

April 5, 2024

VIA HAND DELIVERY

Hon. Nils Clarke
Minister of Highways and Public Works
Government of Yukon
Whitehorse, Yukon
Y1A 2C6



Dear Hon. Clarke:

RE: Legislative Recognition of Sikh Articles of Faith – The Turban in Yukon

We thank you for the opportunity to meet with you to discuss the barriers faced by turban-wearing Sikhs in Yukon. Our initial letter to Premier Ranj Pillai, dated January 9, 2024, is enclosed at **TAB 1**.

Faith-based communities, such as the Sikh community, are certainly impacted by systemic and legislative barriers.

Turban-wearing members of the Sikh faith are currently facing systemic and legislative barriers in practicing their faith freely in Yukon.

For the purposes of this submission, we wish to identify one (1) issue which requires legislative action:

- the right of turban-wearing Sikhs to ride a motorcycle.

The Significance of the Turban

Turbans are an integral part of the Sikh identity. The keeping of uncut hair and the wearing of the turban are an integral and mandatory part of the Sikh faith. The turban is an integral part of the body to devout Sikhs who will not wear anything in place of, under or over it, such as a hat or cap.

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Brampton, Ontario
L6R 2H6

Wearing of the turban is a bona fide religious belief of the Sikhs. In provinces across Canada, police forces have enacted policies to allow Sikh officers to wear the turban while on duty as part of their uniform.

The Need for Legislative Solutions

As a preliminary starting point, we wish to stress that the recognition of Sikhs articles of faith must be done at the legislative level.

We are of the opinion that it is the role and responsibility of the Government to identify legislation which is creating inequality and to take legislative steps – specifically enact regulations – which remedy this discrimination.

Indeed, provinces across Canada have enacted legislation or regulations which have specifically addressed the right of turban-wearing Sikhs to participate in society freely and equally.

Motorcycle Helmet Exemption for Turban-Wearing Sikhs

In response to our letter of January 9, 2024, Honourable Clarke, Minister of Highways and Public Works responded that although the present legislation, *Motor Vehicle Act* does not have sufficient regulation making authority to grant exemptions, the government of Yukon is rewriting the Act, so that religious exemptions can be granted. Enclosed at **TAB 2** is a copy of this letter.

Furthermore, it is our understanding that this is a priority piece of legislation for the Yukon Government and that it will be tabled in Fall of 2024.

For the purposes of our discussion today, we wish to know the status of the implementation of the new *Motor Vehicle Act*.

Currently, the following Canadian provinces have enacted similar regulations: British Columbia, Manitoba, Alberta, and Ontario. The United Kingdom also enacted similar legislation in 1976.

Enclosed are the following relevant legislation, regulations, or publications for your reference:

- **TAB 3:** British Columbia Regulation BC/Reg 237/99
- **TAB 4:** Manitoba Regulation, Motorcycle Helmet Regulation 167/2000
- **TAB 5:** Alberta Regulation 122/2009
- **TAB 6:** Ontario Regulation, R.R.O. 1990, Reg. 610
- **TAB 7:** United Kingdom, Motor-Cycle Crash Helmets (Religious Exemption) 1976

We seek that the Government of Yukon must immediately bring its regulations with respect to rights of turban-wearing Sikhs, in line with the above-noted Canadian provinces.

We further seek that the Government of Yukon confirm, in writing, its commitment to promptly enact a regulation under the new *Motor Vehicle Act* which will allow turban-wearing Sikhs in Yukon to ride a motorcycle.

We thank you again for your time to discuss these important issues impacting the Sikh community in Yukon.

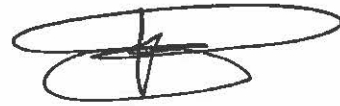
Yours Sincerely,



Manohar Singh Bal,
Secretary and Director of Religious Affairs
Akai Sikh Society Canada
Email: mbanklondon@gmail.com
Tel.: 416-471-9724



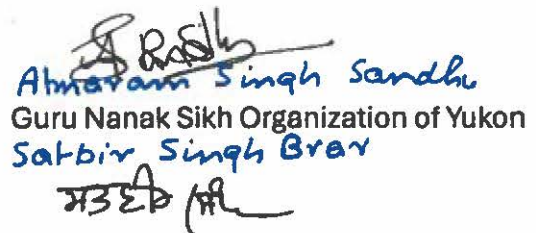
Lakhvinder Singh Dhaliwal, President
Sikh Motorcycle Club of Ontario



Kulwinder Singh Bhangoo, Secretary
Sikh Motorcycle Club of Ontario



Navdeep Kaur, President
Guru Nanak Sikh Organization of Yukon



Ahmaran Singh Sandhu
Guru Nanak Sikh Organization of Yukon
Satbir Singh Brar
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TAB 1



January 9, 2024

Hon. Ranj Pillai
Premier of Yukon
Government of Yukon
Whitehorse, Yukon
Y1A 2C6

Dear Hon. Pillai:

Re: Wearing of the Sikh Articles of faith and The Turban.

Recognition of the Sikh articles of faith is very important to the Sikhs. Presently, Sikhs are living and contributing in all parts of Canadian life, however, they continue to encounter discrimination and hardships at workplace and face barriers that limits their full participation in day-to-day life.

Over the years, we have worked with successive governments both at the federal and provincial level to resolve these barriers and are definitely moving forward in removing these legislative barriers.

The specific issue, which we want to bring to your attention is the requirement to wear hard hat when riding a motorcycle. Four provinces British Columbia, Alberta, Manitoba, and Ontario have adopted regulations to exempt Sikhs from the requirement of wearing hard hat.

We are requesting that the same exemption be adopted in the Yukon territory and the Sikhs be allowed to ride in Yukon with their turbans.

We are writing this as an introduction letter and are willing to meet and work with government officials to address this matter.

We look forward to hearing from you.

Yours Sincerely,

Manohar Singh Bal
Secretary & Director of Religious Affairs
Akal Sikh Society Canada
Cell: 416-471-9724

CC: Minister Nils Clarke

TAB 2



February 13, 2024

Manohar Singh Bal
Secretary and Director of Religious Affairs
Akal Sikh Society Canada

Re: Wearing of the Sikh Articles of Faith and the Turban

Dear Mr. Bal,

Thank you for your January 9 letter regarding the government's requirement to wear a hard hat when riding a motorcycle. Our government values the importance of recognizing all faiths.

Currently, under section 199 of the Motor Vehicles Act, any driver or passenger of a motorcycle must wear a helmet. Unlike other jurisdictions in Canada, where exemptions to rules of this nature exist, the Yukon's Motor Vehicles Act does not have sufficient regulation-making authority to grant exemptions for the requirement to wear a helmet. For example, Alberta's Traffic Safety Act, under section 18(2), allows regulations to be made exempting persons or vehicles from any provision of the Act, including the requirement to wear helmets. Unfortunately, we do not have a provision similar to this in Yukon's Motor Vehicles Act, thus we are unable to make an exemption at this time.

However, the Department of Highways and Public Works is currently rewriting the Motor Vehicles Act, and, as a part of this project, is considering how to address religious exemptions and better align our legislation with other jurisdictions.

Thank you again for bringing this issue to my attention.

Sincerely,

Nils Clarke
Minister of Highways and Public Works

TAB 3

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B.C. Reg. 237/99
O.C. 890/99

Deposited July 19, 1999

This consolidation is current to March 5, 2024.

[Link to Point in Time](#)

Motor Vehicle Act

MOTORCYCLE SAFETY HELMET EXEMPTION REGULATION

[includes amendments up to B.C. Reg. 62/2017, March 1, 2017]

Exemption

- 1** The following persons are exempt from the requirements of section 194 (3) of the *Motor Vehicle Act*:

(a) a person who

- (i) practises the Sikh religion, and
- (ii) has unshorn hair and habitually wears a turban composed of 5 or more square metres of cloth.

[am. B.C. Reg. 62/2017.]

[Provisions relevant to the enactment of this regulation: *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, section 194 (6) (c)]

TAB 4

1(2) For the purpose of subsection (1), a standard or regulation listed in any of clauses (1)(a) to (d) is adopted as amended from time to time, and a helmet worn to comply with section 187 of *The Highway Traffic Act* may comply with the standard or regulation as originally published or as amended.

M.R. 9/2017

Helmets complying with formerly prescribed standards

1.1(1) In this section, "formerly prescribed standard" means a standard prescribed by this regulation as it read immediately before the coming into force of this section.

1.1(2) Despite section 1, a person driving or riding on a motorcycle or moped may wear a helmet that complies with a formerly prescribed standard if, when this section came into force, the person owned the helmet or it was owned by one of the following:

- (a) a parent or guardian of the person if the person is a child;
- (b) the vehicle's driver if the driver is someone other than the person;
- (c) the vehicle's owner if the owner is someone other than the person.

M.R. 9/2017

Exemptions

2 The provisions of subsection 187(1) of *The Highway Traffic Act* do not apply to

- (a) a person riding a motorcycle in a lawfully permitted and authorized parade;
- (b) a bona fide member of the Sikh religion; or
- (c) a person who holds a certificate signed by a qualified medical practitioner certifying that the person is, during the period stated in the certificate, unable for medical reasons to wear a safety helmet and who on request made by a peace officer produces the certificate.

1(2) Pour l'application du paragraphe (1), la dernière version des documents énumérés aux alinéas (1)a) à d) est adoptée et les casques portés en conformité avec l'article 187 du *Code de la route* peuvent satisfaire aux exigences que prévoit la version initiale ou modifiée de ces documents.

R.M. 9/2017

Casques conformes aux normes prescrites antérieurement

1.1(1) Dans le présent article, « norme prescrite antérieurement » s'entend de toute norme prescrite par le présent règlement dans sa version antérieure à l'entrée en vigueur du présent article.

1.1(2) Par dérogation à l'article 1, tout conducteur ou passager d'une motocyclette ou d'un cyclomoteur peut porter un casque conforme à une norme prescrite antérieurement dans la mesure où, à l'entrée en vigueur du présent article, il lui appartenait ou appartenait à une des personnes suivantes :

- a) à son parent ou tuteur, s'il s'agit d'un enfant;
- b) au conducteur, s'il s'agit d'une personne autre que le conducteur;
- c) au propriétaire, s'il s'agit d'une personne autre que le propriétaire.

R.M. 9/2017

Exemptions

2 Les dispositions du paragraphe 187(1) du *Code de la route* ne s'appliquent pas :

- a) aux personnes qui circulent à motocyclette au cours d'une parade dûment autorisée;
- b) aux personnes qui pratiquent véritablement la religion sikh;
- c) aux personnes qui sont titulaires d'un certificat signé par un médecin attestant qu'elles sont, pour la période y indiquée, incapables, pour des raisons médicales, de porter un casque protecteur et qui, à la demande d'un agent de la paix, produisent leur certificat.

Review

3 Not later than five years after this regulation comes into force, the minister shall

(a) review the effectiveness of the operation of the regulation after consulting with such persons affected by it as the minister considers appropriate; and

(b) if the minister considers it advisable, recommend to the Lieutenant Governor in Council that the regulation be amended or repealed.

Repeal

4 The *Safety Helmet Standards Regulation*, Manitoba Regulation 420/87 R, and the *Motor Safety Helmets Exemption Regulation*, Manitoba Regulation 417/87 R, are repealed.

Révision

3 Au plus tard cinq ans après l'entrée en vigueur du présent règlement, le ministre :

a) revoit l'efficacité du présent règlement et consulte, à ce sujet, les personnes dont l'opinion lui paraît utile;

b) s'il le juge à propos, recommande au lieutenant-gouverneur en conseil la modification ou l'abrogation du règlement.

Abrogation

4 Le présent règlement abroge le *Règlement sur les normes relatives aux casques protecteurs*, R.M. 420/87 R, ainsi que le *Règlement sur l'exemption du port du casque protecteur pour motocyclette*, R.M. 417/87 R.

As of 13 Mar. 2024, this is the most current version available. It is current for the period set out in the footer below.

Last amendment included: M.R. 9/2017

Le texte figurant ci-dessous constitue la codification la plus récente en date du 13 mars 2024. Son contenu était à jour pendant la période indiquée en bas de page.

Dernière modification intégrée : R.M. 9/2017

THE HIGHWAY TRAFFIC ACT
(C.C.S.M. c. H60)

Motorcycle Helmets Regulation

Regulation 167/2000
Registered December 4, 2000

Helmet standards and specifications

1(1) For the purpose of section 187 of *The Highway Traffic Act*, a helmet worn by a person driving or riding on a motorcycle or moped on a highway must conform to the standards and specifications of one or more of the following standards or regulations:

(a) Snell Memorial Foundation Standard, 2010 *Standard for Protective Headgear For Use with Motorcycles and Other Motorized Vehicles*;

(b) Snell Memorial Foundation Standard M2015, 2015 *Standard for Protective Headgear for Use with Motorcycles and Other Motorized Vehicles*;

(c) United States of America, *Federal Motor Vehicle Safety Standards*, Standard No. 218; *Motorcycle Helmets* (49 CFR Ch. V, section 571.218);

(d) United Nations Economic Commission for Europe Regulation No. 22, *Uniform Provisions Concerning the Approval of Protective Helmets and of their Visors for Drivers and Passengers of Motorcycles and Mopeds*.

CODE DE LA ROUTE
(c. H60 de la C.P.L.M.)

Règlement sur les casques de motocycliste

Règlement 167/2000
Date d'enregistrement : le 4 décembre 2000

Normes et exigences relatives aux casques

1(1) Pour l'application de l'article 187 du *Code de la route*, le casque porté par une personne qui, à titre de conductrice ou de passagère, circule sur une route au moyen d'une motocyclette ou d'un cyclomoteur doit être conforme aux normes et aux exigences prévues dans un ou plusieurs des documents suivants :

a) la norme de la Snell Memorial Foundation intitulée 2010 *Standard for Protective Headgear For Use with Motorcycles and Other Motorized Vehicles*;

b) la norme M2015 de la Snell Memorial Foundation intitulée 2015 *Standard for Protective Headgear for Use with Motorcycles and Other Motorized Vehicles*;

c) la norme n° 218 figurant au règlement *Federal Motor Vehicle Safety Standards* des États-Unis d'Amérique et intitulée *Motorcycle Helmets* (CFR, titre 49, ch. V, article 571.218);

d) le règlement n° 22 de la Commission économique des Nations Unies pour l'Europe intitulé *Prescriptions uniformes relatives à l'homologation des casques de protection et de leurs écrans pour conducteurs et passagers de motocycles et de cyclomoteurs*.

TAB 5



Province of Alberta

TRAFFIC SAFETY ACT

VEHICLE EQUIPMENT REGULATION

Alberta Regulation 122/2009

With amendments up to and including Alberta Regulation 112/2023

Current as of September 1, 2023

Office Consolidation

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(2) The following provisions of this Regulation do not apply to a pole trailer carrying long logs:

- (a) section 37;
- (b) section 48.

Overhanging load

105 Despite section 16, a commercial vehicle carrying a load of logs that overhangs the rear of the vehicle by 1.5 metres or more must have

- (a) a set of two-way headache rack lamps mounted on the power unit of the vehicle at approximately cab height,
- (b) during nighttime, 2 lit red lamps attached to the back of the load, with one lamp being as close to the right edge and the other as close to the left edge of the load as is practicable, and
- (c) during daytime, at least 2 streamer markers at the rear of the load, with at least one streamer as close to the right edge and another as close to the left edge of the load as is practicable.

Conspicuity

106(1) Subject to subsection (2), on a commercial vehicle carrying a load of logs, the front and rear bunk stakes on each side of the vehicle must have fluorescent materials at least 50 millimetres wide, displayed for a length of 1.5 metres from the bottom of the bunk stake, on the 3 exposed sides of the stake.

(2) Subsection (1) does not apply if

- (a) the load is 2.6 metres or less in width, or
- (b) the logs are short logs loaded crosswise.

Division 4 Cycles

Cycle safety helmet

107(1) This division does not apply to bicycles.

(2) No person shall operate or ride as a passenger on a cycle unless that person is properly wearing a safety helmet.

(3) This section does not apply to a person 18 years of age or older who is driving, operating or riding on a motor cycle where the person

- (a) is a bona fide member of the Sikh religion, and
- (b) wears a turban.

AR 122/2009 s107.49/2018

Safety helmet standards

108(1) A safety helmet intended for the use of an operator or a passenger of a cycle must meet one or more of the standards for motor cycle safety helmets adopted under subsection (2) in effect on the date on which it was manufactured.

(2) The following are adopted and apply to safety helmets in accordance with subsection (1):

- (a) CSA Standard CAN3-D230-M85, Protective Headgear in Motor Vehicle Applications;
- (b) Standard No. 218; Motorcycle helmets under Part 571.218 of the *Code of Federal Regulations* (United States), Title 49;
- (c) British Standards Institution Standard BS 6658: 1985, Specification for protective helmets for vehicle users;
- (d) Snell Memorial Foundation 2000 Standard For Protective Headgear, For Use with Motorcycles and Other Motorized Vehicles;
- (e) Snell Memorial Foundation 2005 Standard For Protective Headgear, For Use with Motorcycles and Other Motorized Vehicles;
- (f) Snell Memorial Foundation 2010 Standard For Protective Headgear, For Use with Motorcycles and Other Motorized Vehicles;
- (g) United Nations Economic Commission for Europe Regulation 22-05, Uniform provisions concerning the approval of protective helmets and their visors for drivers and passengers of motorcycles and mopeds.

(3) A safety helmet must have the mark or label of the organization in subsection (2) indicating that the safety helmet met one or more of the specifications required on the date on which it was manufactured.

TAB 6



Français

Highway Traffic Act

R.R.O. 1990, REGULATION 610

SAFETY HELMETS

Consolidation Period: From October 18, 2018 to the e-Laws currency date.

Last amendment: 446/18.

Legislative History: [+]

This is the English version of a bilingual regulation.

1. A helmet worn by a person,

- (a) riding on or operating a motorcycle; or
- (b) operating a motor assisted bicycle,

on a highway shall,

- (c) have a hard, smooth outer shell lined with protective padding material or fitted with other energy absorbing material and shall be strongly attached to a strap designed to be fastened under the chin of the wearer; and
- (d) be undamaged from use or misuse. R.R.O. 1990, Reg. 610, s. 1.

2. The helmet referred to in section 1 shall conform to the requirements of the,

- (a) Canadian Standards Association Standard D230 Safety Helmets for Motorcycle Riders and shall bear the monogram of the Canadian Standards Association Testing Laboratories;
- (b) Snell Memorial Foundation and shall have affixed thereto the certificate of the Snell Memorial Foundation;
- (c) British Standards Institute and shall have affixed thereto the certificate of the British Standards Institute;
- (d) United States of America Federal Motor Vehicle Safety Standard 218 and shall bear the symbol DOT constituting the manufacturer's certification of compliance with the standard; or
- (e) United Nations Economic Commission for Europe Regulation No. 22, "Uniform Provisions Concerning the Approval of Protective Helmets and of Their Visors for Drivers and Passengers of Motor Cycles and Mopeds", and shall have affixed thereto the required international approval mark. R.R.O. 1990, Reg. 610, s. 2; O. Reg. 102/12, s. 1.

3. A helmet worn by a person operating or riding a bicycle on a highway shall,

- (a) have a smooth outer surface, be constructed so that the helmet is capable of absorbing energy on impact and be strongly attached to a strap designed to be fastened under the chin of the wearer; and
- (b) be undamaged from use or misuse. O. Reg. 411/95, s. 1.

4. (1) The helmet referred to in section 3 shall conform to the requirements of one or more of the following standards:

1. Canadian Standards Association CAN/CSA D113.2-M89 (Cycling Helmets).
2. Snell Memorial Foundation B-95 (1995 Standard for Protective Headgear for Use with Bicycles).
3. Snell Memorial Foundation B-90 (1990 Standard for Protective Headgear for Use in Bicycling).
4. Snell Memorial Foundation B-90S (1994 Supplementary Standard for Protective Headgear for Use with Bicycles).
5. American National Standards Institute ANSI Z90.4-1984 (American National Standard for Protective Headgear for Bicyclists).
6. American Society for Testing and Materials ASTM F1447-94 (Standard Specification for Protective Headgear Used in Bicycling).
7. British Standards Institute BS 6863:1989 (British Standard Specification for Pedal Cyclists' Helmets).
8. Standards Association of Australia AS 2063.2-1990 (Part 2: Helmets for Pedal Cyclists).
9. Snell Memorial Foundation N-94 (1994 Standard for Protective Headgear: for Use in Non-Motorized Sports).
10. United States Consumer Product Safety Commission (CPSC) 16 CFR Part 1203 Safety Standards for Bicycle Helmets. O. Reg. 411/95, s. 1; O. Reg. 38/03, s. 1 (1).

(2) The helmet shall bear the mark of the standards authority or the mark of the manufacturer showing that the helmet meets the prescribed standard. O. Reg. 411/95, s. 1.

(3) A reference to a standard in subsection (1) includes any amendments made to the standard, whether made before or after February 11, 2003. O. Reg. 38/03, s. 1 (2).

5. A person who is 18 years old or older is not required to comply with subsection 104 (2.1) of the Act. O. Reg. 411/95, s. 1.

6. (1) A person who is driving a motorcycle or a motor assisted bicycle is not required to comply with subsection 104 (1) of the Act if the person,

- (a) holds a valid Class M1, M2 or M driver's licence;
- (b) is 18 years old or older;
- (c) practises the Sikh religion;
- (d) has unshorn hair; and
- (e) habitually wears a turban and, at the time of driving, is wearing a turban. O. Reg. 446/18, s. 1.

(2) A person who is a passenger on a motorcycle or a motor assisted bicycle is not required to comply with subsection 104 (1) of the Act if the person,

- (a) is 18 years old or older;
- (b) practises the Sikh religion;
- (c) has unshorn hair; and
- (d) habitually wears a turban and, at the time of being a passenger, is wearing a turban. O. Reg. 446/18, s. 1.

Français

TAB 7



Motor-Cycle Crash Helmets (Religious Exemption) Act 1976

1976 CHAPTER 62

An Act to exempt turban-wearing followers of the Sikh religion from the requirement to wear a crash-helmet when riding a motor-cycle. [15th November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of
Road Traffic
Act 1972.
1972 c. 20.

1. In section 32 of the Road Traffic Act 1972 there shall be inserted after subsection (2) the following new subsection:—

“(2A) A requirement imposed by regulations under this section (whenever made) shall not apply to any follower of the Sikh religion while he is wearing a turban.”

Short title.

2. This Act may be cited as the Motor-Cycle Crash-Helmets (Religious Exemption) Act 1976.