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## Talking Points: What's next for the Canada Summer Jobs program

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- The new attestation in the 2018 Canada Summer Jobs application is very problematic for a number of reasons. (See the analysis by Bruce Clemenger, "[Why the summer jobs attestation is unacceptable](#)," February 6, 2018). As this analysis notes, these concerns were not resolved by the [Supplementary Information](#) released on January 23, 2018.
- Over 90 leaders of different faiths (including Catholic, Evangelical, Muslim and Jewish leaders) signed an [interfaith letter](#) opposing the attestation.
- The problems with the attestation have been widely recognized by applicants, as well as editorial boards, law professors and groups such as the Canadian Civil Liberties Association. For example:

"But as countless critics from across the political spectrum have rightly charged since the change became public last month, the requirement requires an uncalled-for litmus test by Ottawa, an unnecessary overreach that's already spawned at least one lawsuit." (Editorial, [Chronicle Herald](#), January 29, 2018)

"For a group that doesn't want to tick off that box that clearly says you need to believe in reproductive rights, then it's asking them to do something that's contrary to their beliefs and contrary to their constitutional rights." (Michael Bryant, executive director of the Canadian Civil Liberties Association, [CBC The National](#), February 2, 2018)

Queen's University law professor Nicholas Bala said the government's policy for the summer-jobs program has been developed in a way that could be tricky for Ottawa to defend in court because of the Charter's guarantees for freedom of religion, thought and conscience. "I think that at least as worded ... there's certainly the likelihood of it running into grave difficulties," he said of the policy. ([CTV News](#), February 8, 2018)

- There are many ways this policy could be fixed.
  1. The problematic attestation of respect for rights and values could be deleted.

2. It could be replaced with a statement of compliance with the law, such as:  
*Our policies and practices respect all applicable human rights. We comply with all existing laws, including applicable human rights laws and labour/employment laws to which we are subject*
  3. The program guidelines could specify that a job undertaking political activity is not eligible for funding under the program. This would limit the kind of activity, without imposing a values-test.
- What steps will you take, as my elected representative, to protect freedom of conscience and religion, and to ensure this policy is changed for next year?

### **Talking Points: Concerns with the attestation**

- The attestation requires agreement with a statement that “Both the job and my organization’s core mandate respect individual human rights in Canada, including the values underlying the Canadian Charter of Rights and Freedoms as well as other rights.” [Emphasis added] The attestation is clearly worded as requiring an affirmation of respect for rights and values.
- We object to a values test – that applicants must affirm certain values. But it is an additional concern that this attestation asks for affirmation or respect of *unspecified* values and rights.
- At least one of the rights that are identified, “reproductive rights,” is legally incorrect. Many commentators have challenged the notion of reproductive rights, noting that policies regulating abortion were struck down by the Supreme Court of Canada not because there was a right to abortion, but because the policies were inconsistently applied across the country. We have a legal vacuum, not an established set of rights.
- The supplementary information left our significant concerns unresolved — the attestation remained unchanged. It also raised new questions. With the new definition of “respect,” for example, we are now left wondering what exactly it means to “actively undermine.”
- No one has a right to funding, or to a Canada Summer Jobs grant. However, if the government is going to offer grants, it must offer them on a level playing field and not use ideological screening to determine who is eligible to apply for funding.

- It is inappropriate, in a free and democratic society, for a government to require citizens or private organizations to make any attestation of values in order to receive a public benefit.
- It is unclear whether the attestation means that organizations cannot be selective in their hiring, even though it is lawful under human rights codes for them to do so. Human rights codes actually allow organizations to make distinctions, to be selective in who they hire and serve on the basis of the purpose of the organization. The test for lawfulness of an organization is the applicable human rights code, and not the *Charter*. Although the government cannot be selective at any time, organizations are allowed to, depending on their core mandate.
- The Charter is meant to protect citizens from government intrusion. It is not to be used by the government to coerce belief, action or compliance of its citizens.