



e2r Alert!

Objection to mask-wearing for personal reasons is NOT subject to human rights protection!

The British Columbia Human Rights Tribunal recently refused to hear a case regarding an employee's objection to wearing a mask at work. In *The Worker v. The District Managers (2021 BCHRT 39)*, the employee told his manager that wearing a mask was against his "religious creed". He was sent home from work and subsequently terminated. The employee filed a human rights complaint alleging that he had been discriminated against since his refusal to wear a mask was part of his religious belief system.

The Tribunal found that the employee's objection to wearing a mask was based on his personal preference and opinion, not a belief or practice that is protected from discrimination on the basis of religion. It is worth noting that the Tribunal dismissed the complaint at the screening stage.

While this case is pro-employer (and pro-common sense), each refusal should be assessed on its particular facts and, in some cases, further inquiry into the refusal may need to be made before concluding the refusal is not protected.

In any event, this decision suggests that blanket refusals based upon personal preference without any real link to a prohibited ground will not be successful. Interestingly, screening decisions are not typically published but British Columbia's Human Rights Tribunal elected to do so here in response to the high volume of complaints being filed in connection with mandatory masking policies.

If you have any questions regarding the above, please do not hesitate to reach out to speak with an e2r™ Advisor.