

ATA statement regarding Catholicity clauses in teacher employment contracts

The issues related to Catholicity clauses in contracts of employment are legally complex and involve multiple and potentially conflicting constitutional rights. The law in this area is largely untested and remains unsettled.

The Association opposes the inclusion of clauses in contracts of employment that are discriminatory and that interfere with the teachers' natural and human rights. We recognize that denominational education is protected under the Charter, however, our policy calls upon Catholic boards, notwithstanding their special constitutional status, to refrain from hiring and employment practices that would be discriminatory.

Contracts of employment are individual agreements between individual teachers and their employer – the Association has no involvement in the hiring process. The Association is unable to nullify contracts already signed or to force boards to use contract terms that would be acceptable to the Association.

We do advise teachers that they must be mindful of the terms of employment that they agree to when accepting a contract of employment, however if a school board ever used these clauses to justify discriminatory practices or to disregard human rights, we would vigorously assist, defend and protect the teachers involved to the greatest extent possible. Recent changes in provincial legislation (Bill 24) provide additional protection for teachers from discrimination in their employment.

We work with individual teachers to resolve issues they encounter related to their employment. Teachers are able to decide, based on our advice, what actions they want to take and typically we are able to resolve these issues to the satisfaction of the teachers involved without requiring court action. We have not been presented with a case related to these Catholicity clauses where circumstances warranted escalating the matter to higher courts – by and large, satisfactory resolution is achieved on an individual case-by-case basis.