween related activities, and offering alternative fun and educational activities.

Dietary Requirements

- A school cafeteria has menus and food handling guidelines which take into consideration food restrictions and attend to the needs of vegetarians and students who have kosher, halal, and other dietary requirements. Where appropriate, school and classroom snack, pizza days, fun fair, or lunch programs accommodate students' religious and other dietary restrictions.

CREED

As set out in Policy # I-13, Section 9(2)(d) of the Manitoba Human Rights Commission "religion or creed, or religious belief, religious association or religious activity" will be interpreted to include both the presence and absence of a "religion or creed, or religious belief, religious association or religious activity".

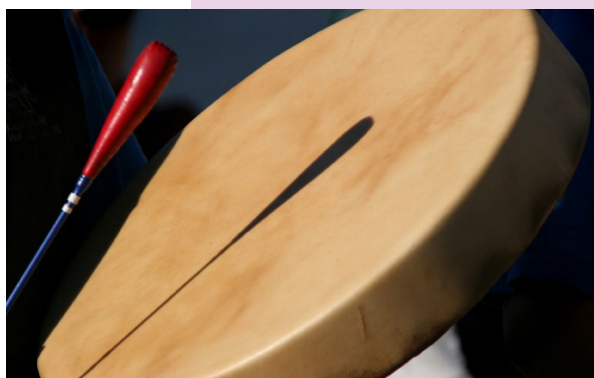


Figure 1.4: Drum

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 condition to believe in a creed.

Religion is broadly accepted by the Commission to include, a diversity of faiths and traditions, such as non-deistic belief systems, such as the spiritual faiths/ practices of Indigenous cultures, as well as authenticated newer religions (which are assessed on a case-by-case basis). The existence of religious beliefs and practices are both necessary and sufficient to the meaning of creed, if the beliefs and practices are sincerely held and/or observed.

"Creed" is defined by the adherent. The Code protects sincerely held personal religious beliefs, practices, or observances, even if they are not essential elements of the creed.

The Commission believes that every person has the right to be free from discriminatory or harassing behaviours and practices which are based on religion or which arise because the person who is the target of the behaviour does not share the same faith. This principle extends to situations where the targeted person is an atheist or agnostic and may, in such circumstances, benefit from the protections set out in the Code.

Regardless of the situation, creed must be a factor, whether the person who is the target of the discrimination is seeking to practice their own religion, or because the person who is harassing or discriminating is attempting to impose their creed on someone else.

Creed does not include secular, moral, or ethical beliefs, or political convictions. Nor does the protection afforded by the Code extend to religions that incite hatred or violence against other individuals or groups, or to practices and observances that purport to have a religious foundation, but which contravene international human rights standards or criminal law.

References:

ENSEMBLE for the Respect of Diversity Website. *Reasonable Accommodation, Examples of Reasonable Accommodation*. www.ensemble-rd.com/en/learn-about-discrimination/reasonable-accommodations/examples-of-reasonable-accommodation.

Roher, Eric. M. *MONDAQ Website*. "A User's Guide to Religious Accommodation in Ontario Schools". Oct. 19, 2010. www.mondaq.com/canada/x/113084/Human+Rights/A+Users+Guide+to+Religious+Accommodation+in+Ontario+Schools.

Ontario Human Rights Commission. *Policy on Preventing Discrimination Based on Creed*. 10.1 *Creed-based holidays, leaves and ritual observances*. Sept. 17, 2015. www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed/10-specific-cases.

Ontario Human Rights Commission. *Policy on Creed and the Accommodation of Religious Observances*. Oct. 20, 1996, p. 2. www.ohrc.on.ca/sites/default/files/attachments/Policy_on_creed_and_the_accommodation_of_religious_observances.pdf.

Instruction in Religion, Religious Exercises, and Patriotic Observances

The Public Schools Act (see http://web2.gov.mb.ca/laws/statutes/ccsm/p250_2e.php) indicates that Manitoba's public schools are to be **non-sectarian**; however, the Act does allow for instruction in religion and religious exercises, as well as patriotic observances under certain conditions.

Additional information may be found in the School Administration Guide and the School Administration Act. See www.edu.gov.mb.ca/k12/docs/policy/admin/school_admin.pdf.

Requests for Accommodation

School divisions and schools should take steps to provide reasonable accommodation to members of religious groups who express that the division's or school's practices or requirements interfere with their ability to exercise their right to freedom of religious belief and practices. In doing so, the school division or school will consider and balance its decision to accommodate based on several factors, such as undue hardship, including: the cost of the accommodation to the division or school, health and safety risks to the person requesting accommodation and to others, and the effect of accommodation on the division's or school's ability to fulfill its duties under their policies and the Public Schools Act, Appropriate Education Act and related provincial policies and regulations. See the [Reasonable Accommodation of Religious Beliefs—Checklist](#) in the Appendices section of this document.

Unresolved Requests

Despite a school division's or school's commitment to accommodate, there may be situations where an individual may still feel that the request for accommodation has not been addressed to their satisfaction. The Manitoba Human Rights Commission indicates that the "duty to reasonably accommodate is often described in human rights law as "accommodation short of undue hardship." The school's obligation to accommodate a special need based on religious beliefs or another characteristic listed in *The Code* is deemed to have been met when it is not reasonable for the school or others responsible to accommodate it because of the hardship caused by the requested accommodation. Therefore, the school division or school should, through its policies and procedures, take reasonable steps to address the unresolved issues raised by the parent or student affected to ensure that it meets their obligations as set out in *The Code*.

Note

See the [Religious Accommodation Request Flowchart](#) at the end of Section 6 that provides an overview of how schools may process accommodation requests and handle resolved and unresolved requests.