

Safety Requirements versus Religious Rights

The Ontario Highway Traffic Safety Act requires motorcycle riders to wear a helmet. So when Balijinder Badesha was issued a ticket of \$110.00 for failing to wear a helmet while riding his motorcycle, it seemed that the law was being enforced. However, Mr. Badesha was not wearing a helmet because he was wearing a turban. Therefore, there is a potential conflict with the freedom of religion guaranteed by section 2(b) of the Charter of Rights and Freedoms. And so, not surprisingly, Mr. Badesha challenged the law requiring motorcyclists to wear helmets because it is against the Sikh faith to remove the turban outside the home or to cover the turban with anything else.

According to Mr. Badesha and his supporters, although the law might seem neutral because it applies equally to all the citizens of Ontario, it effectively prevents devout Sikhs from riding motorcycles. The law, Mr. Badesha suggests, forces Sikh men to choose between religion and riding.

An Ontario judge ruled in early March that allowing Sikh men to ride motorcycles without a helmet presents an undue burden on the province to maintain standards of safety. British Columbia, Manitoba, the United Kingdom, Hong Kong and India all have made exemptions allowing Sikh men to ride motorcycles and wear a turban.

Sources

- Byrn Weese, " Sikh Biker Fights Helmet Law" Sun Media (February 15, 2008).
- Keith Leslie, "Judge Rules Against Sikh Challenge of Helmet Law" CBC News (March 15, 2008)