

"We feel it, it breaks us but we can't describe it"

Community Report

Huquq: Muslim Women's Education and Awareness Program

June 2019-March 2020



Canada



Acknowledgments

Coalition of Muslim Women of KW (CMW) would like to extend its gratitude to the Department of Heritage, Government of Canada for the generous support to HUQUQ: Muslim Women's Human Rights Education Program.

We are also grateful for the trust and participation of hundreds of Muslim women, community members, and Community organizations including the service providers who have joined the workshops, participated in the discussion forums and contributed to the survey conducted by CMW at the beginning of the project.

Finally, CMW appreciates the efforts of staff, volunteers, partner organizations and all those who enabled the implementation of this pilot initiative, including those who provided resources, offered venues for the workshops and disseminated information about the project activities to the larger community.



Introduction & Summary

Coalition of Muslim Women of KW (CMW) with funding from the Department of Heritage, Canada implemented a pilot initiative that aimed at addressing discrimination faced by Muslim women in areas of work, housing and services in Waterloo region. The project entailed conducting training workshops for Muslim women, youth and community members as well as the service providers, building partnerships with relevant stakeholders and providing support and resource to those who have been subject to discrimination.

We initiated the project with a survey that was completed by 53 Muslim women and girls. Most of the respondents had expressed having experienced one or multiple instances of discrimination in school, at work, in public, in services and in housing. The challenge faced by Muslim women can also be two fold at times, racism and Islamophobia combined with gender based discrimination that still exists in the society.

Muslim women and girls who participated in the project shared their experiences of discrimination in different areas including school, work and housing. These experiences of discrimination ranged from negative and harmful slurs to holding off resources and opportunities. The project made an effort to document some of those experiences with full respect to individual's privacy and confidentiality.

The project provided opportunities for over 250 youth, women and community members to learn their rights and also connected with over 50 members from service providers active in the region with the workshops on Ontario Human Rights Code and its application in their work.

Why this report:

- Learning about protection for minorities in Ontario
- Encouraging service providers, employers, landlords to consult Ontario Human Rights Code in their policies and day to day work
- Sharing examples of explicit and implicit forms of prejudice and discrimination faced by Muslim women in the region
- Presenting recommendations from clients to service providers, employers and landlords

Muslim women, community members and service providers also had opportunities to identify and discuss the prejudice and discrimination faced by Muslim women in schools, in housing and in services across the region and alternative solutions.

Waterloo region is changing with an increasing number of immigrants and newcomers. In 2018, over 100,000 visible minorities that includes Muslims were residents of the region. This changing demographic requires inclusion and initiative to deliberately ensure everyone is included and that no individual is experiencing any barriers or is deprived of opportunities, jobs or services. Therefore, the Ontario Human Rights Code is an important tool for ensuring inclusion, and addressing the barriers faced by Muslims or any religious, ethnic, racial or other minorities in the society.

This report which is the outcome of the Huquq project is an attempt in the above mentioned direction discussing some of the challenges of discrimination and prejudice, but also duties and responsibilities of employers, service providers, landlords and all of us in creating and maintaining a discrimination free society.

*Region of Waterloo Profile : <https://www.regionofwaterloo.ca/en/doing-business/demographics.aspx>



Ontario Human Rights Code

Ontario Human Rights Code or the Code is a provincial legislation that protects religious and ethnic minorities and many other social categories in five social areas of employment, housing, contract, services, membership in unions and associations.

The Code is being implemented through the Ontario Human Rights Tribunal that responds to individual complaints of discrimination, the Ontario Legal Support Center providing legal aid to individual complaints and the Ontario Human Rights Commission that works for awareness raising and advocacy around the Code and its application. The Code deals with issues of discrimination and harassment and details the responsibilities of employers, service providers and landlords to address the specific needs of people with specific religious, ethnic, racial or other code protected identities. The Code calls it organizations "duty to accommodate" and it's a legal duty of the employers, service providers and landlord to accommodate the needs of protected people up to the highest possible levels.

Accommodation ensures that individuals are not denied any service, opportunity, job, contract or housing because they relate to a specific ethnic, religious or racial group and instead tries to address the barriers and ensures inclusion.

Duty to accommodate in employment might requires further changes in an individual job description, modifying rules and regulations, flexible time off, changes to work station or work facilities or other religious holidays to a possible degree that it doesn't pose any health and safety risks for the organization or company.

* For more information on Ontario Human Rights Code see: <http://www.ohrc.on.ca/en/ontario-human-rights-code>

Examples of religious based accommodation:

- Ramadan Consideration
- Networking and promotion opportunities should not be limited to socialization as Muslim women might have challenges in attending
- Issues of Pork and Alcohol, Halal food
- Prayer observance (time, space)
- Creed-based exemptions (curriculum, activities)
- Dress codes, appearance rules
- Creed-based holidays, leaves, and ritual observances

Background

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|---------------------------|---|
| Population | 583,500 (2016) |
| Visible Minorities | 100,500 (20% of the population) 2/10 |

*Region of Waterloo 2018 Community Profile

The recent demographic survey shows that there is a growing population of immigrants and newcomers in the region that constitutes around 20 Percent of the total population in the region. This means that 2 out of every 10 residents of Waterloo region belong to a visible minority group. The provincial growth plan indicates the total population of the region up to over 740,000 by the year 2031. The unofficial number of Muslims living in the region vary between 25-30 thousand individuals.

These statistics are indicative of the changing demographic in the region but also the evolving market and outlook of the communities living here. The demands and supply theory of a positive business environment requires understanding the needs of the clients and customers. Same applies to the services and jobs in the region. The changing workforce and the changing landscape for the workforce, therefore, different needs do arise.

The Huquq project was commenced with a survey that asked questions about Muslim women's experiences in the last 5 years in the region. 53 women participated in the survey and more than half of the respondents said that they had experienced some form discrimination in their lives at work, in school, around issues of housing or overall. While over 88% of the respondents said Muslim women face discrimination in Waterloo region. Many of the respondents thought that most instances of discrimination happen in employment (n=45) and health and education (n=31). However, they also shared that they had similar challenges with accessing housing as well. While asking about the solutions, almost all the respondents expressed lack of awareness and information about resources that they can seek help or report the discrimination. Some also believed that their understanding of discrimination also resulted in not being able to seek help or even report the incident.

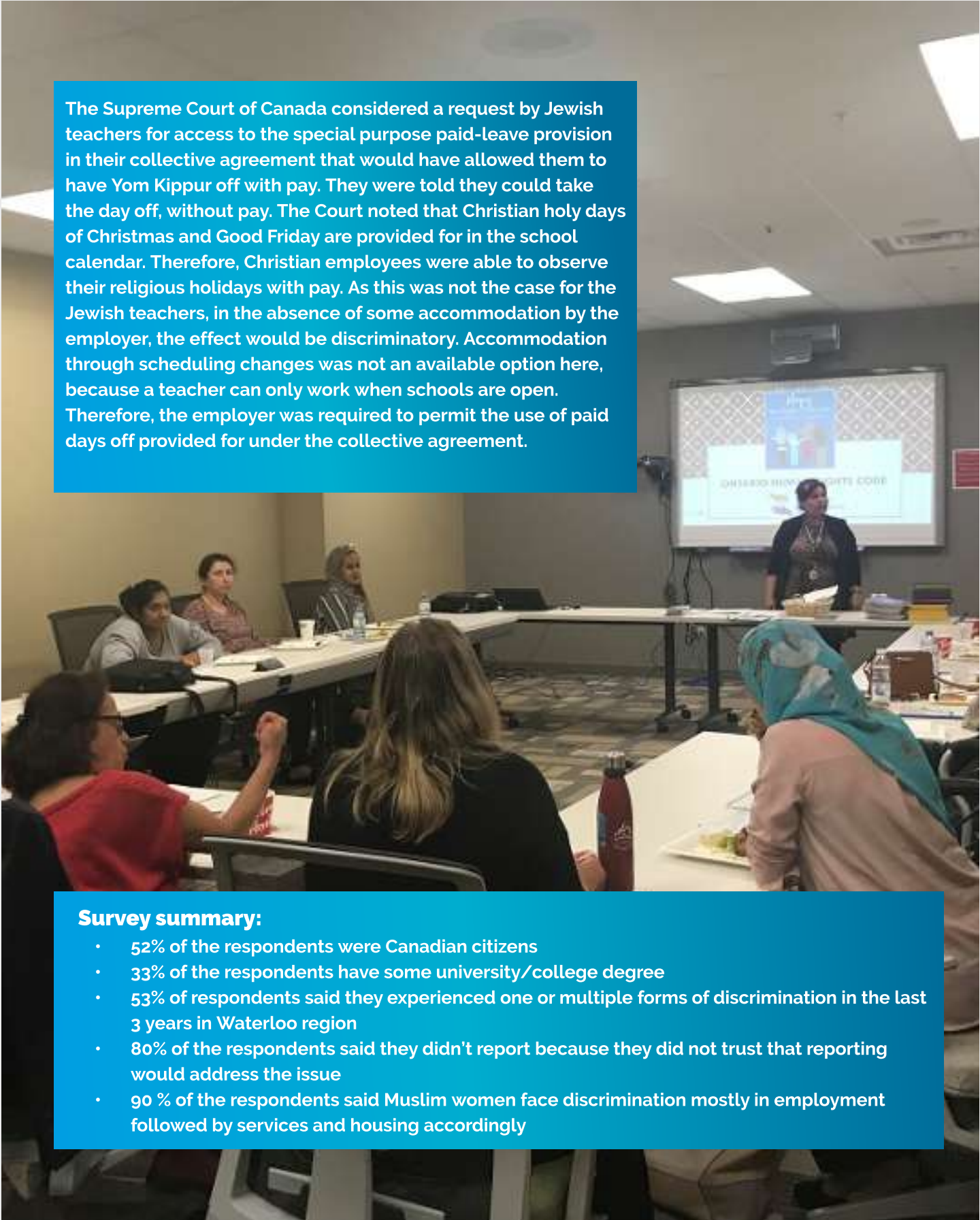
The Huquq project focused solely on the Ontario Human Rights Code as a tool of awareness and education for Muslim women and their communities, but also to the service providers, landlords and employers in the region. The training workshops provided basic awareness about the knowledge of discrimination and the solutions offered by the Code. The workshops for Service providers discussed the organizational responsibilities as part of the "Duty to Accommodate" principle from the Code and strategies for organizations to apply the Code in their work.

The project also convened a number of forums with specific themes of access to services (mostly on education) and accessing housing and accommodation in the region. These forums invited the relevant actors from the sectors both government and commercial and provided an opportunity for Muslim women and their community to share their concerns around discrimination and prejudice in education and housing sectors. These house full forums was a networking and creating linkages platform for the service providers to meet and greet their current and potential clients and partners.

Some of the challenges and barriers faced by Muslim students in schools included lack of understanding and cultural sensitivities towards their religious and cultural identity. Some expressed concerns that the schools are not well equipped with skills to address hate messages or slurs against Muslim students and this created isolation and mental ill-being for Muslim girls and Muslim students. Lack of culturally and religiously sensitive extra-curricular activities were also brought up by the participants like the requirement of wearing shorts, the challenge with evening schedules, the lack of considerations for Ramadan and other religious holidays' issues etc.

Another major area of challenge faced by Muslim women and their communities is the access to housing. Though access to accommodation and housing is a human right as per Canadian federal and provincial laws, Muslim women and communities expressed they face prejudice and discrimination in this area. They shared barriers from being able to view a house or apartment to being able to rent and lease it due to the imposition of a number of extra requirements on them due to their ethnic or creed identity.

<https://www.regionofwaterloo.ca/en/doing-business/demographics.aspx>



The Supreme Court of Canada considered a request by Jewish teachers for access to the special purpose paid-leave provision in their collective agreement that would have allowed them to have Yom Kippur off with pay. They were told they could take the day off, without pay. The Court noted that Christian holy days of Christmas and Good Friday are provided for in the school calendar. Therefore, Christian employees were able to observe their religious holidays with pay. As this was not the case for the Jewish teachers, in the absence of some accommodation by the employer, the effect would be discriminatory. Accommodation through scheduling changes was not an available option here, because a teacher can only work when schools are open. Therefore, the employer was required to permit the use of paid days off provided for under the collective agreement.

Survey summary:

- 52% of the respondents were Canadian citizens
- 33% of the respondents have some university/college degree
- 53% of respondents said they experienced one or multiple forms of discrimination in the last 3 years in Waterloo region
- 80% of the respondents said they didn't report because they did not trust that reporting would address the issue
- 90 % of the respondents said Muslim women face discrimination mostly in employment followed by services and housing accordingly



Individual cases of discrimination and racism

These are some examples collected during the project implementation
'individuals' identities, places, date and any other identifiable information have been omitted or replaced for purposes of privacy and confidentiality

Experiences of discrimination in employment

A Muslim woman is hired in a community organization as an effort to serve the Muslim communities based on organization's inclusion policies. She comes to work with little confidence (she is a refugee from a war zone). Her supervisor gets very irritated as she makes mistakes. There is another male employee in the organization (Another ethnicity) who continues to bully her and she suffers in silence. After 4 months, she is depressed and unwell. She is fired by the supervisor for poor performance.

A young Muslim man with beard enters the building around 8.30 am while the building opens to public at 9:00 am. The security guard yells at him and asks him to leave, the young man gets upset and starts yelling too. The young man is here in the building for a job interview and after this incident, he does not get the job and the interview was not done well. The HR manager who was in the interview was the one that had also asked the security guard to be vigilant about "suspicious" people entering the building and this person of color with beard seemed "suspicious" to the guard. Young Muslim man does not get the job and claims that he was racially and religiously discriminated.

Karima is a graduate of customer services certificate program and she works at a retirement residency as resident support member. She has worked here for the past 5 years and has been termed as the best employee of the month five times already. She was recently informed that while serving the elders in her floor, she has to serve them alcohol too. Karima tells her supervisor that she is a Muslim and her religion does not allow her to do so. The supervisor says, we have no other option and its part of your job so if you cannot, you can look for another job. We can give you two months to find another job.

A Muslim woman run a child care service from home with support from an agency. She starts having issues with her supervisor based on the supervisor's degrading attitude towards her Hijab, clothing, her spicy food and her overall outlook. The Supervisor overtime becomes more negative towards this woman and creates excuses to terminate her contract with the agency. This woman puts all her efforts and financial investments to turn her daycare into a safe and acceptable day care but things get worse between her and the supervisor. Since this woman tries hard to speak with people in senior leadership about her issues, the supervisor ensures that all those people are given negative information about this woman. Eventually, her contract is terminated and she loses all her investment in her daycare. She was not provided with any warnings. There is no evidence of wrong doing other than the supervisor's testimony that she witnessed wrong doing.

Experiences from schools and universities

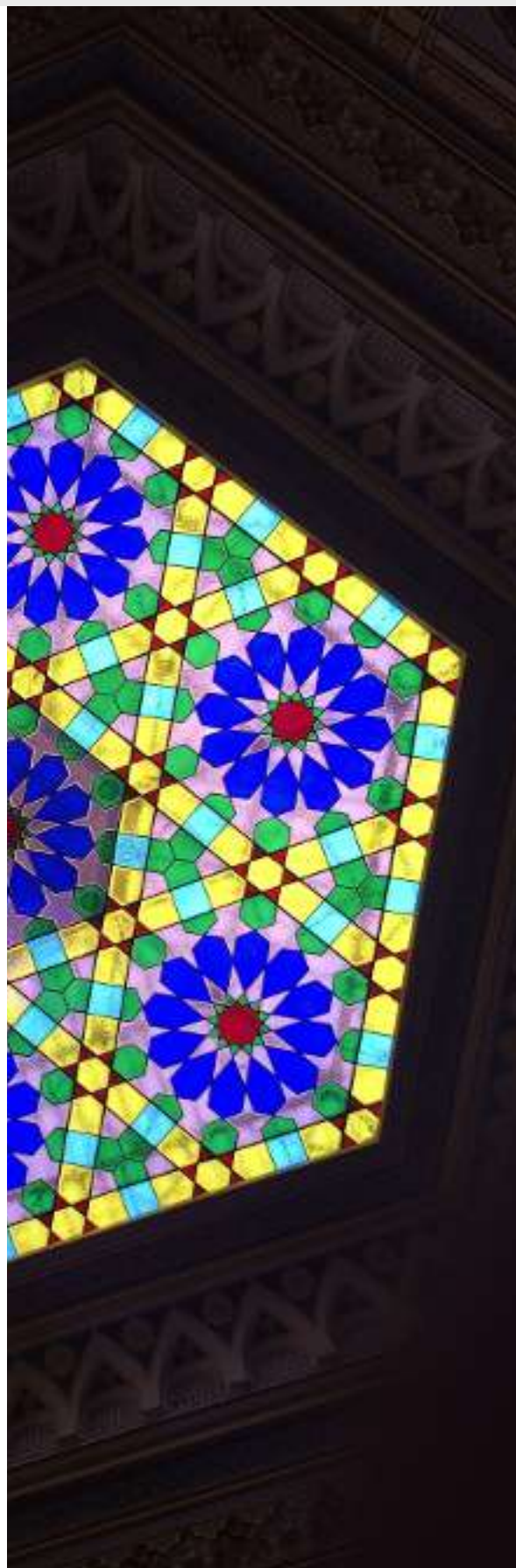
"I can't wear the shorts for the sports day as I am a Muslim girl and it has taken me years to continue expressing my concern but I am not allowed to play without shorts. I feel I am excluded from my own school activities and it's painful." A student

"I and my sister were walking on the sidewalk towards the bus station after school. A young boy (from our school) was coming towards us with a water bottle in his hand. When he reached to us, he poured all the water on my sister's head (Hijab) and made fun of us. We were left speechless and didn't know what to do. We cried hard." A Student

"I was told by my school friends that they had seen my picture on school's Facebook page and I didn't know it. I tried to find out and it was posted with a comment that these Muslims invaded our cities and now our schools. I was so scared and terrified. I went to the principle and while they knew who had done it, he was asked for a written apology but it never happened. I stopped going to school for days due to fear and anger I had because of this incident. I didn't get any help." A student

"I used to bring food from home. My classmates started making fun of my food and calling me smelly and this led to many people not even talking to me or sitting close to me. I became depressed and isolated and was embarrassed to even talk to anyone. Some of my teachers knew it and didn't do anything to stop." A student

"I used to wear Hijab and my traditional clothes and take my daughter to school. No one from teacher to parents would even talk to me, I would just look around and smile at people but no one would even reciprocate. I started noticing that my daughter didn't have any friends in school and when I tried to find out about her friends, she told me that her friends make fun of my clothes. I didn't take it serious but the next time when I saw the kids were laughing at me and telling my daughter that what your mom is wearing, she looks funny, and it made me disappointed. I spoke with the teacher and the principle and realized they had no skills to deal with situations as such. I had to change my clothing and removed my Hijab because I didn't want my daughter to suffer." A community member





Experiences from housing and accommodation

"I am a Muslim woman and wear Hijab. I went to the open house for a rental apartment along with my child. There were 10 other people as well and while the land lord distributed the application form, he didn't even give one to me while I was standing right in front of him. I went and asked him for an application, he said it's a waste of application paper because I won't be approved for the apartment since I don't meet the requirements. I asked him how he knew, he didn't even respond to me and I had to take my child and leave." A community member

"I live in community housing. My neighbor's child had a fight with my son and eventually it turned into a conflict of elders when we parents were involved. The neighbor said you people that come from those backward countries and don't know how to live in a community, should be kept in a camp for years until you learn some manners because your religion makes you the worst people. Things got worse between us and every time something wrong would happen to me or my children that we didn't know who did. For example, my child's cycle was left broken in front of the house, or my car was scratched purposely, my chair from the porch was broken and thrown on the street and when I went to the community worker, she couldn't help me at all. She didn't even understand my issue. I had to leave as living in that community became a nightmare for me and my kids." A community member.

"The kind of discrimination we as visible Muslims and minorities face is very hard to prove since it's implicit. We feel it, it breaks us, but we can't describe it. You go to a house or apartment showing or approach a housing manager, and the way they treat you is painful. They hardly respond to your questions, you don't get the proper support nor advice. You are asked to provide so many documents that you see yourself that someone who isn't a visible Muslim and minority doesn't have to provide." A community member

Recommendations

These recommendations came from the participants of the survey, training workshops and monthly forums as part of the HUGUQ project.

For everyone:

1. Ontario Human Rights Code trainings shall be made mandatory for the organizations, employers, services leadership (government, nonprofit and commercial) to all levels of the staffing. The trainings should be focused on addressing barriers and the organizations duty to accommodation and can be done in different stages starting from introduction to more advanced policy level workshops.
2. Internal procedures for complaints is an effective measure to listen to the staff, partners and clients complaints about the challenges they face and an internal mechanism to review and address those complaints involving the senior leadership will have an effective result for all. Many people are not able to put their experiences in discrimination terminology though want to share the experience. Therefore, starting with an internal complaint mechanism will pave the way for all to share their unpleasant experiences in the organization, company, service provider, housing complex etc.
3. Having anti-harassment and anti-discrimination policies in place and assigning a focal point responsible for their enforcement in the company, organization, factory, restaurant, gym, school, university, and anywhere will improve the working environment and the productivity for all. Therefore, having these policies in place, making everyone aware about them and eventually enforcing them equally on all is an important beginning for any inclusive and productive collective.

For School Boards:

1. Mandatory training on Ontario Human Rights Code and its application for all principals, teachers and the staff working in schools ; in intervals and refreshers
2. Diversity among students can be challenging at times. Team building, pairing up for projects, learning about each other's culture, food, music, families and celebrations can connect the students on a human to human level and it has huge impact on their interpersonal relationships with each other. These activities shouldn't be considered extra-curricular and optional but should be integrated into the overall school day activities
3. Teachers need to be equipped with skills and training on how to manage conflicts and difficult behaviors among student who come from racialized and other religious minorities when they are excluded and discriminated by another student or anybody else in a schools.

For Housing Managers and Housing providers:

1. The Human Rights Code of Ontario requires the landlords to apply equal rules for all tenants and their rules should not be applied on ad hoc basis based on a tenant's religious, cultural, ethnic, and racial or any other grounds. For example, if a landlord requires the tenant applicant to provide guarantor to pay rent if they cannot pay themselves, this rule should apply to all the tenants under that particular landlord housing or apartment complex.
2. Participants of the Region's community housing have expressed challenges with their neighbours and the lack of sensitivity among the housing supervisors or housing workers in general about specific religious, racial or any other grounds. CMW heard experiences where individuals had to leave a poisoned environment created as a result of tensions with their neighbors and the housing supervisors did not seem to be able to resolve or understand the challenges.

For employers and service providers:

Ontario Human Rights Code requires the employers to ensure that their policies, regulations and processes implement the Code and address any barriers faced by minorities or those whose rights are protected under the Code. The Code requires employers to accommodate or address the needs of people without depriving them of equal opportunities for finding and keeping a job. This accommodation can include paid religious holidays, time off and job modification for employees with specific creed or religious needs. Specific actions include:

1. Training Human Resource employees on duty to accommodate and the Human Rights Code
2. Educating staff, partners and clients in Human Rights Code
3. Periodic expert consultation on the Human Rights Code and its application
4. Awareness raising sessions and discussions for the senior management
5. Awareness raising sessions for the staff led by them for other staff members
6. Ontario Human Rights Code requires the employers to ensure that their policies, regulations and processes implement the Code and address any barriers faced by minorities or those whose rights are protected under the Code.
7. The Code requires employers to accommodate or address the needs of people without depriving them of equal opportunities for finding and keeping a job. This accommodation can include paid religious holidays, time off and job modification for employees with specific creed or religious needs. The need for religious accommodation should be part of the organizational human resource policies and staff, partners and clients should be made aware of these policies.
8. Employees with different ethnic and religious identities bring in different experiences and expertise however, for them to be able to confidently engage with the rest of the team (where they are a minority) there has to be deliberate initiatives from the senior management to ensure inclusion and building team spirit among all.
9. Employers and service providers also responsible to prevent and address any form of discrimination and harassment in their organizations and projects, or services. Therefore, having specific policies addressing discrimination and harassment, discipline measures, and informing the staff, employees and the clients about those policies is crucial. Unions should also ensure to educate staff and members about their rights protected under the Code.

Human Rights Tribunal Decision:

An employer breached the Human Rights Code when it suspended an employee because, for religious reasons, he refused to sell tickets to a social event at which alcohol would be sold. The man asserted that he must abstain from consuming alcohol and must not encourage its use in any way. The Human Rights Tribunal found that once the employer learned of his religious objection, rather than suspending the employee, it should have accommodated him by having someone else sell the tickets.

Accommodation by a service provider:

A woman in a transition shelter facility requires vegetarian food options and or Halal meat, based on her creed. Due to her illness, she isn't able to make her own food nor able to buy it from outside. The service provider has a duty to accommodate her creed-based food requirements up to the point of undue hardship by making appropriate food options available to enable her to stay at the shelter because besides vegetarian options, she also needs nutrition and protein for health reasons.

Conclusion and Way Forward

HUQUQ was a first of its kind project in the region. The project created a momentum and willingness from Muslim women and community members to participate in training workshops, monthly forums and consultations. These efforts focused on addressing all forms of discrimination and prejudice faced by Muslim women and community in areas of employment, services and housing. For the majority, it was the first time they heard about the Ontario Human Rights Code. The workshops for service providers was an important opportunity to review the organizational policies and procedures on anti-harassment and anti-discrimination. Feedback from the service providers show that these workshops helped them see their effectiveness, outreach and inclusiveness overall.

Since this was a pilot initiative and the idea of Human Rights Code training was tested and applied, CMW proposes continuation of this initiative with further modifications in the project design. While training workshops are important for service providers, thematic conversations among youth and women from the Muslim community are recommended.

Regular consultations and refresher trainings with the employers and service providers in the region have been recommended by the service providers, their staff and community organizations. Project participants recommended focusing the next project on issues of employment and housing.



References:

Ontario Human Rights Code:

<http://www.ohrc.on.ca/en/ontario-human-rights-code>

Human Rights Tribunal of Ontario: <http://www.sjto.gov.on.ca/hrto/>

Ontario Human Rights Commission: <http://www.ohrc.on.ca/en>

Ontario Human Rights Legal Support Center: <http://www.hrlsc.on.ca/>

Region of Waterloo 2018 Community Profile:

<https://www.regionofwaterloo.ca/en/doing-business/demographics.aspx>

Know Your Rights and Responsibilities: A guide for Canadian Muslims, National Council of Canadian Muslims (NCCM), and Canada

