

The Ontario Human Rights Tribunal and the Sorgini case on exemptions from religious courses and programs

As indicated in previous CRIPE newsletters, according to the Ontario Education Act, section 42 (13) allows any student entering a publicly-funded Roman Catholic high school to be exempted from taking instruction in any program or course of study in religious education on written application to the Board. In practice, this right has either been denied or subjected to numerous conditions and delays. See CRIPE newsletter for Spring 2015, Issue Number 115 with the headline “Small print, big stakes”.

The process of going through unreasonable delays in granting an exemption can be considered a violation of an applicant’s human rights based on “creed” as spelled out in the Ontario Human Rights Code. Creed violations were described in the last newsletter, Winter 2016, Issue Number 117.

Complaints based on “creed” forwarded to the Ontario Human Rights Tribunal can be resolved through either of two mechanisms—a “mediation” session, or a “hearing”.

Again, CRIPE’s last newsletter, for Winter 2016, featured the Claudia Sorgini case and its upcoming resolution by the Ontario Human Rights Tribunal.

Two processes

One path to resolution is through a “mediation” session during which a mediator tries to find a resolution satisfactory to both sides.

Such a resolution is a one-time solution in that it has no bearing on similar complaints filed later; the whole process has to start all over again. Also, the parties in conflict have to sign a confidentiality agreement before the me-

diation can take place. Under such an agreement the terms of the settlement cannot be disclosed to the public.

The mediation

CRIPE’s lawyer, Paul Champ of www.champlaw.ca in Ottawa, represented Claudia on October 26th. Since the mediation was unsuccessful, we will again appear before the Tribunal, likely in May or June of 2017 for a “hearing”.

A hearing

A hearing is an action in which the Tribunal could order public interest remedies, such as an order to obey the law. If the adjudicator finds that discrimination or harassment has occurred, the application is allowed and, in the decision, the adjudicator may order remedies for the applicant.

Examples of remedies are: 1) monetary compensation, 2) a non-monetary award, or 3) an order to promote future compliance with the human rights *Code*.

The hearing, then, could compensate Claudia and her parents for the abuse they suffered, and it could also enforce the public interest remedy of doing away with the illegal process RC schools use to discourage exemptions.

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**Letter to Civil Rights In Public Education, Inc.
from the
Ontario Secondary School Teachers' Federation**

October 24, 2016

Civil Rights in Public Education
publiced@bell.net

Greetings,

As you know, publicly-funded education in Ontario is divided into four distinct systems; English Public, English Catholic, French Public, and French Catholic. We are all very proud of the high quality education our students receive in the province.

As overall enrolment has declined however, pressures to maintain these four systems has increased, and has led to more competition between these different school boards to attract more students. It has also resulted in school closings in every part of the province. This just isn't right.

I am writing to encourage you to join us in a movement that is gaining momentum across the province. A campaign has started to encourage the citizens of Ontario to consider an alternative to the current and outdated model of having four parallel school systems.

Our proposal is to move to ONE school system offered in each official language – English and French.

Ontario has an opportunity to engage in a conversation about the future of publicly-funded education that best represents our diversity, promotes inclusivity, and is accessible to all of our children. It is time to talk about ending the duplication that is generated by promoting competition between school systems to attract students when financial resources would be better utilized to supporting our students.

You are invited to join the conversation and send a message to the decision-makers in the Ontario Government to be bold and have the courage to create one public school system in each official language that is modern, progressive and fair.

Find out more about our Charter for Public Education and consider signing on to register your voice to start a conversation about the future of publicly-funded education in Ontario.

You can find out more at www.onepublicsystem.ca

Thank you.

Domenic Bellissimo
Director, CPA
OSSTF/FEESO

OSSTF's new website: <http://www.onepublicsystem.ca/>

The Ontario Secondary School Teachers' Federation (OSSTF), made its "One Public School System Work Group Report to the 2016 Annual Meeting of the Provincial Assembly" this past spring. Although most of the report dealt with future actions, a "Micro-Website" is now up and a Charter for Public Education in Ontario is being promoted—see below. Members are encouraged to look it up on the internet and sign it.

Charter For Public Education in Ontario

Ontarians have a right to high-quality, publicly-funded education that is universally accessible and supports diversity, equity, and fairness. The focus of such a system must be to provide students with skills, knowledge, and values that promote a love of learning and enable them to grow as active contributors to Canada's civic, social, and economic well-being. Resources, both financial and human, must be dedicated to supporting: Universality—access for all; Comprehensiveness—opportunity for all; Proficiency—achievement for all; and Accountability—value for all. This is best achieved through a single, secular school system for each official language.

As signatories to this Charter:

I/WE PLEDGE

- To acknowledge that students are at the heart of our public education system
- To support the creation of a single, secular school system for each official language
- To respect students' and their families' beliefs while recognizing that publicly-funded education is open to everyone and does not favour one religion or denomination over another
- To recognize that each student may have a unique set of needs to support their educational experience, which may include emotional, social, cultural, physical, and intellectual needs
- To foster an equitable public education system that is accessible for all students, from early years through adulthood
- To foster a learning environment that is safe, respectful, and free from discrimination at any level so that all students can develop a strong sense of life-long learning that embraces their individual emotional, social, cultural, physical, and intellectual needs

I/WE EXPECT

- That the government will merge the four publicly-funded education systems into one secular system for each official language
 - That the government will ensure, both before and after this merger, that no public funding will be spent in competition between school boards to recruit students
 - That any financial savings generated through the elimination of competition and unnecessary duplication will be dedicated to strengthening Ontario's publicly-funded education system
 - That the public education system is open to all people living in Ontario and access to public education is equitable regardless of geographic location or socio-economic status
 - That a strong level of local school board governance be maintained and be accessible to the entire community
-

Two opposing agendas

On the left is reprinted a portion of a poster by the Elementary Teachers' Federation of Ontario. On the right is a portion of a President's message from the Ontario English Catholic Teachers' Association.

A CENTURY-AND-A-HALF-OLD DEAL THAT NEEDS TO CHANGE

The fact that Canada's leaders in 1867 made a deal should not mean that deal can never change. Quebec and Newfoundland both changed their school systems. Quebec has eliminated its Catholic and Protestant school boards and Newfoundland has replaced seven denominational school boards with one public board. What is needed is the political will to make the change.

The increasing diversity of Ontario's population makes it difficult to defend a school system devoted to one religion.

ETFO believes it is time for Ontario to move to a secular public school system that respects French-language rights.

**IT IS TIME FOR A
CHANGE.
IT IS NOT 1867 ANY
MORE.**

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PRESIDENT'S MESSAGE

We've talked a lot about the threats to Catholic education over the past years, including recent calls from our affiliates, the Ontario Secondary School Teachers' Federation (OSSTF) and Elementary Teachers' Federation of Ontario (ETFO), to amalgamate Ontario's four publicly funded school systems into two: one English and one French. This means no Catholic school system. OECTA continues to confront these threats with positive messages about Catholic education, our Association, and its members. As part of our rebuttal, we have undertaken a brand renewal project, a key initiative for any organization looking to stay current. The result of this undertaking is an overt effort to embrace what makes us unique within Ontario's publicly funded education system: our Catholicity. No longer will we hide our virtues in an attempt to stay under the radar. We are proud to be Catholic teachers, and we will make this our narrative. But given the economic constraints of our organization, we will also be relying on our members to share your stories, which together comprise the fabric of the Catholic education system on a day-to-day basis. More on OECTA's rebrand can be found in my article titled "Our Story."

From "Our Story"

What does Catholic education mean to you? Each of us inherently understands the value of the Catholic education system, and our unique role as teachers within that system. And yet, it is not always easy to articulate this message to the general public. If we, as Catholic teachers, are to continue to thrive, then we must collectively define and celebrate - and not simply defend - who we are, what we do, and why it matters. We must draw on our unique voices and perspectives, and present our singular, unified message - *our story*.

Fix Our Schools <http://fixourschools.ca/>

Text copied below is from the website—for your information

Who they are

“In a nutshell... we are parents, students, grandparents, teachers, principals, caretakers and voters who believe that every publicly funded school building in Ontario ought to be safe, well-maintained, and funded as a key component of our society’s infrastructure.”

Suggested letter to Premier Wynne and others:

“To: Premier Wynne, Education Minister Hunter, Minister of Infrastructure Chiarelli &
Deputy Minister Zegarac,

“I am engaged with the Fix Our Schools campaign, which represents thousands of Ontario parents. Today, I ask your government to improve school conditions for all students in this province by immediately addressing the \$15-billion of disrepair that has accumulated in our children’s schools.

“While I commend the government’s increase in annual funding for school repairs to an industry-accepted standard, this new level of \$1.4-billion/year for school repairs does little to address the \$15-billion repair backlog that was allowed to accumulate in Ontario’s publicly funded schools over the past 20 years. In September of this year, an unacceptable number of Ontario’s students headed back to aging schools with hot classrooms, leaky ceilings, and myriad other issues.

“Therefore, I call upon your government to improve school conditions for all Ontario students and find funding solutions to immediately address the \$15-billion of disrepair in our children’s schools. I ask that your government please:

- Explore and implement funding solutions such as **issuing provincial bonds** to immediately address the \$15-billion repair backlog in schools.
- Work with school boards to **develop measurable goals for what school conditions in Ontario ought to be;** and plans/timelines for how those goals will be achieved.
- Release disrepair data at regular intervals to ensure that the \$15-billion repair backlog is decreasing; and not continuing to increase.
- Include **school conditions as a key part of your party’s provincial campaign platform.**”

This organization does not, apparently, distinguish between Public and Separate schools.

With an additional billion dollars to be saved through the elimination of public funding for the Roman Catholic separate school system, the school facilities could be repaired in no time. It’s a no brainer.

Aw, Canada

Reprinted with permission from "Americans for Religious Liberty" Silver Spring, MD

A recent poll in Ontario found that Ontarians oppose tax support for Catholic schools by 52% to 38%. Ontario Education Ministry spokesperson Liz Sandals, however, said that Ontario will continue to provide full tax support for four separate school systems—English language public, French public, English Catholic and French Catholic. The church-run schools get more per student public funding than the two public school systems. Protestant, Jewish and other private schools in the province get zero public funding. This system goes back to Canada's constitution, the British North America Act of 1867, which created modern Canada. Only four provinces require public funding for Catholic schools—Ontario, Saskatchewan, Alberta and British Columbia. Predominantly French and nominally Catholic Quebec ended Catholic school funding in 1999. Newfoundland, which had only tax-supported church-run schools—five systems of them—switched to public schools only in two sweeping referenda in the 1990s.

In March Canadian columnist Samantha Emann wrote that it's time to "put out the fire" in the burning debate over Catholic school funding. Changing the constitution requires only the approval of the House of Commons and the Senate and, importantly, only the province that is affected. Emann notes that this is what happened in Quebec in 1999.

"Publicly funded Catholic schools," Emann writes, "are unfair to Canada's many other religious groups and cultures. Funding all religious schools would be a logisti-

cal nightmare, and in my view, public services should be affirmatively secular." She adds, "As should be apparent to anyone who has been following the news for the past year, some Catholic schools boards, trustees, teachers and advising clergy have a record of discriminatory, socially regressive efforts to hinder advances made in the interest of student safety and learning.....In Ontario there was opposition from Catholic leaders to the much-needed, recently updated sex-education curricula."

Emann continues: "That deficit-plagued province [Ontario] recently asked voters for ideas online for ways it could save money in its budget. Here's an idea. According to a 2012 report from the Federation of Urban Neighbourhoods, merging Ontario's Catholic and public school boards would save the province more than \$ 1 billion."

The 2016 poll was conducted by Forum Research. Its president, Lome Bozinoff, said that "If it were ever put to a public referendum, Catholic school funding would lose, fair and square." Just as it has in the U.S. in 28 referendum elections.

In related news, Ontario-based Civil Rights in Public Education organization (CRIPEweb.org) reports that the Ontario Human Rights Tribunal will consider a complaint "about the treatment one student [non-Catholic Claudia Sorgini] has received from Roman Catholic school board personnel when she applied for an exemption from religious courses and programs in one of the board's high

schools." The complaint is based on the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms which are supposed to provide protection from religious or creed-based pressure. — *Edd Doerr*

Vouchers, charters hurt public education

The Thursday [May 26] Dispatch editorial "charter schools' purpose forgotten" was spot-on. The 2014 Stanford University CREDO study found that nearly 40% of charters nationwide are worse than regular public schools, while fewer than 20% are any better, and that is mainly because of their selectivity. And it's the same for voucher-aided private schools. Studies in Milwaukee, Washington, D.C., and elsewhere show they offer no improvement over public schools. University of Illinois education professors Chris and Sarah Lubienski spell this out in their 2014 book, *The Public School Advantage: Why Public Schools Outperform Private Schools*.

In short, vouchers and charters are part of a pernicious campaign to undermine and privatize the public schools that serve 90% of America's kids. Further, vouchers tend to fragment the student population along religious, ethnic, class, and other lines. In 28 state referendum elections, voters have rejected diversion of public funds to private schools by 2 to 1.

— Edd Doerr, President, Americans for Religious Liberty *Columbus (Ohio) Dispatch*, June 2, 2016

Let's re-evaluate school systems in Ontario

Erin Blair, Elementary Teachers Federation of Ontario, Upper Canada Local
Friday, October 21, 2016

Situations sometimes unfold that force us to examine the status quo and question whether it is still acceptable.

The various school boards across the province looking at closing, amalgamating and potentially building new schools is an instance of that. This is especially true in rural Eastern Ontario, where the youth population is steadily declining and difficult decisions lie ahead for school board trustees.

Schools in these rural communities are not only formal places of education; they are often the centre of the community providing meeting and recreational spaces. The closure of such schools has a wide range of impacts, some quite profound.

Schools boards, however, find themselves with underused schools - some bizarrely so. It's beyond doubt a review of these situations is necessary. It is the solutions to these situations that are problematic. More special funding for rural schools is being asked for, which is not an unreasonable request given the role these schools play. Is that the sole answer?

There is a larger question which should be posed.

Currently, we have four school systems serving the needs of On-

tarians. Should we not reflect on whether this should remain the status quo?

Canada celebrates its 150th birthday next year and as Canadians we have much to celebrate. Our school systems, however, are creatures of 150 years ago and Ontario in 1867 was a very different society than it is now.

We now live in a hugely diverse society with people of over 200 hundred different ethnic origins. Twenty-eight percent of Ontarians are immigrants - 37 per cent when you look at the child and youth population. Do our school system arrangements reflect our current society?

For more of this article, go to:
www.standard-freeholder.com/2016/10/21/lets-re-evaluate-school-systems-in-Ontario

Premier answers students' questions at Ryerson talk

By Justin Chandler

Ontario Premier Kathleen Wynne answered questions from Ryerson students about her government's policies and actions Thursday afternoon.

Wynne spoke with lawyer and Ryerson visiting professor Ralph Lean, who organized the question and answer session as part of a speaker series co-hosted by Professor Asher Alkoby's Regulation, Government and Socially Responsible Management class. The talk took place at the Ted Rogers School of Management.

Here are the highlights:

Funding Catholic schools

Wynne said she's grappled with the question of whether to publicly fund Catholic schools for years. She was asked why Ontario does so when it doesn't fund other religious schools.

The Ontario education system is not set up the way Wynne would set it up now, she said. But she suggested the issue is too politically contentious for the government to deal with.

"We are not gonna to enter into a decade-long civil battle about church and state," Wynne said.

"It would be a huge and hugely divisive issue."

Rather the government will push Ontario's different school boards to work more closely together.

She said non-Catholic parents in her riding send their children to Catholic schools so they can learn about spirituality.

Above is from "The Eyeopener"

The Eyeopener is Ryerson University's independent student newspaper. It is owned and operated by Rye Eye Publishing Inc., a non-profit corporation owned by the students of Ryerson. Its office is located on the second floor of the Student Campus Centre:

55 Gould Street Toronto, ON
M5B 1E9

The complete article is at:

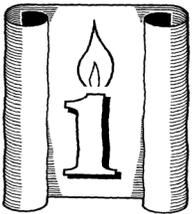
<https://theyeopener.com/2016/11/premier-answers-students-questions-at-ryerson-talk/>

WHO WE ARE

Civil Rights in Public Education, Inc. is an organization composed of citizens of differing backgrounds, living in more than 155 communities across Ontario, committed to one strong public education system, which offers neither privilege nor prejudice to anyone.

OUR AIMS ARE

- To serve as advocates for civil rights in public education so that the public is informed about the issue of publicly-funded separate schools.
- To hasten the day when Ontario's education policy recognizes the dignity and worth of all children, their right to equality, and their right to freedom from religious discrimination.

**OUR LOGO**

Our logo is composed of a background scroll representing the charters of rights which guarantee fundamental freedoms to all individuals; the numeral "1" signifies equality and social unity in one public education system for each official language; the flame above is the universal symbol for freedom.

Dr. Marguerite E. Ritchie, C.M., Q.C. 1919—2016

Born in Edmonton, Marguerite would watch her dad go off to work and her mom would stay home in the kitchen. She felt that was unfair.

Ms. Ritchie went on to study law at the University of Alberta and earned a masters degree from McGill, and later a doctorate at Dalhousie University in Halifax.

As a government lawyer, her perseverance contributed to key legislation that guaranteed women equal pay for equal work, changed discriminatory hiring practices in the public service, gave women the right to serve on juries, and helped rewrite divorce laws.

In 1963 Marguerite was the first woman in Canada to be given the honorary title of Queen's Counsel

In 1974 she established the Human Rights Institute of Canada, a non-profit organization to champion the rights of women and to hold governments to account. Evva McDougall and I visited her in her office early on and since then Marguerite supported CRIPE in many ways, including cash donations.

Marguerite Ritchie's legacy gives encouragement to all who insist on every citizen's right to enjoy our guaranteed freedoms.

Renton Patterson

A Thought to Consider

**The reading of history proves that
freedom always dies
when criticism ends.**

John Diefenbaker

To be added to the mailing list, send \$20.00 to
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**ABOVE ALL WE MUST MAKE SURE THAT NO CITIZEN OF
ONTARIO, NOW, OR EVER IN THE FUTURE, IS PRIVILEGED
OR DISADVANTAGED PUBLICLY BECAUSE OF HIS/HER
FAITH, OR ABSENCE OF FAITH.**

All Children Together

Welcome to another one-school-system organization

We welcome the “All Children Together” organization to the cause for equal treatment in Ontario education. Founder Jeanie McDonald describes the process in her own words, as follows:

“In the spring of 2008, an OSS advocate and parent with children at a Gananoque, Ontario public school, picked up her Queen's Alumni Review and found an article about a local resident, Donald Akenson.

“In 1973, Dr. Akenson, a Queen's University at Kingston History professor, wrote *Education & Enmity: The Control of Schooling in Northern Ireland*. Akenson was quoted in the Queen's Alumni Review May 19, 2008 Volume 82, Number 2: “I didn't see how segregating kids [by religion] from age three or four to at least age 18 could produce anything but enmity”.

“Akenson's work served as a catalyst for a group of parents and youth in Belfast who in 1974 got together to form the lobby group All Children Together (ACT). ACT began to advocate for integrated schools which would best serve to bring together Protestant and Catholic children within Northern Ireland's deeply divided society. In 1981, the first planned independent integrated school in Northern Ireland (NI), Lagan College, opened in Belfast and three more schools opened in 1985. (*Back in Ontario, it was at that time that PC Premier Bill Davis decided to reverse his earlier position and, along with the OLP and ONDP, voted to extend Ontario Catholic School funding to*

grade 13.)

“Today, All Children Together (NI) has stepped down as an NGO and the Northern Ireland Council on Integrated Education (NICIE), another NGO, is now the representative body for integrated education in Northern Ireland. Via email, Michael Wardlow, NICIE's Director, stated that “Akenson's work remains a seminal text in the study of integration ethos.” NICIE now has over 80 integrated nursery, elementary and secondary schools throughout NI. In the past, Parents have been willing to mortgage their homes in order to make integrated education happen. Once shown to be viable, the government has taken over funding for the capital development of these schools. Until that time, NICIE borrowed the money to build the schools. This past fall, integrated schools had to turn away 700 students. *This past spring, Akenson received a honorary doctorate from Queen's University, Belfast, for his body of work on the Irish diaspora.*

“The world has much to learn from those first brave parents and children of ACT (NI) who risked more than most can imagine. They faced stiff opposition from church authorities in 1974 and they still do. But the will of the people is winning out. A 2008 Omnibus Survey by Millward Brown of Ulster found that 83% of people in Northern Ireland believed that Integrated Education is important to the peace and reconciliation process in Northern Ireland (Source: www.nicie.org)

“Original members of All Children Together (Northern Ireland) have

graciously allowed us to use the name All Children Together (ACT) Ontario. We can think of no better group of people to inspire and inform our vision and mission.”

Notes on ACT

Jeanie McDonald comes from a large Roman Catholic family.

All Children Together (ACT) Ontario is a parent-led provincial group seeking the establishment of One School System in Ontario.

In October 2008 it began as a small parent group in Gananoque but the group was encouraged to immediately broaden its membership and mandate.

ACT Ontario's membership includes parents with children in all types of schools and welcomes those of all faiths or no faith.

ACT is a member of the One School System Network

In the page one article:

- “OSS” denotes One School System
- “enmity” is defined as “the feeling that enemies have for each other; hatred.”

- Lagan College was featured in the October 1989 issue of the “Friends of Public Education in

Ontarion, Inc.” newsletter.

- “OLP” stands for the Ontario Liberal Party.
- “ONDP” stands for the Ontario New Democratic Party.
- “NI” refers to Northern Ireland.
- “NGO” stands for non-govern-mental organization.