

**COMMISSION DES DROITS DE LA PERSONNE
ET DES DROITS DE LA JEUNESSE
(hereinafter referred to as the “Commission”)**

FILES: MTL-014522
MTL-014523

COMPLAINANTS: Centre de recherche-action sur les relations raciales
(CRARR), on behalf of 113 students and F. G.

RESPONDENTS: École de technologie supérieure
-and-
R. N.

**INVESTIGATION
COORDINATOR:** Lucie Choquette

CASES examined and decided at the 510th meeting of the Commission des droits de la personne et des droits de la jeunesse, held on February 3, 2006.

RESOLUTION COM-510-5.2.1

(The original French version of this resolution is the only official version.)

COMPLAINTS

The complaints were filed by the Centre de recherche-action sur les relations raciales (CRARR) on behalf of 113 individuals and on behalf of F.G., in particular, as “members of a visible minority and of the Muslim faith” who were all students at the École de technologie supérieure (hereinafter referred to as the “ETS”) at the certificate, Bachelor’s and Master’s levels. The individuals gave written consent as required by section 74 of the *Charter of human rights and freedoms* (R.S.Q., c. C-12), authorizing the Centre de recherche-action sur les relations raciales to file complaints on their behalf with the

Commission. The complaints, dated April 1, 2003, were filed with the Commission on April 3, 2003.

The ETS was established in 1974, and is a component of the Université du Québec. Article 1 of its letters patent, adopted by government order on February 26, 1992, states that its object is to pursue “university-level instruction and research in applied engineering and technology, to further the technological and economic development of Québec [translation]”. The ETS is the only university-level institution in Québec offering engineering programs specifically designed for students holding diplomas of college studies in applied physics technology or computer science technology. In 2005, it had almost 5,000 students and 443 employees, including 145 teachers. Its budget was around \$55 million, 73% of which derived from grants from the Ministère de l’Éducation and 14% from tuition fees.

The complaints filed by the Centre de recherche-action sur les relations raciales against the ETS and a member of its administrative staff listed a series of incidents between September 2002 and April 3, 2003, the date on which the complaints were filed, and a list of demands made to the Commission.

Essentially, the complaints concerned the refusal, by the ETS administration, to provide a private space where Muslim students could perform their daily prayers, on the basis that the ETS was a lay institution. This refusal led, among other things, to the students bringing prayer carpets to pray in the stairwells. The complaint underlined that the administration then decided to collect the prayer carpets for security reasons, and then to remove the prayer carpets from the locker of the student who had offered to store them for his fellow students, under an in-house rule that lockers had to be padlocked at all times.

The complaints also referred to the refusal, by the ETS administration, to recognize the Association des étudiant(e)s musulman(e)s de l’École de technologie supérieure under its *Politique de reconnaissance des regroupements étudiants* (“policy on the recognition of student groups”). The complaints also mention that the administration posted signs to prohibit foot-washing in washbasins, and comments attributed to an administrator in the *Le journal de l’École de technologie supérieure* (“newsletter of the École de technologie supérieure”). The complaint made on behalf of the student F. G. alleges the same facts, and in addition reports his decision to leave the ETS on March 4, 2003, “following comments made to me personally and published in the ETS in-house newsletter, namely that if a student wants to practise his religion he just has to go to another university [translation].”

The Centre de recherche-action sur les relations raciales alleges that the actions of the ETS infringe the rights guaranteed by sections 3, 4, 10, 12 and 43 of the *Charter* on discriminatory grounds prohibited by the *Charter*, namely religion and ethnic or national origin. The Centre demands the application of various measures, including the provision of a safe, private space where prayers can be said with dignity, recognition of the Association des étudiant(e)s musulman(e)s de l'École de technologie supérieure, and the payment of monetary compensation as moral and punitive damages to each of the students who filed a complaint.

MAIN OBSERVATIONS MADE DURING THE INVESTIGATION

The investigation conducted by the Commission following the complaints led to a report that sets out the relevant facts and related evidence, in the form of documents and testimony.

The parties, in this case the Centre de recherche-action sur les relations raciales, the École de technologie supérieure and the administrative staff member concerned, were given an opportunity to express their point of view during the investigation and to provide the Commission with evidence to support their version of the facts.

With regard to the issue of prayers, the factual report shows, more specifically, that:

- The request for a place to say prayers was made by certain Muslim students in 1997, and was refused on the basis that the ETS was a lay institution. In practice, students said their prayers in an ETS classroom or in a stairwell. This informal practice was tolerated by the ETS administration.
- For Muslims, it is compulsory to pray five times a day, around 6:30 a.m., between 12 noon and 2 p.m., between 2:30 p.m. and 4:00 p.m., between 4:30 p.m. and 6:00 p.m., and between 8 p.m. and 9 p.m. Iman S. mentions that “Muslims must pray on a clean carpet, because during prayers we place our face on the carpet [translation].” He adds that prayers can be said individually or in a group, but that if more than one person is present, they must be said in a group. Before prayers, Iman S. states, ritual ablutions are compulsory. Concerning this point, several witnesses interviewed during the in-

vestigation stated that their religion authorized them to rub their wet hands over their feet or shoes, without performing a full ablution.

- In September 2002, a notice was posted in the stairwell stating that “the emergency stairs must remain free at all times [...] in case of an emergency [translation]”. The notice also stated that “personal belongings [translation]” had to be removed before September 13, 2002. According to the head of security, no problems had been raised until 2002, when some students began to leave their carpets in the stairwell between prayers, leading to the written notice asking them to remove them. He stressed that the lack of space required a tightening of the security standards. A letter from the senior administrator R.N., dated March 31, 2003, refers to the fact that “it is only a small group of individuals that fails to comply with the instruction to remove their prayer carpets [translation]”.
- The prayer carpets then began to be stored in a student’s locker, which was not padlocked to allow other students to pick up their prayer carpet when needed for prayers. The evidence shows that the carpets were removed from the locker by the administration on the basis of the *Règlement sur l’utilisation des casiers* (“*regulation on locker use*”) that required lockers to be padlocked at all times. The head of security explained that in the event of theft, the ETS would have been liable to prosecution.
- Several students complain that in parallel with these events, they were forbidden to pray in the stairwell. A petition signed by about 80 Muslim students would have then circulated to obtain the right to pray in the stairwell since no room was allocated for prayers.
- The testimony gathered during the investigation shows that a meeting took place, at an ulterior time, between G. F., a student on whose behalf the Centre de recherche-action sur les relations raciales filed a complaint, and the head of the administration, R.N., the head of facilities and another student. During the meeting, according to R.N., the discussion focused on “ways to reach a suitable accommodation [translation]”, leading to his proposal to publish a reverse timetable showing which rooms were free at various times during the day. Also according to R.N., the students emphasized that it was “absolutely necessary to have a room reserved for the prayers of Muslim students [translation]”. G. F. reports that R. N. insisted that the ETS was a lay institution.

- In December 2002, some Muslim students decided to pray in the entrance hall for a few days to make other students aware of their situation, an initiative that the ETS decided to terminate.
- Some Muslim students sent a letter dated January 29, 2003, to R.N. to highlight what they considered to be mistreated and asked him to respond “to their request to set aside a room for prayer, large enough to hold a large number of practising Muslims [translation]”. They also asked R. N. to recognize the right of Muslim students to set up an association and to grant recognition to the association, the Association des étudiant(e)s musulman(e)s de l’École de technologie supérieure, and to make a formal apology.
- In his reply dated March 31, 2003, the head of the administration, R. N., reiterated, among other things, that the ETS was a lay institution and denied any infringement of the students’ rights. He specified that it was not the intention of the ETS to “recognize student groups organized on a religious, sectarian or political basis [translation]”.
- In addition, R. N. mentioned in his reply that Muslim students could exercise their right to engage in prayer even if no room was specifically set aside for this, except in the entrance hall and cafeteria, out of respect for the other members of the university community. He stated that the ETS only prohibited leaving carpets in the stairwell for reasons of security. He pointed out specifically that “the classrooms are free during meal times, which is not the case in other universities in Québec [translation]” and that “all students are free to use them [...] during lunch hour and dinner hour [translation]”. Concerning the request for the allocation of a prayer room, R.N. stated that the ETS did not intend to allocate a room given that it was a lay, non-denominational institution.
- During the Commission’s investigation, the director, R.N., stated that “in my understanding of the laws governing Québec, unless a public institution has been given a specific religious mission, it is implicitly a lay institution [translation]”. He noted that since 1981 everything had operated smoothly, and that suddenly in 2002 the situation had appeared unacceptable to a few individuals. In February 2005, he added that since the filing of the complaint, the religious practices of the Muslim students were the same as before the events that gave rise to the complaint. They prayed in classrooms

that were free or in the stairwells and everything was running smoothly, as in the years prior to 2002.

- The statements made by the students questioned during the Commission's investigation show that most of them knew that the classrooms were free during the lunch and dinner hours. However, they said it was difficult to gain access to the classrooms because they were sometimes locked, or because other students stayed behind to study after class. They also stated that it was difficult for them to come together in a single place to pray and that it was inconvenient to have to change rooms every time.
- The investigation file contains a list of the leases in force, including the cost of each room and its size, along with an overview of room occupation for the year 2003-2004, all of which shows, according to the general secretary, that the rooms were occupied to their full capacity most of the time. He stated that to allocate a room for prayer would constitute an excessive constraint and would go against the lay, non-denominational nature of the institution. The evidence shows that the ETS is in a property development phase. Class timetables are determined for 13-week periods, three times per year.
- In its comments on the factual report dated March 31, 2005, the ETS reiterated that "the School has never prohibited and does not currently prohibit prayers in the stairwell at the third-floor level (or in empty classrooms) [translation]".

With regard to the application for recognition for the Association des étudiant(e)s musulman(e)s de l'École de technologie supérieure, the factual report indicates more specifically that:

- The objective of the *Act respecting the accreditation and financing of students' associations* (R.S.Q., c. A-3.01) is to allow student associations to receive official recognition, in the form of accreditation, from the institution attended by the students, along with related advantages.
- The *Politique de reconnaissance des regroupements étudiants (policy on the recognition of student groups)*, in force at the ETS since September 7, 1999, sets out the conditions on which recognition is granted to an association with general goals that represents all the students at the institution, as well as any student group with a sporting,

cultural or social vocation that pursues “goals and objectives that are compatible with the mission of the ETS [translation]”.

- Section 5 of the policy states that “since the ETS is a public lay institution, all students groups must be lay in nature and pursue activities in keeping with the mission of the institution [translation]”.
- A recognized association enjoys various advantages, including the possibility of using some of the institution’s resources in accordance with the policies in force. Section 5.2 of the policy states that a non-recognized group may organize occasional activities with the prior authorization of the students services office.
- The evidence shows that ETS has a student association with a general mission, several science and technology clubs, one cooperative service organization and one social group.
- The application for accreditation filed by the Association des étudiant(e)s musulman(e)s de l’École de technologie supérieure states that “the principal goal of the association is to make Islam better known as a culture and lifestyle, and to ensure the integration of Muslim students into the academic and social environment [translation]”. The Association des étudiant(e)s musulman(e)s de l’École de technologie supérieure describes itself as a non-profit, apolitical, sociocultural association working in accordance with the principles of the Islamic religion.
- In a letter dated October 20, 2001, the student services office wrote that “after examining your association’s Charter and the policy on the recognition of student groups, the administrative board of the École de technologie supérieure cannot grant your association recognition under the above-mentioned policy [translation]”. Later, in a letter dated March 31, 2003, the administrative director R.N. reiterated the refusal, stating that “it is not our intention to recognize student groups on a religious, sectarian or political basis [translation]”.
- During the investigation, R.N. stated on this topic that “Muslim students can form an association, but cannot be accredited by the institution under the rules (policy) [translation]”.

With regard to the posting of notices prohibiting students from washing their feet, the factual report reveals that:

- The complaints mention the offensive nature of the signs posted in January 2003, that included a pictogram surmounted by the words “foot-washing in the washbasins is prohibited [translation]”. According to the evidence, although most students perform a symbolic ablution of their feet, a minority wash their feet completely.
- Two of the witnesses interviewed during the investigation stated that (first witness) the notices “caused mild shock [translation]” and (second witness) “the notices were embarrassing and offensive [translation]”.
- In the view of the ETS, it was necessary to post the notices for reasons of safety and hygiene. The measure was taken after complaints were made by students and teachers.
- The administrative director, R. N. agreed to allow the notices to be posted:

The employees and other users complained that the washrooms were unclean during the ablutions; I myself prevented one student from continuing to wash his feet in the washbasin; he had one foot in the basin, and I asked him to stop and to clean the place up. The second problem was that they (the building service office) had been putting up notices for some time asking people to keep the place clean, and the notices disappeared and the foot-washing continued, that is why I authorized [D.] to install a pictogram screwed to the wall. [translation]

Concerning the comments attributed to the administrative director, R.N., the factual report indicates that, essentially:

- The complaints mention an article published on February 1, 2003 in the *Le journal de l'École de technologie supérieure (newsletter of the ETS)*, signed by student V. P., after a meeting with R. N. and student F. G. The following excerpts are attributed to R. N.:

No religious practice will be tolerated in the entrance hall. The ETS is a lay institution and is not required to provide rooms for worship purposes. Other engineering faculties nearby do not have rooms for that purpose.

[...]

The institution does not provide worship facilities, it is not in its mandate to provide them [...].

[...]

According to him, it is not the University's responsibility to pay the cost of a room for this type of activity. He suggests that the students concerned should rent a room close to the ETS to practise their religion.

[...]

The administration says it will place more emphasis on the lay nature of the institution in its promotional campaigns. "If students insist on practising their religion at school, they should choose another school. Religion is a choice, not possession of the truth." He also mentioned that the school is not required to offer all the services found in other universities. [...] [Translation]

- During the investigation, R.N. denied saying "If students insist on practising their religion at school, they should choose another school [translation]." He mentioned that student V. P. asked him, "What happens to a student who cannot study at ETS without having a dedicated prayer room [translation]." R.N. says he responded at length, saying that no university offered all its students all the services provided by other universities: "If it's important for a student to go skiing, he just has to choose a university that offers appropriate instruction, plus the service that he considers essential [translation]". R.N. added,

[V. P.] said to me: "Does that mean he should go and study somewhere else?" I replied it was up to him. It doesn't mean he's not entitled to pray. The discussion lasted around two and a half hours. The comments quoted by [V. P.] are untrue, they are an inaccurate summary, as they appeared. When [V. P.] quotes me as saying, "The institution does not provide worship facilities, it is not in its mandate to provide them," the meaning of the word "facilities" is the English meaning, which refers to a physical space – in other words, a room set aside for that purpose. [translation]

- R. N. denies saying to student F. G., at the meeting, as claimed by F.G., "I know all about you people and if you want to say your prayers you just have to change universities [translation]". He adds,

Religious practice has never been prohibited, it has always been permitted and the students are accommodated by using available classrooms, changing exam dates, etc., as the case may be (for example, for a Seventh Day Adventist, exams on a Saturday are moved to another day). In my opinion, accommodation is a better solution than a dedicated room. We will soon have a third building, and it is far better to have access to rooms in the same building where the students study.

The factual report also deals with the question of the ETS application form. The form is a document issued by the registrar's office and dated July 2005. An examination of the form shows that students wishing to register at ETS, when they sign at the bottom of the form, "undertake to comply with the rules of the ETS, and are specifically informed that the ETS is a public, lay institution with no rooms assigned for religious practices [translation]". (Emphasis added by the Commission)

DECISION

WHEREAS the Commission des droits de la personne et des droits de la jeunesse promotes and upholds, by all appropriate measures, the principles enunciated in the *Charter of human rights and freedoms*;

WHEREAS among the responsibilities assigned to the Commission, the Commission has a responsibility to make an investigation, on its own initiative or following receipt of a complaint, into any situation which appears to the Commission to be a case of discrimination within the meaning of sections 10 to 19 of the *Charter*;

WHEREAS the Centre de recherche-action sur les relations raciales (CRARR) filed complaints with the Commission under section 74 of the *Charter* on behalf of a group of 113 individuals and specifically on behalf of F. G., who are all "members of a visible minority and of the Muslim faith [translation]" and study at the École de technologie supérieure (referred to here as the "ETS") at the certificate, Bachelor's and Master's levels;

WHEREAS the complaints allege an infringement of sections 3, 4, 10, 12 and 43 of the *Charter*;

WHEREAS the Commission has conducted an investigation into the matter;

WHEREAS the parties, following the investigation, received a report of the relevant facts and related elements and were asked to submit their comments, in accordance with section 7 of the *Regulation respecting the handling of complaints and the procedure applicable to the investigations of the Commission des droits de la personne*;

WHEREAS the purpose of the investigation by the Commission is to seek any evidence allowing it to decide, pursuant to the first paragraph of section 78 of the *Charter*, whether it is expedient to foster the negotiation of a settlement between the parties, to propose the submission of the dispute to arbitration or to refer any unsettled issue to a tribunal;

WHEREAS, according to section 79 of the *Charter*, the Commission may propose any measure of redress to the parties;

WHEREAS, with regard to the allegations that the École de technologie supérieure refused to recognize the Association des étudiant(e)s musulman(e)s de l'École de technologie supérieure, that the decision not to accredit the association was based on the application of the *Politique de reconnaissance des regroupements étudiants* and that the policy does not recognize associations with a religious component;

WHEREAS the refusal to grant accreditation to the Association des étudiant(e)s musulman(e)s de l'École de technologie supérieure in no way prevents the Muslim students who filed a complaint from forming an association, since the Policy implicitly recognizes the existence of other students associations in section 5.2;

WHEREAS the investigation did not establish that the Muslim students who filed a complaint encountered a “substantial interference”¹ with their freedom of association because of the refusal to recognize the Association des étudiant(e)s musulman(e)s de l'École de technologie supérieure;

WHEREAS, in the view of the Commission, the evidence gathered is insufficient to show that the Muslim students who filed a complaint were subjected to a discriminatory infringement of their freedom of association;

¹ *Dunmore v. Ontario (Attorney General)*, [2001] 3 S.C.R. 1016, par. 23.

WHEREAS, with regard to the remarks allegedly made by the administrative director R. N., R.N., in his testimony during the investigation, contested the wording and scope of the words attributed to him in the article published on February 1, 2003 in *Le journal de l'École de technologie supérieure*;

WHEREAS R. N. also refutes the remarks attributed to him by student G. F. during a meeting;

WHEREAS, given the context, the Commission considers that there is insufficient evidence of discriminatory remarks by R. N.;

WHEREAS, with regard to the allegedly discriminatory nature of the notices prohibiting foot-washing in the washbasins, such notices, in the view of the Commission, cannot be considered to be notices, symbols or signs involving discrimination within the meaning of the *Charter*, given the context described by the ETS on the basis of its rules of safety and hygiene;

WHEREAS section 10 of the *Charter* reads as follows:

10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.
Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

WHEREAS section 10 of the *Charter* establishes the right to full and equal recognition and exercise of human rights and freedoms, without distinction, exclusion or preference based on the grounds listed;

WHEREAS discrimination within the meaning of section 10 exists when the distinction, exclusion or preference destroys or compromises the right to equal treatment;

WHEREAS the concept of freedom of religion, a right held by every person under section 3 of the *Charter*, has been defined as follows: "The essence of the concept of freedom of

religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination.”;²

WHEREAS the definition given to freedom of religion by the Supreme Court can also be applied to the prohibition, in section 10 of the *Charter*, of discrimination based on religious grounds, since “Freedom of religion and the right to protection against discrimination based on religion are largely interchangeable and, in practice, often overlap”;³

WHEREAS section 12 of the *Charter* stipulates that no one may, through discrimination, refuse to make a juridical act concerning goods or services ordinarily offered to the public;

WHEREAS universities offers services to the students they enrol, and the students are the “public”⁴ within the meaning of the said section 12;

WHEREAS, in this case, the combined effects of sections 10 and 12 of the *Charter* consecrate the right of Muslim students enrolled in the ETS to receive university-level instructional services in an equal manner, without discrimination based on their religion; WHEREAS as a result, in the view of the Commission, the students must not be disadvantaged in the pursuit of their studies at the ETS because they belong to the Muslim religion and comply with its rites;

WHEREAS more specifically, in the view of the Commission, the students concerned are entitled not to have to choose between their religious obligations and their attendance at a university such as the ETS;

WHEREAS, as it appears from the decision of the Supreme Court in *Simpson-Sears*⁵, “a natural corollary to the recognition of a right must be the social acceptance of a general duty to respect and to act within reason to protect it.”;

² *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, p. 336.

³ *Reflections on the scope and limits of the duty of reasonable accommodation in the field of religion*, February 2005, document adopted at 497th meeting of the Commission under resolution COM-497-5.1.2., page 8; José WHOERLING, “L’obligation d’accommodement raisonnable et l’adaptation de la société à la diversité religieuse”, (1998) 43 *R. D. McGill* 325, p. 328.

⁴ *University of British Columbia v. Berg*, [1993] 2 S.C.R. 353.

WHEREAS in this decision, the Supreme Court establishes the principle that the right to equal treatment creates an intrinsic duty of accommodation;

WHEREAS, given the context, the university teaching and research mission of the ETS and the fact that it claims to be a “lay institution” do not relieve it of its duty to accommodate students of the Muslim faith;

WHEREAS, section 3 of the *Act respecting the Université du Québec* (R.S.Q., c. U-1) stipulates that “The objects of the University shall be higher education and research, pursued in keeping with the principles of freedom of conscience and academic freedom befitting a university [...]”;

WHEREAS the reference to freedom of conscience in section 3 tends to confirm the duty of accommodation incumbent on the ETS, rather than the reverse;

WHEREAS the duty of accommodation is not absolute;

WHEREAS, in this regard, the Supreme Court has laid down the principle that the duty of accommodation has limits:⁶

In any society the rights of one will inevitably come into conflict with the rights of others. It is obvious then that all rights must be limited in the interest of preserving a social structure in which each right may receive protection without undue interference with others.

WHEREAS this principle, as developed by the Supreme Court, has set undue hardship as a limit, “whether that hardship takes the form of impossibility, serious risk or excessive cost”;⁷

WHEREAS with regard to the notion of undue hardship, the doctrine⁸ proposes a classification of the various factors taken into account in the workplace;

⁵ *Ont. Human Rights Comm. v. Simpsons-Sears*, [1985] 2 S.C.R. 536, p. 554.

⁶ *Idem*, pp. 554-555.

⁷ *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, [1999] 3 S.C.R. 868, par. 32.

WHEREAS these factors⁹ can be used as guidelines in cases that, like the case under discussion, do not involve employment, such as the actual cost of the accommodation requested compared to the budget of the institution, the hindrance to the other services offered by the institution, or the infringement of the rights of others;

WHEREAS, after an assessment of these factors, the Commission considers that the allocation of a room exclusively reserved for the practice of a given religion could constitute undue hardship, since it could lead to other similar demands;

WHEREAS, with regard to the facts in dispute, the chronology of events and the evidence as a whole gathered during the investigation tend to show that the ETS failed to fulfil its duty of reasonable accommodation;

WHEREAS the failure to fulfil its duty of accommodation places the ETS in contravention of sections 4, 10 and 12 of the *Charter*;

WHEREAS, in the view of the Commission, the duty of accommodation incumbent on the ETS in this case requires it to allow Muslim students to pray, on a regular basis, in conditions that respect their right to the safeguard of their dignity;

WHEREAS the Commission feels bound to point out that, while an employer or institution must propose an accommodation, the other party must collaborate and has a duty to facilitate the implementation of the proposal;¹⁰

ON THESE GROUNDS, taking into account the interest of the public and of the victims, the Commission proposes that the respondent, the École de technologie supérieure, apply the following corrective measure:

PROPOSE an accommodation to the plaintiff, that ensures that students of the Muslim faith attending ETS are able to pray, on a regular basis, in conditions that respect their right to the safeguard of their dignity;

⁸ Christian BRUNELLE, *Discrimination et obligation d'accommodement raisonnable en milieu de travail syndiqué*, Éditions Yvon Blais, 2001.

⁹ *Ibid.*, pp. 248-251.

¹⁰ *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 S.C.R. 970, note 7.

INFORM the investigation and regional representation division, within 60 days of receipt of this decision, of the steps taken to implement the corrective measure.

WHEREAS, in addition, the investigation has revealed that a student enrolling at the ETS undertakes, as stated in the application form, to comply with the rules of the ETS, and are specifically informed that the ETS is a public, lay institution with no rooms assigned for religious practices"; (emphasis added by the Commission)

WHEREAS, in the view of the Commission, the underlined words reflect a rigid attitude that is incompatible with the duty of reasonable accommodation incumbent on the ETS, namely to allow students of the Muslim faith to pray, on a regular basis, in conditions that respect their right to the safeguard of their dignity;

ON THESE GROUNDS, taking into account the interest of the public and of the victims, the Commission proposes that the respondent, the École de technologie supérieure, apply the following corrective measure:

REMOVE from its application form the words "with no rooms assigned for religious practices";

INFORM the investigation and regional representation division, within 60 days of receipt of this decision, of the steps taken to implement the corrective measure.

Furthermore, the Commission des droits de la personne et des droits de la jeunesse instructs its investigations and regional representation division to report to it on the action taken by the École de technologie supérieure in response to the corrective measures outlined above.

Resolution adopted unanimously by the members of the Commission at its 510th meeting held on February 3, 2006 under resolution number COM-510.5.2.1.

DOSSIER MTL-014682

CP-448.4

/17

TRUE EXTRACT made at Montréal,
on March 20, 2006

Michèle Morin, advocate
Secretary of the meeting