

# RELIGIOUS FREEDOM

*A Guide to Your Rights*

**CANADA**





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*“Everyone has the right  
to freedom of thought,  
conscience and religion;  
this right includes  
freedom to change his  
religion or belief, and  
freedom, either alone  
or in community with  
others and in public  
or private, to manifest  
his religion or belief  
in teaching, practice,  
worship and observance.”*

*—Universal Declaration  
of Human Rights, Article 18*

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# **FREEDOM OF RELIGION AND WORSHIP IN CANADA**

## ***1. What is the right to freedom of religion and worship?***

The Canadian Charter of Rights and Freedoms in Canada's Constitution provides everyone the fundamental freedom of conscience and religion. Freedom of religion has been defined by the Supreme Court of Canada as (a) the right to entertain such religious beliefs as a person chooses; (b) the right to declare religious beliefs openly and without fear of hindrance or reprisal; and (c) the right to manifest religious belief by worship and practice or by teaching and dissemination.

## ***2. What is the right to freedom of belief or conscience?***

Freedom of belief or conscience is aimed more broadly at protecting views based on strongly held moral ideas of right and wrong. These morals are not necessarily founded on any organized religious principles, and distinguishable from political or other beliefs.

## ***3. What are the laws that protect religious freedom?***

Section 2(a) of the Canadian Charter of Rights and Freedoms provides everyone the freedom of conscience and religion without government interference, subject to some limitations designed to protect other fundamental rights. The Canadian Human Rights Act prohibits discrimination on the basis of religion and other grounds.

In addition, each of the provinces and territories of Canada have their own human rights legislation protecting religious freedom (see list below). While the legislation of each province or territory is unique,



they generally offer protection against discrimination on the basis of religion by both the government and private organizations, including employers.

- Alberta Human Rights Act
- British Columbia Human Rights Code
- Manitoba Human Rights Code
- New Brunswick Human Rights Act
- Newfoundland and Labrador Human Rights Act
- Northwest Territories Human Rights Act
- Nova Scotia Human Rights Act
- Nunavut Human Rights Act
- Ontario Human Rights Code
- Prince Edward Island Human Rights Act
- Quebec Charter of Human Rights and Freedoms
- Saskatchewan Human Rights Code
- Yukon Human Rights Act

#### ***4. What is the official religion of Canada?***

There is no official religion of Canada. The government of Canada is officially committed to religious pluralism, meaning a religiously diverse society.

#### ***5. What can I do when my right to freedom of religion and worship is violated?***

For violations caused by private parties, you may bring an application to the relevant provincial, territorial, or federal human rights commission or tribunal. For violations by the government, you may bring a civil cause of action in the court system or bring an application to the relevant human rights commission or tribunal, depending on the nature of the violation.



## RELIGION IN THE PUBLIC SQUARE

### ***6. Can I express my religious views in public?***

Yes. The right to religious freedom established in the Constitution provides every person the right to participate individually or collectively, both in public and in private, in ceremonies, devotionals, or actions of the respective religion, provided that they do not constitute a crime or offence sanctioned by the law or threaten the public order, health, or morals or the fundamental rights and freedoms of others.

### ***7. Can I share or preach my beliefs to others?***

Yes. Along with freedom of expression in public and in private, there is a right to share religious beliefs, ideas, thoughts, and opinions with others. Likewise, people can individually or collectively establish a religion, adhere to an existing religion, or change their religious affiliation.

### ***8. Can I be part of a religious entity or organization?***

Yes. Under the law, people have the right to associate and participate in religious activities as communities, which includes, among other rights, the right to establish places of worship or gathering for religious purposes, to freely exercise their own ministry, to establish their own internal hierarchy, and to have and direct their own institutes of formation and theological studies. The law does not require religious entities or organizations to accept people into their group because the freedom to disassociate and exclude is another important part of religious freedom.



## ***9. What are the government authorities that regulate religious entities?***

Canada does not have one government agency overseeing all religious entities and activities. Nonetheless, religious organizations are regulated by the government for the same reasons people are regulated—to maintain civility, proper conduct, and the rule of law. Because of this legal structure, religious entities may enjoy these benefits:

- a. Tax exemption and benefits granted by the Canada Revenue Agency for charitable religious and/or educational activities and for nonprofit activities
- b. Acquisition of movable and immovable property
- c. Perpetual succession, with the ability to sue and be sued



## RELIGIOUS FREEDOM IN THE WORKPLACE

### *10. What influence does freedom of religion have in the relationship between an employer and an employee?*

It is against the law to discriminate in the workplace on the basis of religion. This includes job applications, interviews, employment benefits, working conditions, and promotions. Of course, bona fide occupational requirements, such as requiring pastors to belong to the faith that hires them, are respected by the law.

Additionally, if a workplace rule conflicts with religious requirements, employers have a duty to ensure that employees are able to observe their religion, unless this would cause “undue hardship,” which is a legal test that considers the cost, health, and safety implications of allowing such observance. Unlawful discrimination can include:

- Refusing to make an exception to dress codes to recognize religious dress requirements.
- Refusing to allow individuals to observe periods of prayer at particular times.
- Refusing to permit individuals to take time off to observe a religious holiday.

#### **Exception: The Province of Quebec**

Bill 21, passed by the National Assembly of Quebec in 2019, prohibits the wearing of religious symbols by certain public employees in positions of authority, such as teachers, lawyers, police officers, and others.

### *11. What is the relationship between religious freedom and working hours?*

Public holidays in Canada that coincide with religious holidays include Good Friday, Easter Monday, and Christmas Day. Employees should



discuss with their employers any situation that could potentially impact religious observance and/or prayer, and employers have an obligation to accommodate employees' religious observances.

### ***12. Can I wear religious clothing to work or refuse to wear part of a uniform because of my religious beliefs?***

Generally, yes. As noted above, if a workplace rule, such as a uniform requirement, conflicts with religious requirements, employers have a duty to ensure that employees are able to observe their religion, unless this would cause undue hardship because of cost or health and safety reasons.

Employees should notify their employers in a timely manner of any needs or special circumstances that arise due to religious beliefs or practices. This allows the employer to be aware of such circumstances and more adequately honor the religious freedom of employees.

#### **Exception: The Province of Quebec**

Bill 21, passed by the National Assembly of Quebec in 2019, prohibits the wearing of religious symbols by certain public employees in positions of authority, such as teachers, lawyers, police officers, and others.

## **RELIGIOUS FREEDOM IN SCHOOLS**

### ***13. Can there be religion classes in public schools?***

Secular public schools may teach about religion in general and use curricula designed to foster moral values, but giving preference to one religion over another and seeking to convert students to a religion are prohibited. Nevertheless, some provinces and territories continue to offer publicly funded denominational school systems, while others allow public funds to support private schools, including religious private schools.



***14. Is it mandatory for students to attend religious education or religious observances in their schools?***

Students in secular public schools are not required to attend religious education or participate in religious observances. Denominational schools may require religious education, but this can be interpreted broadly.

***15. Can students refrain from attending school or scheduled school activities because of their religious beliefs?***

Schools have a duty to accommodate students' religious observances unless doing so would cause undue hardship in terms of cost, health, or safety implications. Parents or interested parties should communicate with school leaders from the outset to discuss the religious reasons for not participating in activities or policies, and schools should be respectful of students who, because of their religious beliefs, do not participate in activities for religious reasons.

***16. Can students modify school uniforms because of their religious beliefs?***

Yes, in some cases. The Supreme Court of Canada struck down an order of a Quebec school authority that prohibited a Sikh student from wearing a kirpan to school and ruled it a violation of freedom of religion under section 2(a) of the Canadian Charter of Rights and Freedoms.

## **MILITARY AND PUBLIC SERVICE**

***17. Is there mandatory military or public service, and if so, are there any religious exemptions?***

No. There is no mandatory military or public service requirement in Canada.



## RELIGION AND JUSTICE

### ***18. Can I refrain from taking an oath in legal proceedings because of my religious beliefs?***

Individuals providing evidence must promise to tell the truth before giving evidence. This promise can be in the form of a religious oath or a secular affirmation.

### ***19. Can judges make decisions based on their religious beliefs?***

No. All judicial duties must be completed without bias or prejudice based on race, sex, religion, or any other protected grounds.

### ***20. Is there any protection for statements made in confidence to religious leaders?***

There is no general legal privilege that protects a person's communications with religious leaders, so courts will determine on a case-by-case basis whether an individual's religious freedom will be threatened by the admission of evidence in a particular case. However, the rite of religious confession is a recognized exemption in the evidence acts of several provinces and is recognized as common law for various ecclesiastical denominations.



# RELIGIOUS FREEDOM IN INTERNATIONAL LAW

In addition to local protections for religious freedom in individual countries, there are also different international instruments or legal documents that protect this right. In 1948, the right to freedom of religion and conscience was introduced by the Universal Declaration of Human Rights. Since then, different covenants and conventions have established and developed this right at the international level.

## *What protections do I receive under international law?*

International instruments establish that all people are equal before the law, regardless of their religion. These laws also state that no one may be discriminated against on the basis of religion. This is an offense against human dignity and is condemned as a violation of human rights and fundamental freedoms.

## *Which freedoms do these international instruments include?*

- **The freedom of thought, conscience, and religion**

This freedom includes freedom of thought on all matters, freedom to hold beliefs, freedom of commitment to religion or belief, and freedom of personal conviction. It does not allow any limitations on the freedom to have or adopt a religion or belief of one's choice. No one can be compelled to reveal his or her thoughts or adherence to a religion or belief.



- **The freedom to change religion or beliefs**

All people have the right to leave their own religion or belief and to adopt another or to remain without any belief at all. The use of physical force, penal sanctions, policies, or practices to force a person to adopt, change, or maintain a certain religion or belief is prohibited.

- **The freedom to manifest and profess your own religion or beliefs, individually and collectively, both publicly and privately**

Everyone enjoys the right to peacefully manifest and share their religion or belief with others without being subject to the approval of the state or another religious community. This right is not limited to members of registered religious communities. Moreover, registration should not be compulsory for religious communities or organizations in order to enjoy their rights.

- **The freedom to manifest your religion through teaching, practice, worship, and observance**

The freedom to manifest religion or belief in worship, observance, practice, and teaching includes a broad range of acts:

- Worship and observance extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.
- Practice and teaching of religion or belief include acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests, and teachers; the freedom to establish seminaries or religious schools; and the freedom to prepare and distribute religious texts or publications.

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- **The freedom of parents and guardians to have their children or pupils receive religious or moral education that is in accordance with their own convictions**

Children enjoy the right to have access to religious education in accordance with the wishes, religious beliefs, or convictions of their parents or guardians. Likewise, children should not be forced to receive religious instruction that is contrary to the wishes of their parents or guardians. In accordance with the principle of the best interests of the child, the state should encourage an atmosphere of religious tolerance in schools and promote respect for pluralism and religious diversity.

### ***Are there any limitations to these freedoms?***

Yes. Some limitations are given by law, and their purpose is to protect public safety, order, health, and morals and the fundamental rights and freedoms of others. However, restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.



## **FINDING COMMON GROUND**

We have the freedom to choose, share, and live what we believe. We generally hold our religious freedoms and beliefs dear as guiding principles in our lives. Just as we value our own religion and beliefs, we should highly value all people's rights to religious freedom and belief. Knowing the importance of these freedoms, how can we share the principles of freedom of religion in our communities? Is there a way to find common ground when we interact with people holding different beliefs?

The following strategies may allow you to find common ground in your community:

### **BECOME INFORMED**

Before you can protect your own religious beliefs or those of others, it is important to be informed and understand the rights and basic principles of freedom of religion. This brochure contains some relevant information regarding your rights and the basics of freedom of religion. Seek to stay aware of changes in religious freedoms by watching the news for developments that affect these freedoms.

### **LISTEN TO ALL SIDES**

Listen and show concern for other people's religions and sincere beliefs. Even if you disagree with the beliefs or convictions of another, seek to understand and to be respectful of his or her perspective. People's words, beliefs, and actions are influenced by many factors. You should be sensitive to the feelings of others as you explain and pursue your positions, and you should ask that others not be offended by your sincere religious beliefs.



## **PRACTICE CIVILITY**

In order to live as a community with differences of opinion and beliefs, it is critical to know how to debate and not just what to debate. Your communications on controversial topics should not be contentious. All people should treat one another with civility and respect while striving to be accurate and fair. When your positions do not prevail, you should accept unfavorable results graciously and civilly. Remember to reject persecution of any kind, including persecution based on race, ethnicity, religious belief or nonbelief, and differences in sexual orientation.

## **PROMOTE TOLERANCE**

People must be able to peaceably live together while having differences. To live peaceably does not mean you need to abandon your positions; rather, it means you should strive to live peacefully with others who do not share your values or accept the teachings upon which they are based. Strive to teach values and standards of behavior to those around you without distancing yourself or showing disrespect to any who are different.

## **BUILD TRUSTED RELATIONSHIPS**

Build trusted relationships in your community among people of diverse opinions. You will be better able to protect the rights of others in a way that benefits everyone as you get to know more people and as those people come to understand each other's beliefs. Concentrate on what you have in common with your neighbors and fellow citizens. Then, as you work together, speak out for religion and the importance of religious freedom.

