



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Adam Knauff

Applicant

-and-

**His Majesty the King as represented by the Ministry of Natural Resources and
Forestry**

Respondent

DECISION

Adjudicator: Karen Dawson
Date: November 29, 2023
File Number: 2018-32727-I and 2022-49438-I
Citation: 2023 HRTO 1729
Indexed As: **Knauff v. Ontario (Natural Resources and Forestry)**

APPEARANCES

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| Adam Knauff, Applicant |) | Wade Poziomka and Ashley Wilson, Counsel |
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| His Majesty the King as Represented by the Ministry of Natural Resources and Forestry |) | Shiran Brener, Padraic Ryan and Erika Montisano, Counsel |
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[1] The applicant filed two Applications against the respondent alleging violations of the *Human Rights Code*, R.S.O. 1990, c. H. 19 (the “Code”). In the Application bearing file number 2018-32727-I (the “2018 Application”), the applicant alleged reprisal and discrimination in employment based on creed, contrary to the *Code*. In the Application bearing file number 2022-49438-I (the “2022 Application”), the applicant alleged only discrimination in employment based on creed.

[2] In due course, the Tribunal scheduled a preliminary hearing to determine:

a. whether to dismiss all or part of these Applications on the basis that the Tribunal lacks jurisdiction. It is unclear whether the applicant can establish that a *Code* ground is engaged. It is unclear whether the applicant’s practice of ethical veganism constitutes a creed under the *Code*.

b. If the files should be consolidated.

[3] The preliminary hearing took place by video conference and all parties participated through their legal counsel. I note, however, that the respondent took no position on whether the applicant’s practice of ethical veganism constitutes a creed under the *Code*. It made submissions only on the test to be applied in determining what the term “creed” means under the *Code*.

ANALYSIS AND DECISION

[4] The Tribunal’s jurisdiction is limited to enforcement of the *Code*. The *Code* only prohibits actions that discriminate against people based on their enumerated ground in a protected social area. This means that the Tribunal does not have jurisdiction over general allegations of unfairness unrelated to the *Code*. See *Hay v. Ontario (Human Rights Tribunal)*, 2014 ONSC 2858, *Bello v. Toronto Transit Commission*, 2014 ONSC 5535, *Groblicki v. Watts Water*, 2021 HRT0 461 and *Mehedi v. Mondalez Bakery*, 2023 ONSC 1737.

[5] The applicant asserts that he is an ethical vegan, and that ethical veganism is a creed and therefore an enumerated ground under the *Code*. The *Code* itself does not define creed.

[6] In its 2015 “Policy on Preventing Discrimination Based on Creed” (the “Policy”), the Ontario Human Rights Commission (“Commission”) stated the following characteristics are relevant when determining if a belief system is a creed under the *Code*. A creed:

- Is sincerely, freely and deeply held
- Is integrally linked to a person’s identity, self-definition and fulfilment
- 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
- Is a particular and comprehensive, overarching system of belief that governs one’s conduct and practices
- Has some nexus or connection to an organization or community that professes a shared system of belief.

[7] The respondent submitted that the proper test to apply in determining whether ethical veganism is a creed under the *Code* is whether the belief system addresses the five criteria identified in the Policy. The applicant argued that the Tribunal should apply those five criteria in conjunction with additional factors from foreign and international law.

[8] The Tribunal is not bound by the policies of the Commission. However, as required by section 45.5(2) of the *Code*, I have considered the Policy. I agree with the respondent and find that in determining whether ethical veganism is a creed, the proper test to apply is to consider whether ethical veganism addresses the five characteristics identified in the Policy.

[9] In support of this finding, I further note that the Tribunal has previously applied this test when determining whether a belief system is a creed under the *Code*. See, for example, *Ortiz v. University of Toronto*, 2022 HRT0 1288, *Yeomans v. Superette*, 2021

HRTO 10671, *Lin v. Toronto Court Services*, 2017 HRTO 18 and *Vezina v. Elections Ontario*, 2016 HRTO 994.

[10] In these circumstances, I see no reason to resort to international law and foreign case law in order to interpret the *Code*, an Ontario statute, and I decline to do so.

[11] I note that I was also referred to case law from other jurisdictions within Canada. However, I found it unnecessary to consider that jurisprudence given its non-binding nature and the Tribunal's previous decisions adopting the criteria from the Policy as the test for determining whether a belief system is a creed.

[12] At the preliminary hearing, the Tribunal received evidence from the applicant and two expert witnesses about the applicant's practice of ethical veganism and about the practice of ethical veganism more broadly. In this decision, I refer only to the evidence relevant to the issues that require determination.

[13] Both the applicant and the expert witness Dr. Jeanette Rowley adopted the definition of ethical veganism promoted by The Vegan Society. The Vegan Society defines ethical veganism as:

A philosophy and way of living which seeks to exclude—as far as is possible and practicable—all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose; and by extension, promotes the development and use of animal-free alternatives for the benefit of humans, animals and the environment. In dietary terms it denotes the practice of dispensing with all products derived wholly or partly from animals.

[14] Expert witness Dr. Melanie Joy described ethical veganism as “a relational system that is based on the recognition of the inherent dignity of all beings.” She further stated:

[Ethical] Veganism is a counter-system structured around opposition to carnism, which attempts to rebalance the exercise of power and end nonhuman animal exploitation. Veganism is organized around the inherent dignity of all beings, that everyone deserves to be treated respectfully.

[...]

[Ethical] Vegans often don't see humans as fundamentally different from other animals in the ways that matter most: we are all sentient, intelligent, and conscious beings. While humans are different from animals, we are not better, and we are not entitled to use our power at the expense of animals' lives and well-being. Veganism is organized around debunking the myth that there is a hierarchy of moral worth among human and nonhuman animals.

[15] These definitions were in line with the applicant's own beliefs, which he described as:

a. That the killing, abuse, imprisonment, and general mistreatment of animals on any level is morally unacceptable. It is something I know exists but I want no part of it while I co-exist with animals on this planet;

b. It is not necessary to kill and use animals to sustain humanity;

c. The way humans use and abuse animals is not only morally unacceptable, but it is contributing to the destruction of our environment, accelerating climate change, and is an existential threat to the world we are living in;

d. Killing or otherwise inflicting pain and suffering on any creature is completely unnecessary, selfish, and wrong; and

e. As a result of the above, he had sincerely committed himself to making informed choices and decisions to avoid supporting animal-reliant industries.

[16] He stated that ethical veganism was a philosophy that governed his life choices and went to the very core of his identity. He testified that ethical veganism pervades every aspect of his life and colours his personal relationships, political affiliations, and social attitudes.

[17] Based on the witnesses' evidence, I have no doubt that ethical veganism beliefs, including those of the applicant, are sincerely, freely, and deeply held and are integrally linked to the ethical vegan's identity, self-definition and fulfilment. I therefore find that ethical veganism satisfies the first and second parts of the test.

[18] With respect to the third part, I find the evidence presented at the preliminary hearing demonstrated that ethical veganism addresses humans' relationships with other animals and the natural environment, but failed to demonstrate that ethical veganism addresses ultimate questions of human existence beyond this, or the existence or non-existence of a higher or different order of existence and/or a Creator.

[19] Moreover, while Dr. Joy testified that ethical veganism calls into question the meaning of life, our place in the world and the cosmos and how a compassionate universe can allow suffering, these are very general philosophical observations and do not demonstrate how ethical veganism addresses the existence or non-existence of another order of existence and/or a Creator.

[20] In his legal submissions, the applicant characterized ethical veganism as a non-religious belief system. While I agree with the applicant that the Policy says creed may include religious and non-religious belief systems, a non-religious belief system must still address all five parts of the test.

[21] The applicant's counsel also submitted that an ethical vegan's spirit, soul, and sense of morality cannot countenance participation in the killing and consumption of animals and that by eschewing such participation, ethical vegans achieve a deep sense of spiritual fulfillment. They submitted that this spiritual fulfillment satisfies the third part of the test. However, I am unable to identify any evidence presented by the applicant or the two expert witnesses that ethical vegans derive spiritual fulfillment from their practices and beliefs.

[22] I find that on the evidence presented, ethical veganism does not address the existence or non-existence of a Creator and/or a higher or different order of existence, as required by the third part of the test. Accordingly, I find that ethical veganism does not constitute a creed within the meaning of the *Code*. The applicant therefore has failed to establish that he possesses this enumerated ground and the allegations of discrimination on this basis are accordingly outside the jurisdiction of the Tribunal.

[23] The applicant also asserted in the 2018 Application that the respondent reprised against him. The reprisal protections in section 8 of the *Code* only apply to the actions of a respondent that are intended as a reprisal for any of the following: (1) claiming or enforcing a right under the *Code*; (2) instituting or participating in proceedings under the *Code*; or (3) refusing to infringe the right of another person under the *Code*.

[24] In his testimony, the applicant admitted that during the events that formed the basis of the 2018 Application, he did not advise the respondent that he was requesting accommodation on the basis of the creed of ethical veganism. He stated that at that time he had not informed himself of the “proper wording.” He claimed, however, that the respondent knew he was vegan and that whether it was his creed, or a lifestyle choice was “irrelevant.”

[25] With respect, I disagree with the applicant. The evidence presented at the preliminary hearing established that a person may adopt a vegan diet for reasons unrelated to *Code* grounds. Since the applicant did not advise the respondent he viewed veganism, as he practised it, as his creed, the respondent had no knowledge the applicant was claiming a *Code*-protected right. Accordingly, the respondent could not form the requisite intent to reprise.

[26] I therefore find that the applicant has failed to establish that the respondent’s actions constituted reprisal under the *Code*. Accordingly, the reprisal allegations in the 2018 Application do not fall within the Tribunal’s jurisdiction.

[27] The applicant testified that he did request accommodation on the basis of his creed of ethical veganism during the events that formed the basis of the 2022 Application. He did not, however, allege reprisal in that Application.

[28] Having determined that both Applications are outside the jurisdiction of the Tribunal, it is unnecessary to consider whether the files should be consolidated.

ORDER

[29] For the reasons set out above, the Applications are dismissed.

Dated at Toronto, this 29th day of November, 2023.

A handwritten signature in cursive script that reads "Karen Dawson".

Karen Dawson
Vice-chair