

Canada Summer Jobs program faces more legal challenges

The federal government is facing two more legal challenges to its controversial Canada Summer Jobs attestation.

Two Christian Bible summer camps have filed challenges after being denied Canada Summer Jobs (CSJ) grants in 2019.

The move comes despite changes to the CSJ's funding application which had required applicants to endorse Charter and other rights, including abortion.

The government replaced the attestation in December after widespread protest from faith groups and other organizations which refused to check the attestation box.

While the subsequent changes opened the door for many groups to pursue funding, the new attestation also made it clear that groups which "actively work to undermine or restrict a woman's access to sexual and reproductive health services" would be ineligible for funding.



John Carpay

"While the government relented on last year's blatantly discriminatory attestation requirement, it seems that the minister has not relented on attempting to compel ideological agreement with the government," said John Carpay, president of the Justice Centre for Constitutional Freedoms, which is representing the camps operated by BCM (Canada) International.

“Sadly, our client’s experience is likely only the tip of the iceberg,” he said.

“We might be getting more down the road, and then there are some people, sadly, that are not pursuing legal action even though they have a strong legal case, and they have free legal representation available but do not want to pursue court action,” Carpay said.

Meanwhile, eight challenges – by charities and small businesses – of the 2018 attestation remain stalled in federal court after Federal Court Judge Kathleen Ring put seven of them on hold Feb. 22 until the first case, that of Toronto and Area Right to Life (TRTL), is heard.

TRTL was the first to file a constitutional challenge in 2018 and legal counsel Carol Crosson said the group has also filed new application for a judicial review based on being refused a CSJ grant in 2019.

The federal government continues to defend the 2018 pro-abortion attestation even though Employment Minister Patricia Hajdu removed the aspect critics considered a form of compelled speech, a loyalty oath or a political litmus test.

The Canadian Council of Christian Charities (CCCC) has several members who were refused CSJ grants this year.

“Despite the removal of the most offensive language of the 2018 attestation requirement, it is obvious that the federal government continues to discriminate against religious organizations that do not support its ideological commitments,” said Barry Bussey, director of legal affairs for the CCCC.

“There is no reason why this Bible camp should have been denied CSJ funding. It is in the business of providing meaningful summer experiences for children and job opportunities for young people who would benefit greatly from summer employment.

“This group was correct to hold the government accountable for its refusal to treat all groups equally in the CSJ program. No group should be denied because they hold different and lawful views from the government.”

BCM (Bible-Centred Ministry) operates two summer camps: Mount Traber Bible Camp & Retreat Centre northeast of Halifax and Mill Stream Bible Camp & Retreat Centre near Peterborough, Ont.

The charity had received CSJ grants for a decade until being refused in 2018 after it refused to sign the pro-abortion attestation.

BCM applied again in 2019, after the attestation was modified, but Service Canada denied Mount Traber’s application saying BCM “had ‘failed to

demonstrate' that it had implemented measures to provide a harassment and discrimination-free workplace," the Justice Centre said in a news release.

"In the application, BCM had already thoroughly outlined its anti-discrimination policies and the training its staff underwent to ensure an environment free of harassment and discrimination on its camps," the centre said.

"Service Canada denied the Mill Stream application, claiming, without any explanation, that the summer camp positions for students would 'restrict access to programs, services or employment, or otherwise discriminate, contrary to applicable laws.' "

BCM is asking for the court to declare the Employment Minister's decision "unreasonable" and interferes with its Charter rights."