

Case Law - Creed

Jazairi v. Ontario Human Rights Commission and York University

Divisional Court Decision - April 16, 1997

Key Words: Creed; Political Belief

Mr. Jazairi alleged that he was subject to discrimination based on creed. The Commission investigated the complaint and was of the view that the treatment of the complainant by the respondents was based on the complainant's political beliefs, not his creed. Consequently, the Commission decided not to refer this complaint to the board. The complainant judicially reviewed the Commission's decision, and argued that the ground of "creed" in the Code includes political belief.

The Divisional Court dismissed the application for judicial review, holding, among other things, that

- "Creed" does not include mere political belief; it requires an element of religious belief
- The Code, by omitting political belief, does not offend the Charter.

Pandori v. Peel Board of Education (1990)

Ontario Board of Inquiry, upheld on appeal

In this well known case, the school board's policy of banning all weapons in schools was applied to Sikh students wearing the ceremonial dagger known as the kirpan, despite this being worn as a part of religious practice. The Board found that the policy discriminated against Sikh student, and while placing restrictions on the size of the kirpan and how it could be worn, ordered that the board permit Sikh students to wear their kirpans to school.