

## **‘Balancing Rights’ Case Study & Exploratory Questions**

Text taken directly from OHRC’s Balancing Conflicting Rights: Towards an Analytical Framework  
This document can be found on the Ontario Human Rights Commission website: [www.ohrc.on.ca](http://www.ohrc.on.ca)

### **CASE STUDY**

For the purposes of this scenario, let us assume that civil marriage commissioners are employed and authorized by the Province to solemnize marriages. A same-sex couple decide to get married at Toronto City Hall. After filling out the requisite paperwork, license in hand, they want to make an appointment for the solemnization. They are told that the only commissioner available that day is, because of deeply and sincerely held religious beliefs, unwilling to solemnize a same-sex marriage. The couple is told that they should return the following day when another commissioner will be able to perform their ceremony. The Provincial Justice Department is aware that some commissioners are refusing to perform same-sex marriages because of their religious convictions and so they have decided to introduce legislation that will require all civil marriage commissioners to solemnize same-sex marriages regardless of personal religious beliefs. Several commissioners have lodged a joint complaint at the Human Rights Commission claiming that their religious rights have been violated. In the meantime, the same-sex couple have also brought a discriminatory service complaint before the Human Rights Commission. The two cases have been joined together.

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