

## **Presentation to the Standing Committee on Justice about Bill 107, An Act to Amend the Human Rights Code, November 22, 2006**

Edward Ackad, co-chair, Coalition for a Unified Public School System

**The Chair:** Welcome back to the committee. The next presenter is Mr. Edward Ackad. Good morning, sir. You have 20 minutes. You may start.

**Mr. Edward Ackad:** Good day to the committee. Thank you for receiving me. My name is Edward Ackad and I am here to urge you to do the right thing and stand up for the principles of equality and justice by including in Bill 107 a repeal of section 19 of the Ontario Human Rights Code.

I'll give a quote from the Canadian Conference of Catholic Bishops: "Religious discrimination is an offence against the dignity of the human person; a contradiction to the sincere respect which is owed to other faiths, and an offence against charity."

Section 19 of the Ontario Human Rights Code voids equal treatment before the law and is contrary to the very intent of the law. The source of this is subsections 93(1) to (4) of the Canadian Constitution, which enshrined Ontario's religious discrimination in 1867. It is time to change that.

The injustices and human rights violations that must be addressed:

- (1) The separate school system can discriminate admission to their publicly funded institutions based on the student's religion up to grade 9. This is an absolute right.
- (2) The separate school system can hire or fire teachers based on their adherence to the Catholic faith. This is the subject of a brand new human rights court challenge based on a teacher from Toronto and Ottawa.
- (3) People of all or no faiths must subsidize the school teachings of the Roman Catholic Church. The funding formula pays for children on a per capita basis with some modifications for geography and other situations, but not including their religion.
- (4) Canada's credibility on human rights issues at the UN is compromised because of Ontario's separate school system. We have twice been found in violation, in 1999 and 2005. In 2005, we were condemned because we didn't do anything about it.

Lastly, probably most disturbingly, the constitutional protection for this injustice may no longer exist, and no one has looked into this.

I will quote from a report of the special joint committee to amend section 93 of the Constitution Act, 1867, concerning the Quebec school system. Some expert witnesses expressed the opinion that Roman Catholic and Protestant denominational school boards and schools would be declared unconstitutional once the amendment was made, unless

section 33 of the Canadian charter was invoked. In support of their arguments, the witnesses referred to recent court decisions holding that, without the denominational education guarantees in section 93, publicly funded Roman Catholic schools in Ontario would be unconstitutional because such schools would contravene the Canadian charter's freedom of religion and equality guarantees. These injustices will not be addressed in any way with the proposed Bill 107, and the religious discrimination against 66% of Ontario's population will continue.

Common excuses for inaction: The Constitution obliges Ontario to fund these schools. This I hear a lot. While section 93 of the Canadian Constitution does oblige Ontario to provide Catholic schools --

**Mr. Zimmer:** On a point of order, Mr. Chair: With due respect, I thought the gist of the submissions was to be on the provisions of Bill 107 and whether that bill should go ahead or not go ahead, rather than -- I say this with the greatest of respect -- a submission regarding a particular complaint under the act.

**Mr. Kormos:** Chair, to that point.

**Mr. Zimmer:** I would be quite interested in hearing the comments of the witness on what he thinks of Bill 107 as a vehicle to resolve these kinds of issues that he's raised.

**Mr. Kormos:** No, I'm sorry. You don't get to pick and choose, Mr. Zimmer. At debate are amendments to the Ontario Human Rights Code. While I quite frankly do not share this presenter's views on this issue -- again, this is bizarre. This goes from wacky to wackier. First you impose time allocation, and now you're trying to shut down people who come here who maybe express an opinion -- and I don't know whether you agree with it or not; that's your business. I'm not afraid of this man's point of view. We're discussing the Ontario Human Rights Code. Is he talking about particular sections of Bill 107 as they relate to the structure of the commission? No. But he's certainly talking about the application of the Human Rights Code from his point of view. Damn it, he has a right to be here. Let him talk. Why are you trying to muzzle people?

**The Chair:** Thank you, Mr. Kormos.

You may continue.

**Mr. Ackad:** Thank you. To address that, I again ask for an amendment to repeal section 19 specifically.

The Constitution obliges Ontario to fund these schools. While section 93 of the Constitution does oblige Ontario to provide Catholic schools, other provinces have amended the Constitution to abolish this requirement -- Quebec and Newfoundland, for instance -- through a bilateral agreement with the federal government. So it's possible.

The second argument I hear is that it has been like this since Confederation. This is the tradition argument. By this reasoning, women would not have the right to vote.

Third, Catholics pay for the system themselves, so why should we mind? This is an outright lie. The funding formula, as an example given, does not have a section that allocates money based on school support, making the school support relevant only to the election of school trustees. So everybody pays for the system.

Other motivation: We talk about the "education Premier." It was found by the UN Human Rights Committee that the current system is incredibly wasteful. I will quote from the decision of the human rights committee in 1998: "According to counsel, the additional costs to maintain the separate system next to the public system have been calculated as amounting to \$200 million a year for secondary schools alone." As you'll see, my estimate brings that total today to \$463 million per year. This is probably the biggest amount of government waste in the system.

I submit to you that the only way a society can be multicultural is to treat all people equally. In terms of religion, this requires that the government be religiously neutral. The only way for our education system to do this is either to fund all religions or none. Funding all religions would be disastrously expensive and would let the provincial government decide what constitutes a religion, and can never be fair due to the population and economic disparities in different religious communities. Also, Newfoundland has tried this experiment and abandoned it. Let us not make the same mistake.

Ontario must follow Quebec and Newfoundland and adopt a one-school-system policy where all Ontarians can send their children, regardless of their religion. Religion is a personal matter and should be left to the parents and/or community of the child. History has shown us that government involvement in religion hurts both.

The government of Ontario must stand up and end this injustice for all Canadians and set an example to the world on human rights issues. Canadians pride themselves on being a world leader in human rights. Let's make that true.

**The Chair:** Thank you very much. We have about four minutes each, if there are any comments. We'll begin with the government side.

**Mr. Zimmer:** I understand your concerns on the school funding issue. What I was trying to get to in my earlier comments was, what do you think of Bill 107, as it's drafted, as a vehicle that would enhance the protection of human rights in Ontario?

**Mr. Ackad:** Considering that 66% of the Ontario population is paying for a system they cannot use, and are discriminated against using it, with section 19 not repealed in these amendments, it's incomplete and should not go forward. This is a huge injustice, and to put forward a human rights bill which does not correct this injustice is incomplete.

**The Chair:** Mrs. Elliott.

**Mrs. Elliott:** I don't have any questions. I'd just like to thank you very much for taking the time to present to us today, Mr. Ackad.

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**Mr. Ackad:** Thank you.

**The Chair:** Mr. Kormos?

**Mr. Kormos:** You display an ability to stay on message that many experienced politicians haven't acquired after 10, 15 and 20 years. Good for you. It's an admirable trait when you're promoting a particular theme.

Look, I understand the argument. There's a community out there. Heck, I think people with similar views managed to get into the pit bull hearings -- didn't they, Mr. Zimmer? -- and talk about the same issue.

But look, I hear you. I have no doubt that there are people who agree with you; I don't. Quite frankly, I believe the existence of the so-called Catholic system, the publicly funded Catholic system -- and it was publicly funded well within my lifetime; I remember New Democrats playing a leading role in the Conservative government of the day in acquiring full funding for the Catholic system -- to be a historical anomaly that nonetheless enriches our publicly funded educational community.

So you and I disagree; that's clear. But I say welcome to the committee, and I thank you very much for taking the time, effort and energy to come here. Once again, excellent spin skills. Staying on point in response to Mr. Zimmer was a model.

**The Chair:** Thank you very much.