ACCOMMODATION OF TIME REQUIRED FOR RELIGIOUS OBSERVANCE POLICY
(Time Off Work)

POLICY STATEMENT AND PURPOSE

The City of Hamilton 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 Hamilton’s mission, vision, and values, and each employee’s unique contribution will be respected.

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

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

SCOPE

This policy applies to all employees of the City of Hamilton, including but not limited to full-time, part-time, regular, temporary, contract and probationary employees, students and interns, volunteers and applicants for employment.

DEFINITIONS

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. Creed does not include secular, moral or ethical beliefs or political convictions.

Undue Hardship

Refers to the extent to which an employer must attempt to accommodate the needs of an employee on grounds protected under the Human Rights Code.
SHARED RESPONSIBILITY

The duty to accommodate is shared between the City of Hamilton, employees requesting accommodation, management staff and the City’s bargaining agents, where applicable.

All parties may consult with the Human Rights Specialist in regards to accommodation of time required for religious observance.

LEAVE

An employee who requires time away from work for religious observance must make a request for that accommodation in writing to his or her supervisor or manager, as designated in the workplace. The request must:

- Identify the religious observance for which the accommodation is needed;
- Identify the nature of the accommodation required; and
- Indicate that the leave is being requested under the City’s Accommodation of Time Required for Religious Observance Policy.

Supervisors/Managers may require further information about religious requirements that necessitate accommodation in the workplace. The supervisor/manager must consult with the Human Rights Specialist before seeking additional information.

When time away from work is required for a religious observance, the employee is to make the request as soon as the specific date(s) is known or by the beginning of the calendar year, whichever is earliest. For employees covered by collective agreements, requests for time away from work for a religious observance must be made in accordance with the vacation scheduling requirements of the applicable collective agreement.

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.
A determination that accommodation cannot be provided is to be based on undue hardship and can only be made by the Director or General Manager in consultation with the Human Rights Specialist.

Reasonable accommodation of time required for religious observance may include, but is not limited to, the following options:

a) Scheduling changes (e.g. shift changes, alternate arrival and departure times on days when the employee cannot work for the entire period);

b) Use of compensatory time, such as banked lieu time, where applicable;

c) Use of flexible work arrangements, where applicable;

d) Leave of absence;

e) Vacation, subject to employee agreement in writing.

**TRAINING**

When scheduling training, conference attendance, seminars and vacations, please consult the Interfaith Calendar provided by Human Resources.

**LEGISLATION AND RELATED POLICIES**

- Ontario Human Rights Code
- Employment Standards Act, 2000
- Harassment and Discrimination Prevention Policy

**APPROVAL**

Approved by the Senior Management Team of the City of Hamilton on the 11th day of December, 2008.