

Is “Ethical Veganism” Considered a Prohibited Ground of Discrimination?

In 2017, Adam Knauff, an Ontario firefighter, was working for his employer - Ontario’s Ministry of Natural Resources and Forestry in British Columbia - fighting forest fires. Mr. Knauff is a self-described “ethical vegan” and has filed a complaint with the Human Rights Tribunal of Ontario claiming that his employer did not provide him with enough vegan food to sustain him while he was fighting forest fires. He also alleges that he was suspended for raising the issue.

The heart of his argument is that ethical veganism is more than just a dietary choice, but a moral belief to not consume or use animal products and therefore would fall under the prohibited ground of “creed”.

In 2015, the Ontario Human Rights Commission (OHRC) released a policy on preventing discrimination based on creed which extended the definition of creed to apply to non-religious beliefs. The release of this publication caused many to raise claims that the policy extended protection against discrimination on the basis of creed to cover ethical veganism. The OHRC, clarified to state that:

“The Policy does not say one way or the other whether ethical veganism is a creed. Indeed, it is not the OHRC’s role to determine whether or not a certain belief is a creed. Specific facts and context are needed for those kinds of determinations to be made. Ultimately, courts or a Tribunal will make those kinds of decisions.”

The OHRC states that the following five key considerations should be taken into account when considering whether or not a belief may be protected under the *Human Rights Code* ground of creed. Is the belief:

- Sincerely, freely and deeply held
- Integrally linked to a person’s identity, self-definition and fulfilment
- A particular and comprehensive, overarching system of belief that governs one’s conduct and practices



- Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a creator and/or a higher or different order of existence
- Has some connection to an organization or community that professes a shared system of belief

In light of the considerations outlined above, could Mr. Knauff's complaint have merit? If the Tribunal finds that the Ministry of Natural Resources and Forestry did in fact discriminate against Mr. Knauff, there will likely be far reaching implications for employers in Ontario.

If you have any questions regarding human rights or discrimination, please contact e2r® to speak with an Advisor.

