

Newsletter



Robinson Sheppard Shapiro
Avocats • Lawyers

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Can an employer compel religious observance?

Your employee practises a religion that requires followers to rest from sunset one day to sunset the next day.

Freedom of religion, as protected under s 10 of Quebec's *Charter of Human Rights and Freedoms*, requires you to agree to reasonable accommodations and allow a day's rest, up to the point of undue hardship.

On the other hand, can you, as employer, compel an employee to take the day off, in accordance with the requirement of her or his religion?

According to a decision rendered this summer by Quebec's Human Rights Tribunal (*Commission des droits de la personne et des droits de la jeunesse*

(Zilberg) c. 9220-3454 Québec Inc. (Spa Liv Zen (Spa Orazen)), 2017 QCTDP 13), the answer to this question should be no. The Tribunal followed principles declared by the Supreme Court of Canada.

Freedom of religion is a twofold right. It includes the positive right to adhere the religion of one's choice and practice it openly. It also includes the right not to be compelled to follow a given religion nor to act against one's convictions.

In other words, "freedom of religion [includes] freedom from compulsory religious observance". "No person can be compelled to adhere directly or indirectly to a particular religion or to act in a manner contrary to his or her beliefs".



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