

# Respirators v. Religion: Religious Objections to No-Beard Policies



On Sept. 1, 2021, BC became the first province to require employers to review each area of a job site when determining if a person must wear head protection in that area. The idea is to enable employers to avoid having to force workers of the Sikh faith to remove their turbans and don a hardhat. The message: While if push comes to shove, an employer's OHS duty to ensure a safe workplace takes precedence over its human rights law duty to accommodate workers' religious beliefs religious accommodations, employers must take reasonable measures to prevent a push-comes-to-shove situation.

Oddly, the new BC regulation is limited to the OHS duty to wear a hardhat and doesn't apply to the parallel situation where workers required to wear tight-fitting respirators refuse to shave their beards for religious reasons. Even so, the principles are the same.

Consider the recent Alberta case where a scaffolding worker claimed his employer's demand to shave his beard before using the tight-fitting respirator required for handling hazardous solvents violated his religious accommodation rights. The Alberta Human Rights Commission concluded that the requirement was a valid safety measure that the employer applied to all workers using tight-fitting respirators requiring a clean shave to create an effective seal. Moreover, the employer did accommodate the worker by removing tasks requiring respirator use from his job duties [*Kaynak v Milestone Scaffolding Ltd.*, 2021 AHRC 169 (CanLII), September 15, 2021].