

Further Information on the 2019 Canada Summer Jobs Program

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The application period for the 2019 Canada Summer Jobs program opened December 17, 2018. This year's application has replaced the problematic attestation from the 2018 application, which the EFC held to be tantamount to a values test. The EFC welcomes this significant positive change. We believe the changes will mean that churches and most faith-based organizations will be eligible for 2019. However, there are still restrictions on the kinds of job activities that are eligible for funding under the program, which means some organizations will still be ineligible and others may choose not to apply. These restrictions will likely have the greatest impact on organizations who engage primarily or solely in pro-life advocacy.

The full Application Form, Articles of Agreement and Applicant Guide are available on the Service Canada website. The following are links for your reference.

Information about CSJ 2019: <https://www.canada.ca/en/employment-social-development/services/funding/canada-summer-jobs.html>

Applicant Guide: https://www.canada.ca/content/dam/canada/employment-social-development/services/funding/CSJ2019_applicant_guide.pdf

Application Form:

<https://catalogue.servicecanada.gc.ca/content/EForms/en/Detail.html?Form=EMP5396A>

Three New Elements in the 2019 Application

1. New wording for the Employer's Attestation

The 2018 application required applicants to attest that:

Both the job and the 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.

For 2019, this has been replaced with the following statement:

Any funding under the Canada Summer Jobs program will not be used to undermine or restrict the exercise of rights legally protected in Canada.

This is a significant and positive change. Applicants are no longer required to affirm respect for certain values in order to be eligible for funding under the program. While applicants must attest that funding obtained under the program will not be used to “undermine or restrict the exercise of rights legally protected in Canada,” this limitation is tied only to the use of the funds obtained under the program, and not to the values or activities of the applicant organization generally. The ability to check off this attestation, then, should not be impacted by other activities carried out by the employing organization, for example, a church in which the pastor has preached about life issues, marriage or sexuality.

The 2019 attestation refers to “rights legally protected in Canada,” but the rights are not listed. We note also that the new application and guidelines do not state anywhere that “rights” includes “reproductive rights,” as the 2018 application did.

The Applicant Guide does not define what it means to “undermine or restrict the exercise of rights” for the purposes of the attestation, although it does offer a definition of the terms as they are used with respect to Ineligible Projects and Job Activities.

2. New criteria for ineligible projects and job activities

The 2019 application list of *Ineligible projects and activities* includes:

- *Projects or job activities that:*
 - *restrict access to programs, services, or employment, or otherwise discriminate, contrary to applicable laws, on the basis of prohibited grounds, including sex, genetic characteristics, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;*
 - *advocate intolerance, discrimination and/or prejudice; or*
 - *actively work to undermine or restrict a woman’s access to sexual and reproductive health services.*

2.a. General comments

This section outlines the restrictions on which types of projects or job activities are not eligible for funding. We note, however, that the 2019 Articles of Agreement define a “Project” as “the hiring, administration of, and job activities, and *organization’s activities* as described in the Application/Agreement” [emphasis added].

While there are no restrictions of concern under the section on Ineligible employers, this definition of “project” suggests that the activities of the organization as a whole may be considered subject to the restrictions listed under Ineligible projects and activities. Unfortunately, this likely means that organizations that engage primarily or solely in pro-life advocacy work will not be eligible for funding under the program. Although the EFC is disappointed that this restriction will likely exclude some employers from application for the

2019 CSJ program, we also acknowledge that governments reserve the right to withhold funding for any type of activities they do not wish to fund. The positive change here, we judge, is that the government is making their decision on the basis of activities, not on the basis of a values attestation.

2.b. Specific eligibility criteria

- *Projects or job activities that restrict access to programs, services, or employment, or otherwise discriminate, contrary to applicable laws, on the basis of prohibited grounds, including sex, genetic characteristics, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;*

The first bullet says that access to programs, services or employment must not discriminate *contrary to applicable laws*. This means that employers may still consider *bona fide* occupational requirements when making decisions about hiring employees. For example, a church may lawfully require that members of its pastoral staff are members of the same religion or denomination. The application asks for applicants to describe their hiring practices and how they are free from discrimination, as we note below.

This would also likely mean that participation in the funded projects or activities would need to be open without discrimination on the basis of prohibited grounds. For example, a church-run day camp that benefits from CSJ funding would need to be open to campers without discriminating on the basis of the camper's religion, race, sexual orientation or gender identity or expression, etc. There may be *bona fide* requirements applicable for participants in some cases, in that some programs may be restricted to participants with certain qualities or characteristics, e.g. a camp for blind children is limited to those who are visually impaired.

- *Projects or job activities that advocate intolerance, discrimination and/or prejudice;*

The second bullet says that projects or activities are ineligible for CSJ funding if they “advocate intolerance, discrimination and/or prejudice.” The Applicant Guide defines “advocate” as follows:

“To ‘advocate’ means to promote, foster or actively support intolerance, discrimination, and/or prejudice.”

Unfortunately, the Guide does not define or offer examples of activities that advocate intolerance, discrimination or prejudice, so it is not entirely clear how this may be interpreted or applied.

Since “project” has been defined to include an organization's activities, it is important that the government clarify and interpret these terms in a way that does not impinge on freedom of belief, expression and opinion.

The EFC will seek clarification from the government on the interpretation of these terms and ask that guidance be provided to applicants and to Service Canada employees so it is clear how an organization's activities might be relevant to this restriction, and what kinds of organizational activities might be captured.

We believe that employers who in good faith hold that they are not advocating intolerance, discrimination or prejudice should feel free to apply, with the expectation that legal activities flowing from biblical teaching are not what is meant in this restriction. Service Canada will determine the eligibility of the activities based on the description of the organization and student activities in the application.

- *Projects or activities that actively work to undermine or restrict a woman's access to sexual and reproductive health services.*

The third bullet says that projects or activities are ineligible if they “actively work to undermine or restrict a woman's access to sexual and reproductive health services.” The Applicant Guide defines “undermine or restrict” as follows:

“To ‘undermine or restrict’ means to weaken or limit a woman's ability to access sexual and reproductive health services. The Government of Canada defines sexual and reproductive health services as including comprehensive sexuality education, family planning, prevention and response to gender-based violence, safe and legal abortion, and post-abortion care.”

We note that the language used here refers to access to sexual and reproductive health services, and not to “reproductive rights.”

Again, it appears to the EFC that while employers with pro-life beliefs are eligible to apply for the grant, this clause likely means that employers whose organizational activities primarily or solely involve pro-life advocacy work will not be eligible. For those organizations or employers that are involved in pro-life advocacy work, we would recommend seeking legal advice before and during the application process.

3. Description of hiring practices to ensure an inclusive workplace free of discrimination

The 2019 application asks employers to describe how they will ensure their hiring practices and work environment are free from discrimination, as quoted below:

Applicant Guide

Step 3. Screening for eligibility

List of 15 Eligibility requirements

12. Hiring practices and work environment: You must demonstrate that you have implemented measures to ensure hiring practices and a work environment free of harassment and discrimination, such as raising awareness and prevention activities.

Application

Describe your Health and Safety Practices in the work environment. (Mandatory)

Please describe how these practices relate to the work environment and the proposed job activities.

- *Providing a safe, inclusive and healthy work environment free of harassment and discrimination (e.g. hiring practices, policies, guidelines)*

We believe this would be the place for faith-based organizations to describe the *bona fide* occupational requirements of a job that they are seeking funding to support. As churches and Christian organizations are governed by provincial labour codes, we recommend consulting provincial codes for clarification on *bona fide* occupational requirements. The Canadian Council of Christian Charities has a [resource](#) that discusses human rights exemptions in the context of the CSJ. It may also be wise to obtain legal advice.

What does this mean for churches and Christian organizations?

A summary

The EFC affirms that life is a gift from God for us to respect and protect in all its stages, from conception to natural death. We know that the current government takes a strong pro-abortion approach to law and policy. While we respectfully [and strongly] disagree with this approach, we recognize that the government is within its rights to determine funding priorities and to decline to fund even lawful activities.

We believe that the changes to the 2019 application and guidelines will allow Christian churches and the majority of Christian organizations to apply for Canada Summer Jobs funding and to be considered eligible.

The application no longer requires applicants to attest their agreement with certain values or rights in order to be eligible to apply. This change to the program for 2019 means that employers will no longer be ineligible on the basis of their beliefs, and those with pro-life beliefs are eligible to apply.

The 2019 program does have new restrictions on the kinds of job activities that are eligible for funding. These restrictions apply to the project or job activities for which funding is sought, but the inclusion of an organization's activities in the definition of "project" will likely mean that employers that engage primarily or solely in pro-life advocacy may not be eligible.

While there is a need for the government to clarify what the program describes as advocating "intolerance, discrimination and/or prejudice," faith-based organizations that carry out legal activities flowing from biblical teaching should not be prohibited from eligibility.

As outlined above, the 2019 application requires that employers do not discriminate on the basis of prohibited grounds, contrary to applicable laws. It asks employers to describe their hiring practices that are free from discrimination. This would be the place for churches to describe any *bona fide* occupational requirements they may have for the positions to be funded. The Canadian Council for Christian Charities has developed a [resource](#) that discusses this area.

To conclude: Churches and faith-based organizations who hold pro-life beliefs are eligible for funding under the 2019 Canada Summer Jobs program, but organizations who primarily or solely engage in pro-life advocacy work are likely not. Whether to apply for funding is always a matter of conscience and prudential judgment for each church or organization. Many churches and organizations will choose to proceed with applying now that the values-based screening has been removed. However, we acknowledge and respect that some may choose not to apply in order to stand in solidarity with pro-life organizations.

Please note that the application period closes January 25, 2019.

The EFC will closely monitor how these restrictions are applied for 2019, and will continue to work to protect freedom of religion and conscience, and the ability of people of faith to participate in the public square.

See also commentary on the 2019 CSJ application by other Christian organizations:

Canadian Council of Christian Charities,

https://www.cccc.org/news_blogs/barry/2019/01/03/to-apply-or-not-to-apply-for-canada-summer-jobs-funding/

Christian Legal Fellowship, <http://www.christianlegalfellowship.org/blog/2018/12/20/a-new-canada-summer-jobs-attestation-for-2019-the-good-the-potentially-bad-and-the-unknown>

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