

# Don't Let It Come Down To A Choice Between Ppe And Religion



There are nearly half a million Sikhs in Canada, maybe including some of your own workers, especially if you're in BC, Ontario and Alberta. Men of the Sikh faith wrap their hair with a turban called a pagri. It's an essential expression of their faith; but it also interferes with their OHS duty to wear a hardhat. As a result, Sikh workers have been excluded from areas of the workplace where hazards requiring head protection are present.

While employers seek to justify such exclusion as necessary for Sikh workers' own protection, it also brings into play the duty under human rights laws to accommodate workers' religious beliefs to the point of undue hardship. In 1985, the Canadian Supreme Court clarified that when push comes to shove, the employers' interest in ensuring workplace safety prevails over a worker's right to religious expression. In other words, the duty to accommodate doesn't require employers to let Sikh workers break the OHS laws and expose themselves and others to danger. However, employers are also required to take reasonable measures so that push doesn't come to shove and that Sikh workers aren't forced to choose between their job and their faith, such as by reassigning them to areas of the workplace where hardhats aren't required.

Until now, these rules have all come from the courts. But BC just became the first province to address the issue directly via OHS regulation. Starting Sept. 1, 2021, BC employers must review each area of a job site when determining if a person must wear head protection in that area. The regulation recognizes the validity of the hardhat-based exclusion but squeezes it to make it as geographically small as possible, leaving as much of the workplace area open to people of all faiths. It's an enlightened rule, one that all employers should follow no matter what part of Canada they're in.