

# What are options for response to the changes to the Canada Summer Jobs (CSJ) grant guidelines?

Last Updated: January 22, 2018

**Please note:** *The EFC is not able to provide legal advice. The following is designed to provide organizations with information and options for making their own informed decisions. The EFC recommends consulting a lawyer about legal issues.*

The changes to the CSJ guidelines for 2018 have placed many organizations and ministries in a difficult situation. Each will need to prayerfully consider what they will do in response.

The concerns of many Canadians are being picked up by the media and heard by MPs, and while the Prime Minister and the Minister responsible have commented on the concerns, no formal clarification or policy change has yet been made. The situation is fluid and we encourage those concerned to monitor developments closely.

The Minister has indicated that the intent of the government is to ensure the core mandate of the applicant organization does not include advocacy on the issue of abortion, giving the impression that their concern is with an organization's activity. However, the problematic attestation focuses on principles, rights and values, and not on activity.

**As of January 17 the Minister, her spokespersons, and the department continue to make it clear that in order for an application to be eligible, an organization must check "yes" to the attestation, without qualifications.** The government has stated that any application that does not attest or includes an alternate attestation will not be considered.

As organizations consider how to respond, including the following options, they may wish to fill out an application but wait to submit it closer to the deadline, in the event that an official clarification or change is made prior to the February 2 deadline. Applications must be submitted by February 2 or be postmarked on or before February 2.

Employers who are unwilling or unable to agree with the attestation required by the new Canada Summer Jobs guidelines may prayerfully consider a few options:

## **Option 1. Do not apply for the grant, but communicate with the government.**

We urge those who opt not to apply because they are unable or unwilling to make the attestation to let their local MP, Minister of Employment Patty Hajdu, and the Prime Minister know. It is important that elected officials understand the reach and scope of this policy change on communities and programs across Canada. Please also let the EFC know, so we can keep a

record. There is a sample letter on our [website](#) that you may wish to use as you communicate to the government.

### **Options 2 and 3. For those choosing to apply for the grant**

If you choose to apply for the grant, please note that if you fill out the application online and check 'no' for the attestation, your application is considered void and will not be submitted. The content of the application is unlikely to be registered anywhere.

For this reason, the EFC and the Canadian Council of Christian Charities (CCCC) recommend that you apply using the [paper application](#). You may add or attach either an alternative attestation or a letter requesting accommodation under the *Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. Media reports have quoted government officials stating that an alternate attestation will not be accepted as a workaround. However, this will provide a record of your application and a way to register your objection to the attestation.

#### **Option 2. Apply using the paper application process, check "I attest," strike out the third bullet of the attestation, and add either an alternate attestation or a letter requesting accommodation.**

- a. Check "I attest" at the bottom of the attestation, on page 5 of the pdf application. Note that checking "I attest" is required for the application to be considered complete.
- b. Strike out the third bullet of the attestation, which states:  
"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. These include reproductive rights and the right to be free from discrimination on the basis of sex, religion, race, national or ethnic origin, colour, mental or physical disability or sexual orientation, or gender identity or expression."
- c. Beside the third bullet, you can then write either "see attachment," or write an alternate attestation in the margins (Note that there is limited space).
- d. Add an alternate attestation or letter requesting accommodation. Note that the government has said it will not consider any application that does not affirm the attestation. However, including an alternate attestation or letter requesting accommodation is a way to register your application and your objection to the attestation.

One example for an alternate attestation has been provided by the CCCC. Their sample

wording could be written on the attestation page of the paper application or included with your application. They suggest the following:

On the basis of conscience, we are unable to express the words that the Minister has required in the Applicant's Guide. We are, however, able to attest that "we support all Canadian law, including human rights law." We believe the Minister does not have the jurisdiction under law to compel us to make a statement that conflicts with our conscience rights under the *Charter*. Nor does the Minister have the right to compel speech as a condition of receiving a financial benefit from the government of Canada. We respectfully decline to make a statement that is inconsistent with our fundamental personal beliefs about the value of life and the right to life under section 7 of the *Charter*.

Please confirm that you will accept our application with the above-noted statement in substitution for the statement set forth in the online application process and in the Applicant's Guide.

A second approach, slightly different from the CCCC suggestion, would be to add a letter requesting accommodation under the *Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. This option may be particularly appropriate for those who object to being required to provide any kind of attestation of agreement or belief. This letter could be addressed to Minister Hajdu and may include wording such as:

I cannot make the attestation requested by the Canada Summer Jobs Guidelines. I believe this request for attestation violates the guarantees of the *Charter*, including freedom of conscience and religion, thought, belief, opinion and expression, as well as the allowance for *bona fide* occupational requirements in human rights legislation. Please provide accommodation for my application that respects these fundamental *Charter* freedoms and human rights legislation.

- e. Submit the application to Service Canada as per the [Canada Summer Jobs instructions](#), retain a copy for your files and send a copy to your MP for their records. Please let the EFC know that you've submitted your application and which option you have chosen. Submitting your application to Service Canada by registered mail will provide a record of receipt.

**Option 3. Apply using the paper application process, but do not check "I attest." Write "see attached letter requesting accommodation" in the attestation section, on page 5 of the pdf application. Attach a letter attesting to the other bullets of the attestation regarding the contractual elements of the application and requesting an accommodation to the attestation of agreement and belief in the third bullet.**

A letter requesting accommodation may include wording such as:

I attest the following:

- I have read and understood the Canada Summer Jobs Articles of Agreement and referred to the Applicant Guide as needed;
- The job would not be created without the financial assistance provided under a potential contribution agreement;
- I have all the necessary authorities, permissions and approvals to submit this application on behalf of myself and the organization.

However, I cannot make the following attestation requested by the Canada Summer Jobs Guidelines, 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. These include reproductive rights and the right to be free from discrimination on the basis of sex, religion, race, national or ethnic origin, colour, mental or physical disability or sexual orientation, or gender identity or expression.”

I believe the request for this attestation violates the fundamental freedoms guaranteed in s. 2 a and b of the *Charter*, including freedom of conscience and religion, thought, belief, opinion and expression, as well as the allowance for *bona fide* occupational requirements in human rights legislation. I request an accommodation for my application that respects these fundamental *Charter* freedoms and human rights legislation.

### **Final Note Regarding the Attestation**

Some may choose to check “yes” or affirm the required attestation, believing that the requirement to “respect” individual human rights, *Charter* values and “other rights” may be ambiguous enough to indicate tolerance or compliance rather than approval or agreement. We recognize that some organizations may be able to do this in good conscience, and the EFC respects their freedom to do so. However, this option does not communicate to the government the applicant’s interpretation of the attestation. Even if an organization chooses to affirm the required attestation, we encourage the organization to communicate with their MP, and the Minister of Employment to share their views. The EFC would also appreciate a copy of this communication.

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