

and discussion
31 March 1987.
Lynn Byrnes

THE NEWFOUNDLAND AND LABRADOR HUMAN RIGHTS ASSOCIATION IS WORKING TO PROMOTE THE INDIVIDUAL AND PUBLIC RIGHT TO EQUAL AND NON-DISCRIMINATORY TREATMENT AND OPPORTUNITY IN ALL ASPECTS OF SOCIETY, INCLUDING AREAS OF EMPLOYMENT, ACCESSABILITY, AND EDUCATION. WE ADVOCATE THE REMOVAL OF SYSTEMIC BARRIERS AND TRADITIONAL DISCRIMINATORY PRACTICES THAT DENY EQUAL ACCESS AND OPPORTUNITY TO ALL INDIVIDUALS, INCLUDING DISCRIMINATION ON THE BASIS OF RELIGION. WHAT CONSTITUTES DISCRIMINATION HAS, AND I'M SURE WILL CONTINUE TO BE, THE SUBJECT OF LENGTHY COURT DEBATES. I HAVE BEEN TOLD BY A SPOKESPERSON FOR THE ROMAN CATHOLIC EDUCATION GROUP THAT DISCRIMINATION IN THE DENOMINATIONAL SCHOOL SYSTEM IS NO DIFFERENT FROM MANY OTHER TYPES OF DISCRIMINATION PRACTICED AND ACCEPTED EVERYDAY, SUCH AS HE INFORMED ME EVERY TIME A WOMAN MARRIES A MAN, SHE DISCRIMINATES AGAINST EVERY OTHER MAN IN THE WORLD??? OUR ASSOCIATION HAS A MORE REFINED VIEW OF DISCRIMINATION AS SET OUT IN THE VARIOUS CHARTERS ON HUMAN RIGHTS. IT IS IN ACCORDANCE WITH THIS VIEW THAT WE OBJECT TO THE DISCRIMINATORY POLICIES INHERENT WITHIN AN EXCLUSIVELY DENOMINATIONAL SYSTEM.

EMPLOYMENT - EDUCATORS, OUR PROVINCIAL TEACHERS, MUST BE CERTIFIED BY THE PROVINCIAL GOVERNMENT IN ORDER TO TEACH IN THIS PROVINCE. THIS REQUIREMENT SHOULD GUARANTEE A MINIMUM STANDARD OF ACADEMIC QUALIFICATIONS . HOWEVER, IN ADDITION TO THE ACADEMIC REQUIREMENTS, POTENTIAL TEACHERS ARE REQUIRED TO SUBMIT A LETTER FROM A CLERGYMAN IN ORDER TO BE CONSIDERED FOR CERTIFICATION. WE FEEL THE GOVERNMENT SHOULD NOT ENDORSE AND PROPAGATE RELIGIOUS DISCRIMINATORY POLICY IN THIS AREA - CERTIFICATION IS A MATTER OF

QUALIFICATIONS AND COMPETENCY IN THE PROFESSION AND SPECIFYING A RELIGIOUS AFFILIATION OF THE CHARACTER REFERENCES IS DISCRIMINATORY.

AS WELL, HOW MANY OCCUPATIONS EXIST WHERE THE PERSONAL LIFESTYLE OF THE PROFESSIONALS IS A CRITERIA FOR BEING HIRED AND FIRED. RETAINING A TEACHING POSITION, IF YOU ARE FORTUNATE ENOUGH TO BE CERTIFIED AND SECURE SUCH A POSITION, IS DEPENDENT UPON AN ARBITRARY AND ILL-DEFINED CLAUSE IN THE TEACHER'S CONTRACT WITH THE SCHOOL BOARD - THIS CLAUSE (SECT.12.01 E "A CONTRACT OF EMPLOYMENT BETWEEN A SCHOOL BOARD AND A TEACHER MAY ONLY BE TERMINATED; WITHOUT NOTICE BY THE SCHOOL BOARD WHERE THERE IS GROSS MISCONDUCT, INSUBORDINATION, OR NEGLECT OF DUTY ON THE PART OF THE TEACHER OR ANY SIMILAR JUST CAUSE") EMPOWERS THE DENOMINATIONAL SCHOOL BOARDS TO EMPLOY, SCRUTINIZE AND DISMISS TEACHERS IN ACCORDANCE WITH THEIR INTERPRETATION OF COMMUNITY STANDARDS AND THE DICTATES OF THEIR PARTICULAR RELIGION. YET THE CATHOLIC INTEGRATED COUNCIL (SEPT. '86) CLAIM THAT WITHIN THE DENOMINATIONAL SCHOOL SYSTEM THEY " MAKE FULL PROVISION FOR FREEDOM OF CHOICE " - BUT NOT IF YOU WANT TO KEEP YOUR JOB.

SO WHAT CHOICE DO TEACHERS HAVE WITHIN THIS SYSTEM? A CHOICE TO BE EMPLOYED IN THEIR CHOSEN PROFESSION ONLY IF THEY MEET THE CRITERIA OF THE PARTICULAR RELIGIOUS ORDER. AND AS EMPLOYED TEACHERS THEY ARE SUBJECT TO CONTINUOUS SCRUTINY - NOT ONLY IN THEIR CAPACITY AS TEACHERS - BUT IN EVERY ASPECT OF THEIR PERSONAL LIFE. THEY CAN EXERCISE CHOICE NOT TO TEACH IN THIS PROVINCE, OR TEACH AND LIVE WITHIN THE "MORAL" BOUNDARIES PRESCRIBED BY THE CHURCH. OUR

ASSOCIATION HAS DOCUMENTED CASES WHERE QUALIFIED AND COMPETENT TEACHERS HAVE BEEN DISMISSED FROM THEIR TEACHING POSITIONS FOR ENTERING INTO MARRIAGES THAT ARE NOT SANCTIONED BY THE CHURCH. TEACHERS HAVE REPORTED ON BEING QUESTIONED AS TO WHICH SUNDAY SERVICE THEY ATTENDED IF THEY WERE NOT VISIBLY SEEN AT THE CHURCH. THESE POLICIES DEMAND ADHERENCE TO RELIGIOUS VALUES AND PRACTICES THAT ARE DISCRIMINATORY AGAINST MEMBERS OF THE POPULATION WHO DO NOT ASCRIBE TO THE RITUALS AND BELIEFS OF A PARTICULAR RELIGION.

A RECENT CBC SURVEY DONE BY DR. GRAESSER FOUND THAT 81% OF THE PEOPLE IN THIS PROVINCE DISAGREE WITH THE SCHOOL BOARDS PRACTICE OF REFUSING TO HIRE TEACHERS IF THEY ARE NOT OF THE BOARD' RELIGION. OBVIOUSLY COMPLETE FREEDOM OF CHOICE IS ENDORSED BY THE PEOPLE, BUT IT IS NOT REFLECTED IN THE DENOMINATIONAL SYSTEM.

ACCESSABILITY TO OUR PROVINCIAL SCHOOLS HAS ALSO BEEN RESTRICTED ON THE GROUNDS OF RELIGIOUS AFFILIATION. EDUCATION IS A RIGHT- NOT A PRIVILEGE - BUT FOR A SUBSTANTIAL NUMBER OF CHILDREN THAT RIGHT ONLY EXTENDS AS FAR AS THE DENOMINATIONAL SCHOOL THAT WILL HAVE THEM BASED ON THEIR RELIGIOUS AFFILIATION OR NON-AFFILIATION. AND OFTEN THAT DISTANCE IS QUITE FAR - EXTENDING AT TIMES TO OTHER COMMUNITIES.

AND THIS IS NOT JUST THE CASE FOR PARENTS REQUESTING ADMISSION TO SPECIAL PROGRAMS. PARENTS SEEKING BASIC EDUCATION FOR THEIR CHILDREN IN COMMUNITY SCHOOLS HAVE HAD THEIR CHILDREN DENIED

ACCESS BASED ON THEIR RELIGION - THERE ARE CASES WHERE CHILDREN LIVED ACROSS THE STREET FROM A SCHOOL AND WERE FORCED TO BUS ELSEWHERE. WHILE CHURCH POLICY MAKERS STRESS THE IMPORTANCE OF A RELIGIOUS BASED SCHOOL, IN GRASSER'S MOST RECENT SURVEY, 79% OF THE PEOPLE THOUGHT IT WAS MORE IMPORTANT FOR CHILDREN TO ATTEND SCHOOLS IN THEIR OWN COMMUNITY RATHER THAN ACCORDING TO THEIR RELIGION.

THE HISTORY AND TRADITION OF DENOMINATIONAL EDUCATION IN THIS PROVINCE IS CONSISTENTLY PUT FORTH AS SUFFICIENT CAUSE AND RATIONALE TO JUSTIFY THE SYSTEM WITH TOKEN CO-OPERATION BETWEEN BOARDS OFFERED. WE DO NOT FEEL THAT THE RELIGIOUS SETTLEMENT PATTERNS OF 150 YEARS AGO REASONABLY JUSTIFY HAVING THE SYSTEM CONTINUE WITH ITS DISCRIMINATORY POLICIES AS THEY EXIST WHEN THE PEOPLE HAVE EXPRESSED THEIR DISSATISFACTION WITH THESE POLICIES. THE OPEN-MINDEDNESS OF THE POPULATION IS REFLECTED IN THE SAMPLE POPULATION OF THE PROVINCE WHERE 89% AGREED THAT A PUBLIC NON-DISCRIMINATORY SYSTEM SHOULD BE AVAILABLE FOR THOSE WHO WANT IT.

THE DISCRIMINATION IS NOT CONFINED TO THE CHILDREN AND TEACHERS WITHIN THE DENOMINATIONAL SYSTEM . COMMUNITY MEMBERS WHO ARE INTERESTED IN EDUCATIONAL ISSUES MUST ALSO CONFORM TO RELIGIOUS CRITERIA. AS TAXPAYERS WITH A RIGHT TO BE CANDIDATES FOR ELECTION TO SCHOOL BOARDS THERE IS THE STIPULATION THAT THEY ARE OF THE TARGETED FAITH - BUT THERE IS NO EXEMPTION FROM PAYING SCHOOL TAXES SHOULD YOU NOT MEET THIS CRITERIA. AND AGAIN, AN OVERWHELMING

MAJORITY (74%) OF PEOPLE DO NOT AGREE WITH THIS POLICY OF DENYING ACCESS TO PERSONS OF NON-DESIGNATED RELIGIONS.

EDUCATION PROCESS IS DISCRIMINATORY IN APPLICATION OF POLICIES THAT DENY FUNDAMENTAL RIGHTS AND FREEDOMS TO PEOPLE. 89% OF PEOPLE BELIEVE THE SYSTEM SHOULD CHANGE TO ACCOMMODATE THOSE WHO DO NOT WANT DENOMINATIONAL SCHOOLS. PARENTS HAVE DEMONSTRATED THEIR WILLINGNESS TO PARTICIPATE, TO PAY, TO GO TO COURT, AND IF NEED BE TO JAIL, TO HAVE THEIR CHILDREN EDUCATED IN COMMUNITY SCHOOLS REGARDLESS OF THE RELIGIOUS AFFILIATION!

IN THEORY, ALL THE EDUCATION COUNCILS ENDORSE ARTICLE 26 OF THE UNITED NATIONS DECLARATION ON HUMAN RIGHTS WHEREBY PARENTS HAVE THE RIGHT TO CHOOSE THE TYPE OF EDUCATION THAT THEY WANT FOR THEIR CHILDREN. THE DENOMINATIONAL COUNCILS CLAIM PARENTS WANT DENOMINATIONAL SCHOOLS BASED ON THE HISTORY OF 150 YEARS AGO, AND THEY AFFORD THE RIGHTS OF 'OTHERS' TO HAVE A NON-RELIGIOUS EDUCATIONAL SYSTEM IF THEY WANT IT. BUT THIS CAN NOT BE PROVIDED FOR WITHOUT CREATING YET ANOTHER ALTERNATIVE SYSTEM. CAN WE AFFORD THAT? TO ENDORSE THE FUNDAMENTAL PRINCIPLES OF EQUAL OPPORTUNITY AND FREEDOM OF CHOICE IN PRACTICE AS WELL AS THEORY WE CANNOT AFFORD NOT TO UNLESS THE EXISTING DENOMINATIONAL SYSTEM AMENDS ITS DISCRIMINATORY POLICIES.

FOR YOUR INFORMATION

Attached is a brochure which provides information on the Court Challenges Program. The Program has been established to provide financial support to selected test cases related to language and equality rights issues stemming from Canada's constitutional provisions.

A \$9 million fund is available to be allocated over the next four years. The money has been provided by the federal government to assist with the costs of litigation in selected test cases. The Program is being administered by the Canadian Council on Social Development with decision on funding being made by two independent panels. As a member of the Equality Rights Panel, I am particularly interested in ensuring that strong test cases come forward for consideration which stem from Sections 15, 27 and 28 of the Charter of Rights and Freedoms.

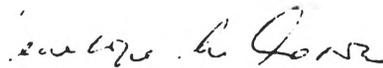
To be eligible for funding, cases must test legislation policies or practices within federal jurisdiction. Cases which fall within provincial jurisdiction cannot be funded. As well, funding will generally be denied for cases which raise issues which fall within the jurisdiction of the Canadian Human Rights Commission.

Priority will be given to cases which have national importance to disadvantaged groups. I should point out that funds are only available to individuals or non-profit groups and that intervenors will not usually be funded. Seed money may be requested (to a maximum of \$5,000) to allow further development of a case. Cases which receive funding will generally be for events which have occurred since the proclamation of the Charter in 1985.

Requests for financial assistance will be reviewed three or four times annually. The next group will be reviewed in October 1986. We will be looking then at cases of mandatory retirement issues.

If you have any questions, you may contact Richard Goreham, Co-ordinator of the Court Challenges Program at 613-728-1865, or myself.

Yours sincerely,



Penelope M. Rowe
Community Services Council
753-9860

PMR/mem
Enclosure



The Secretary of State of Canada Le Secrétaire d'État du Canada

Minister responsible for
the Status of Women

Ministre responsable de
la condition féminine

Minister responsible for
the Status of Disabled
Persons

Ministre responsable de
la condition des personnes
handicapées

Ottawa K1A 0M5

Ottawa K1A 0M5

AUG 19 1985
AOUT

Lynn Byrnes
President
Newfoundland-Labrador
Human Rights Association
Post Office Box 4247
St John's, Newfoundland
A1C 5Z7

Dear Lynn Byrnes:

Thank you for your letter of June 10 concerning the provision of French immersion classes in the St John's area for the 1985-1986 school year.

I appreciate hearing about your Association's interest and concern in this matter. You will no doubt be pleased to know that I have approved the proposals which were submitted under the Canada-Newfoundland and Labrador agreement on official languages in education by the provincial Minister of Education, the Honourable Loyola Hearn, to support immersion kindergarten classes in St John's.

I trust that this decision will help to meet the demand of those concerned parents who wish to have their children receive a second-language education.

Yours sincerely,

Honourable Walter F. McLean, P.C., M.P.

Canada



Department of Justice Ministère de la Justice
Canada Canada

Ottawa, Canada
K1A 0H8

August 19, 1985

Ms. Marian Atkinson
Executive Director
Newfoundland-Labrador Human
Rights Association
P.O. Box 4247
St. John's, Newfoundland
A1C 5Z7

Dear Ms. Atkinson:

I am writing in respect to your Association's request for additional financial assistance from the Department of Justice to extend the Human Rights Education in the Schools Project which has been operating in St. John's area schools. Your proposal has been carefully reviewed by the Human Rights Law Fund Committee and I regret to inform you that the Department will not be able to provide additional funding to the Newfoundland-Labrador Human Rights Association for this project.

Financial resources, under the Human Rights Law Fund, to undertake project activity in the area of public legal education and information, are very limited. Current project applications far exceed the Department's funding capacity and, as a result, a large part of the Fund's resources for the 1985/86 fiscal year have already been committed. Inasmuch as this is the last year for which financial assistance has been authorized under the Fund, the Department cannot provide financial contributions to project proposals that have an operational period extending beyond March 31, 1986.

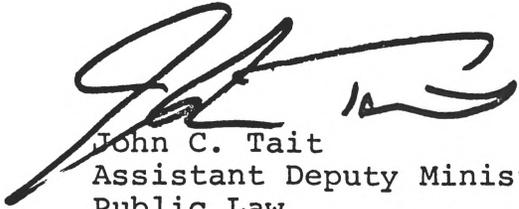
While the Human Rights Law Fund is currently the subject of a program evaluation review, I am unable to state with any certainty at this time, whether the program will be renewed next year.

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Canada

I would like to express my Department's appreciation to the Newfoundland-Labrador Human Rights Association for its endeavours in informing Canadians, and more particularly, residents of Newfoundland-Labrador, on human rights legislation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John C. Tait', written in a cursive style.

John C. Tait
Assistant Deputy Minister
Public Law

Roman Catholic School Board for St. John's

BELVEDERE
BONAVENTURE AVENUE
ST. JOHN'S, NEWFOUNDLAND
A1C 3Z4

August 19, 1985

Ms. Sharon Pope
Newfoundland & Labrador Human Rights
Association
P. O. Box 4247
St. John's, Newfoundland
A1C 5Z7

Dear Ms. Pope:

I wish to acknowledge receipt of your letter of June 17, 1985, in which you requested information regarding the Board's admission policy for French Immersion.

As the Board presently only operates an early immersion program, registrations are limited to Kindergartens. However, students who have already been in French Immersion in other areas of the Province or Canada may register and the given Grade level. The program is available to all students who do not have French Immersion programs available within their particular School Board. Registrations are limited by the space requirements and program funding. Where there has to be a quota of registrants, a decision is made on the basis of date of registration. Basically, we operate on a "first come, first served" basis.

While in the first years of immersion we accommodated students from the Avalon Consolidated Board, we no longer do so now since they presently have a program available. However, students of other denominations who have no program available to them are accepted.

Sincerely yours,



William F. Whelan
Superintendent

WFW/md

June 10, 1985

Commissioner
Human Rights Commission
Confederation Building
St. John's, Newfoundland
A1C 5T7

Dear Commissioner:

I am filing a formal complaint against the Avalon Consolidated School Board for what I believe to be discrimination on the basis of faith.

During a telephone conversation between Mr. Follett of the Avalon Consolidated School Board and myself in the afternoon of June 18, 1985 the former individual stated that in order to qualify either as a voter or a candidate for school board official in the upcoming School board Election a person had to be of the integrated faiths (Anglican, Presbyterian, Salvation Army, or United). As parents of all faiths and nonprofessed both have their children attending schools under the jurisdiction of the Avalon Consolidated School Board they have a vested interest in the Board's policies. It would appear to me that the criteria for voter and candidate eligibility with regard to religion is obviously an unfair and discriminatory practice, reserving the right of participation to an exclusive group while preventing many parents an active say either by disenfranchising them or denying them an opportunity to sit on the Board. Therefore I am complaining to you that you may investigate this matter immediately.

Yours Sincerely


G. W. Paynter

cc: Loyola Hearn, Minister of Education
Leo Barry
Peter Fenwick
Human Rights Association

Geoffrey Paynter
120 Quidi Vidi Road
St. John's
A1A 1C4

Geoffrey Paynter
120 Quidi Vidi Road
St. John's, Newfoundland
A1A 1C4
June 18, 1985

William Marshall
MLA-St. John's East
Confederation Building
St. John's, Newfoundland

Dear Mr. Marshall:

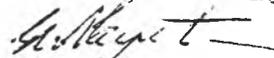
I am voicing my **opposition** to the qualification of religion which must be met in order to vote or run as a candidate in the election of members to the Avalon Consolidated School Board. In a telephone conversation, Mr. Follett of the Avalon Consolidated School Board informed me that in order to qualify as a voter or a candidate an individual had to meet five criteria for eligibility:

1. be eighteen years of age or older
2. be a resident of the school district on the day of the vote
3. have a child attending school under the jurisdiction of the Board
4. be a Canadian citizen
5. be a member of the integrated faiths (Anglican, Presbyterian, Salvation Army, United)

It is this fifth condition for qualification which I find reprehensible as it is doubtless a contravention of the Canadian Charter of Rights and an obstacle to those people not of the integrated faiths who wish to take an active role in the policies and content of our children's education. Is it to be tolerated that a Jew or a Hindu or an Atheist can have no say in this exclusive Board, either by participation or vote, even though the Avalon Consolidated School Board formulates policies affecting their children?

Mr. Follett, when asked by myself as to whether this condition was policy or a law contained in the School Board Elections Act, contended that it was a law. According to the Human Rights Association which I subsequently contacted, the School Board Elections Act does not contain any such law but rather that the above mentioned fifth condition is a policy decision laid down by the Avalon Consolidated School Board. I therefore urge you to bring pressure upon the Avalon Consolidated School Board through whatever channels you feel are necessary to change this policy of discrimination and hold elections in the democratic manner which reflects the spirit of modern day Canada.

Yours Sincerely


G.W. Paynter

cc: Human Rights Association
The Evening Telegram
Mr. Follett

Newfoundland

Teachers' Association

June 7, 1985

Mr. Bob Muggeridge
Newfoundland and Labrador
Human Rights Association
P. O. Box 4247
St. John's, NF
A1C 5Z7

Dear Bob:

Enclosed are copies of article 10 and 12 from the Collective Agreement between NTA, School Boards and Treasury Board.

I trust these are satisfactory to your needs.

Sincerely yours,

M. A. Lewis

for / Wayne Noseworthy
Executive Assistant
Teacher Welfare

WN/mal
Encl.

Integrated Education Council response to brief Exploring New Pathways

- Recommends consideration of special committee which would study the strengths and weaknesses of the system with a view to recommending further co-operative endeavors - not in favour of expensive Royal Commission recommended by NTA

- Refers for justification to the Historic tradition of schools in province i.e settling patterns by denomination

Graesser's Survey ,CBC Fall '86

51 % want a change to a public system

41% to retain system

8% don't know

89% think a change to having a public system for those who want them a good idea

81% disagreed with school board's right to refuse to hire teacher's if they are not of the board's religion

79% think its more important for children to attend schools in their own community rather than according to their own religion

75% think system wastes money

69% think all members to school boards should be elected

74% think candidates for school boards elections should not have to be of the same religion as the board

Catholic Education Council report on Denominational Education - A Heritage for the Future (Sept. '86)

- endorses the fundamental right of parents to choose according to their convictions the kind of education and the model of school which they wish for their children
- offers to co-operate with all agencies interested in further refinements to improve the denominational system and commits itself to further co-operative efforts provided that the religious freedoms and liberties of our people are in no way jeopardized and will continue to be safeguarded according to the provisions of the governing Schools Act and The Constitution of Canada.
- open to any Royal Commission which has been given a proper mandate
- system of education is a public school system in a denominational setting
- While the government provides most of the financial support for education from general tax revenues of the province, (which come from the adherents of the various religious denominations involved and are distributed proportionally)
- Our denominational school system in this province, and the legislation on which it is founded, make full provision for freedom of choice,
- fact that the vast majority of the people of this province send their children to denominational or church oriented schools by choice, not by dictate.

Refers to provincial history - philosophy of system evolved over 150 years based on needs and wishes of people and therefore integrity of system must be preserved

Pentecostal Education Council response to brief Exploring New Pathways

-call for greater co-operation supported - as long as the integrity of the various denominational programs and autonomy of boards is respected

- request a "write -out" provision for pentecostal teachers allowing them the right to withdraw from the NTA with a permanent collective (agreement) provision

- on Memorial University educating of teachers - "As in any monopolistic system the attempts to respond to competing demands often leaves unattended other legitimate (perhaps more legitimate) demands. While an external review of teacher education with a mandate to recommend solutions to identified weaknesses may provide a solution, it may still prove inadequate because it may be impossible for a monopolistic educational system to respond to all needs.

- Parental control of education has long been a cherished tradition and as one moves from a church orientation to a more global government orientation this control becomes much more obtuse.

- accuse NTA of not recognizing the right of parents to choose an educational system consistent with their world and life view

The purpose of this press conference is to clarify this Association's position with regard to the Denominational School System in Newfoundland-Labrador.

The Newfoundland-Labrador Human Rights Association is not opposed to the Denominational Education System. It is opposed to a number of discriminatory practices which exist within the system. For example:

- 1) School Board Election Policy
- 2) Required religious affiliations of teachers within each denomination.
- 3) Denominational priority given for school entrance.
- 4) Denominational priority for entrance to special programs.

We advocate the following changes in Denominational Education System policy:

- 1) School Board Elections be free, open contests with no religious qualification whatsoever.
- 2) Teachers be hired on qualifications based on merit - not religion.
- 3) Parents wishes be given first priority in school entrance requirements.
- 4) That registration for special programs be held well enough in advance to ensure ample space and funding.

The Association does not feel that the destruction of the Denominational System would automatically follow from the changes we recommend. We are certain

that proper implementation of these and other measures to eliminate visible or systemic discrimination could only result in a more equitable environment for children to be taught and to learn in.

It is only if the Denominational School System continues to maintain its present discriminatory practices that this Association advocates an alternate or public school system. That system would not replace, but would co-exist with a denominational school system. It would give those parents and children who are discriminated against under the present system the opportunity of participating in a system which is more conducive to the type of education parents feel their children should have.

Article 26(3) of the Universal Declaration of Human Rights says "Parents have a prior right to choose the kind of education that should be given to their children". As a signatory to the Declaration, we are morally bound to uphold and enforce its provisions.

72. The full Commission should not act as a judicial body.
73. In judicial proceedings, the Commission should have carriage of the complaint and present an impartial assessment of the public interest.
74. Unless special circumstances are demonstrated, all human rights hearings should be held in public.
75. A broader clause allowing wider and more flexible remedies ought to be included in the Human Rights Code.
76. A complainant should have an option of pursuing a civil remedy in the courts. This would require a statutory reversal of the Bhaduria decision.

I. THE CHARTER OF RIGHTS AND FREEDOMS

Most of this section concerns the general issues of the relation between human rights legislation and the Charter of Rights and Freedoms. However, certain steps can be taken to ensure optimal consistency between the two instruments.

RECOMMENDATIONS:

77. The Commission should be empowered to give advice on potential remedies of a complaint under the Charter of Rights and Freedoms.
78. In cases where need exists, legal aid should be made available to ensure that a person's Charter rights can be effectively pursued.
79. Section 4(2) of the Human Rights Code concerning a prohibition of examination of complaints involving the denominational educational system ought to be repealed.
80. Financial assistance should be made available to individuals who wish to test the content of denominational rights and privileges, and their consistency with Charter protections, in the courts.
81. All religious denominations who claim the benefit of constitutional protection for denominational schools should be required to submit a statement to the Human Rights Commission of the precise rights and privileges that are claimed to exist in law.
82. If the previous measures do not result in clarification of the scope of denominational rights, the Government of Newfoundland should submit a reference to the courts to determine the precise content of the rights and privileges protected by Term 17 of the Terms of Union.



NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION

P.O. Box 4247, St. John's, Nfld., A1C 5Z7

December 11, 1985

Mr. Stephen Herder
The Evening Telegram
P.O. Box 5970
St. John's, NF
A1C 5X7

Dear Mr. Herder:

I read with great interest the two articles in your paper Tuesday, December 10, 1985, under the headlines, "Rights Association Plans to Challenge Constitution" and "Human Rights Commission May Get New Full-Time Executive Director".

There are four points in these articles that must be clarified and corrected:

1. The by-line "opposes denominational education". We do not oppose denominational education. What we do advocate is a) a change in present policy which would allow equitable treatment of all students, teachers and administrators (ie., school board members); b) failing that we urge that an alternate system be set up which allows for equality, (ie., a public school system).
2. Justice Minister Lynn Verge was not quoted as saying "...it doesn't want to commit suicide". What was indicated was a reluctance on government's part to take any immediate action due to lack of knowledge of public sentiment on the subject.

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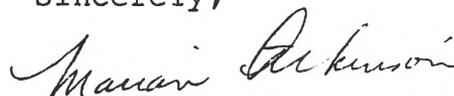
3. The survey referred to, as written in the article, leaves the reader with the impression of a very recent survey. The survey I spoke about was conducted in 1981 by the Political Science Department of Memorial University of Newfoundland and indicated 55% of the Newfoundland population favoured an alternate school system. The only survey completed recently by the Newfoundland-Labrador Human Rights Association was a survey of school board candidates re. their views on election policy.
4. It was pointed out to Mr. Azzuro that while a review of the Code, and the appointment of a full-time Executive Director for the Human Rights Commission were among the 82 recommendations in our report to the Department of Justice, Ms. Verge had already initiated these actions before she received our report.

I feel obliged to point out to you that it was made quite clear to Mr. Azzuro that intense legal research is necessary before any court challenge can be initiated. It was also pointed out that the result of this research could indicate that no legal case exists. May I also suggest that your reporters do at least two things when they contact a person for information:

1. That they indicate they are calling for an interview for an article. Mr. Azzuro called to say he was only three weeks in Newfoundland, that he had been reading 'bits and pieces' of information related to the denominational school system and could I give him some background. From this conversation, I now find this article, which in many places, is inaccurate.
2. Have your reporters tape interviews so they can check for accuracy.

I would appreciate your taking immediate action to correct these inaccuracies and look forward to seeing it in print.

Sincerely,



Marian Atkinson
Executive Director

MA/wh
cc Honorable Lynn Verge

PRESS RELEASE

December 10 is International Human Rights Day. It was on that date in 1948 that the United Nations proclaimed the International Declaration of Human Rights, a document which enumerates the basic human rights which all people are entitled to as members of the world society. Canada is a signatory to that Declaration which commits the Government of Canada to uphold and protect the rights outlined in the Declaration in Canada and to fight for their recognition and enforcement in other parts of the world.

In May and June of this year Canada played host to an international human rights conference where the nations of the world were praised for their compliance with or chastised for their abuse of the right guaranteed in the Declaration.

It is ironic that Canada, the host country for this conference, is party to one of the most blatant and discriminatory practices which violates both the letter and the spirit of the United Nations Declaration Article 26(2) which says:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Yet here in Newfoundland we allow a school system which discriminates on religious grounds by segregating students by religious belief. Moreover children with no religious affiliation or of a religion not classified as acceptable by the Newfoundland Denominational Education System are

forced to attend these denominational schools because there is no alternate school system available.

Article 26(3) says:

Parents have a prior right to choose the kind of education that shall be given to their children.

That is not the case in Newfoundland, however. Parents must follow the dictates of the Denominational Education Committees even if they do not believe in the tenets of the religions the Denominational Education Committees represent. Additionally parents from minority groups or religions which are not part of the select seven (Roman Catholic, United, Anglican, Salvation Army, Presbyterian, Seventh Day Adventist, and Pentecostal) are not even allowed to run as candidates in school board elections, where they might have an opportunity to contribute to the type of education their children receive.

The Newfoundland-Labrador Human Rights Association urges the Government of Newfoundland-Labrador and the Government of Canada to end these discriminatory practices. This action would demonstrate to the rest of the world that Canada's signature on the Universal Declaration is a commitment to change and not a hollow gesture. Canada should clean up its own schoolyard before condemning its neighbour's.

The purpose of this press conference is to clarify this Association's position with regard to the Denominational School System in Newfoundland-Labrador.

The Newfoundland-Labrador Human Rights Association is not opposed to the Denominational Education System. It is opposed to a number of discriminatory practices which exist within the system. For example:

- 1) School Board Election Policy
- 2) Required religious affiliations of teachers within each denomination.
- 3) Denominational priority given for school entrance.
- 4) Denominational priority for entrance to special programs.

We advocate the following changes in Denominational Education System policy:

- 1) School Board Elections be free, open contests with no religious qualification whatsoever.
- 2) Teachers be hired on qualifications based on merit - not religion.
- 3) Parents wishes be given first priority in school entrance requirements.
- 4) That registration for special programs be held well enough in advance to ensure ample space and funding.

The Association does not feel that the destruction of the Denominational System would automatically follow from the changes we recommend. We are certain

that proper implementation of these and other measures to eliminate visible or systemic discrimination could only result in a more equitable environment for children to be taught and to learn in.

It is only if the Denominational School System continues to maintain its present discriminatory practices that this Association advocates an alternate or public school system. That system would not replace, but would co-exist with a denominational school system. It would give those parents and children who are discriminated against under the present system the opportunity of participating in a system which is more conducive to the type of education parents feel their children should have.

Article 26(3) of the Universal Declaration of Human Rights says "Parents have a prior right to choose the kind of education that should be given to their children". As a signatory to the Declaration, we are morally bound to uphold and enforce its provisions.

72. The full Commission should not act as a judicial body.
73. In judicial proceedings, the Commission should have carriage of the complaint and present an impartial assessment of the public interest.
74. Unless special circumstances are demonstrated, all human rights hearings should be held in public.
75. A broader clause allowing wider and more flexible remedies ought to be included in the Human Rights Code.
76. A complainant should have an option of pursuing a civil remedy in the courts. This would require a statutory reversal of the Bhaduria decision.

I. THE CHARTER OF RIGHTS AND FREEDOMS

Most of this section concerns the general issues of the relation between human rights legislation and the Charter of Rights and Freedoms. However, certain steps can be taken to ensure optimal consistency between the two instruments.

RECOMMENDATIONS:

77. The Commission should be empowered to give advice on potential remedies of a complaint under the Charter of Rights and Freedoms.
78. In cases where need exists, legal aid should be made available to ensure that a person's Charter rights can be effectively pursued.
79. Section 4(2) of the Human Rights Code concerning a prohibition of examination of complaints involving the denominational educational system ought to be repealed.
80. Financial assistance should be made available to individuals who wish to test the content of denominational rights and privileges, and their consistency with Charter protections, in the courts.
81. All religious denominations who claim the benefit of constitutional protection for denominational schools should be required to submit a statement to the Human Rights Commission of the precise rights and privileges that are claimed to exist in law.
82. If the previous measures do not result in clarification of the scope of denominational rights, the Government of Newfoundland should submit a reference to the courts to determine the precise content of the rights and privileges protected by Term 17 of the Terms of Union.



NEWFOUNDLAND-LABRADOR HUMAN RIGHTS ASSOCIATION

P.O. Box 6203, St. John's, Nfld., A1C 6J9

November 4, 1986

Dr. A. Ponder
Department of Educational
Administration
Memorial University of
Newfoundland
St. John's, NF
A1B 5S7

Dear Dr. Ponder:

I've recently learned that you have compiled some information/research papers on costs of the Denominational Education System. As you are probably aware, we have been endeavouring to change many of the system's policies and are gathering any and all information we can. Would you be so kind as to let us have copies of any relevant material you have on this subject. We would certainly appreciate anything you can provide.

Looking forward to hearing from you.

Sincerely,

Marian Atkinson
Executive Director

MA/wh

Summary - Involvement with Denominational Education System

- 1) October 1982 - AGM and Panel Discussion on "Lifestyles" clause in Teacher Contracts.

Panel discussion held as a result of numerous calls/queries from teachers regarding what was/is popularly known as the Lifestyles Clause of Teacher contracts - more specifically for those with Roman Catholic School Boards. Overwhelming number of people came to the panel discussion and participated in the open discussion which followed.

- 2) Spring 1985

- Children refused entry to enrichment programs on the basis of their religion. Limitation on enrollment resulted in children not of the faiths of a particular denominational school being "bumped" from the list. The Newfoundland-Labrador Human Rights Association acted on behalf of the parents, intervened with the Minister of Education and School Board. Additional funds were provided by Federal government and all children were accommodated.
- Collaborated with Canadian Parents for French (St. John's). Researched French Immersion Program and presented a Report to Provincial Government, October 1985. Minister of Education set up a Committee to study the Report and set admission and other policy by April 1986. No report from the Committee to date.

- 3) October 1985

Submitted a Review of Provincial Human Rights Legislation to Minister of Justice. Recommendations 79-82 pertain to Denominational System.

- 4) October/November 1985 - School Board Elections

Candidates for election had to be of specified faiths. We polled candidates and found a majority of them did not favour this policy. Published names of those candidates who favoured open election policy. Nine of the twelve elected candidates were among those whose names were published.

5) Did media interviews on all of the above.

6) November 1986

Applied to the Canadian Council on Social Development Equality Panel to challenge policies relating to the above under Section 15 of the Charter.

7) October 1986

Responded to CBC survey by Mark Graesser, Political Science, Memorial University of Newfoundland on Denominational Education.

*Article -
1922 & 1923
- Jan 1922*

The Denominational School System which exists in Newfoundland is an anomaly in Canadian education. Other provinces have denominational or church-operated schools but they are more the exception than the rule, and where they do exist, do so in conjunction with a well-established, government-financed public school system. In Newfoundland the denominational school system is an exclusive one; there are no government-financed public schools in this Province. All schools operate under the auspices of one, or a combination, of eight select religious denominations (Roman Catholic, United Church, Anglican, Salvation Army, Presbyterian, Moravian, Pentecostal, Seventh Day Adventist). The schools are financed by public money from the Government of Canada which provides it to the Newfoundland Department of Education in the form of federal transfer payments, the Provincial Government and local school taxes. The Department of Education divides the money among the various Denominational Education Committees (DEC's) which in turn allocate the money to the school boards under their jurisdiction.

The first schools in Newfoundland were established in the early 1700's by Church of England (Anglican) clergymen. Later, separate Roman Catholic and Methodist schools were established as were a number of public schools. However, local church officials of each denomination were opposed to nondenominational schools and used their considerable influence to promote denominational education and discourage public schools. This influence was successful and by 1836 when the first Education Act was passed

by the Newfoundland Legislature almost all schools operating in the Island were under the authority of one of the three major religions. That 1836 Act provided the first grant of public monies for education in the amount of 2100 pounds sterling, and while ostensibly undenominational in its intent, that money was earmarked for a number of church-operated schools. Moreover, it provided for the creation of Boards of Education in the various districts of the Island "*in which shall be included the senior or superior clergyman of each of the several Religious Denominations, being actually residing within the District*". This Act and others which followed it did nothing to eliminate sectarianism in education and by 1874 the denominational principles had become so entrenched and the influence of the clergy so great that an Education Act passed in that year firmly established a specific denominational system of education which remains in force over 100 years later.

The Education Act of 1874 provided for subdivision of the Education grant into three amounts - one-third for the Roman Catholic schools, one-third for the Anglican schools and one-third for the Methodist and other dissenting schools. This was roughly in proportion to the percentage of the overall population which adhered to these denominations. Later separate provision was made for grants to the Salvation Army and Pentecostal schools.

Until 1920 when a separate government department for Education was created, the responsibility for Education fell to the office of the Colonial Secretary. There the church-appointed Superintendents

of Education controlled the management and general direction of all educational proceedings including all disbursements of funds and selection, training and certification of teachers for their respective denominations. After 1920 a separate Minister of Education was placed in charge of the Department of Education but the Superintendents of Education still wielded considerable influence and power. The Department went through a number of structural changes between 1920 and 1949. In the latter year the Department of Education was recreated as part of the new provincial government and it is that Department which is responsible for the administration of education in Newfoundland in 1986. However, the churches, through their Denominational Education Committees, continue to exert tremendous influence over educational matters in this Province and still act as the medium through which public monies reach individual school boards.

The Denominational School System as it exists in Newfoundland in 1986 is a system rife with discrimination. Much of this discrimination is legal discrimination protected or condoned by federal or provincial statutes. Specifically the Denominational School System is protected by four individual pieces of legislation which legitimize the system and legalize the various forms of discrimination which it practises. These are:

1. *The Schools Act: a Newfoundland statute which gives the system, through the Denominational Education Committees, its power in law;*

2. *The Terms of Union (1949): this amendment to the British North America Act in Term 17 states: "the Legislature (of Newfoundland) will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools...";*

3. *The Newfoundland Human Rights Code: Section 4(2) of the Code states "This Act shall be construed and interpreted so as to ensure that no provision thereof shall prejudicially affect any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes or persons had by law in the province at the date of Union of Newfoundland with Canada, or any such right or privilege hereafter by law acquired by the Pentecostal Assemblies of Newfoundland".*

4. *The Charter of Rights and Freedoms: Section 29 of the Charter states "Nothing in the Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools".*

Discrimination in our society takes many forms. Sometimes it is overt; sometimes it is hidden. Sometimes it is intentional; sometimes it is accidental. Whatever the form, we in Canada have come to treat discrimination as undesirable and have attempted to eliminate or guard against it whenever possible. Each province and the federal government have enacted human rights legislation which prohibits discrimination in a host of specifically enumerated areas. In 1948 Canada became a signatory to the Universal

Declaration of Human Rights which outlines the rights and privileges which all people in the world are entitled to share and enjoy. In 1982 as part of the repatriation of its Constitution, Canada enacted a Charter of Rights and Freedoms to protect its citizens from all forms of discrimination. What hypocrites we Canadians are! We enact and endorse highly principled legislation to protect ourselves and the rest of the world from discriminatory practices and then add codicils or make exceptions to the legislation to allow legal discrimination against a certain group or region of the country in the name of political expediency, freedom and fairplay. We enact a Charter of Rights and Freedoms containing a progressive human rights protection clause which states "*Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability*" (Section 15) and then include a clause such as Section 29 which promotes legalized discrimination based on religion, race, creed, marital status and language.

The Newfoundland-Labrador Human Rights Association has assumed an advocacy role for those who have been and are being discriminated against by this Province's Denominational School System. The Association, contrary to popular misconception, is not advocating the abolition of the Denominational system. It is working towards (a) the creation of a co-existent, public (alternate), government-financed school system for those who do not wish to be part of the Denominational School System and (b) the elimination of current discriminatory practices

perpetrated by the Denominational School System in the name of parochial education.

Canada is a signatory to the Universal Declaration of Human Rights. Newfoundland as part of Canada is a co-signatory to that document. As such we have agreed to live by its principles and promote its ideals. Article 26 of the Universal Declaration deals with education: Subsection 3 of Article 26 states "*Parents have a prior right to choose the kind of education that shall be given to their children*". Under an education system which is solely denominational, parents are not able to choose the kind of education that shall be given to their children because if they do not want their children to be educated in a denominational system they do not have the option of sending them to a secular school as they would be able to do in other provinces. This makes our signature on the Universal Declaration seem at best platitudinous and leaves us open to the charge of practicing selective discrimination adhering only to those articles which we agree with and disregarding the rest.

However, there are those who claim that we do have a secular or at least alternate school system in Newfoundland. In the 1960's the Warren Commission into Education in Newfoundland recommended a totally integrated education system as the benchmark for the future. Throughout the late 1960's and early 1970's the United, Anglican, Salvation Army, Presbyterian and Moravian churches did agree to this principle and established integrated schools throughout the Province. The Roman Catholic, Pentecostal and Seventh Day Adventist churches did not integrate.

They remain strictly denominational in their structure. While communities no longer have separate United, Anglican, Salvation Army, Presbyterian or Moravian schools, it does not follow that the integrated schools which exist are non-denominational. They are still operated by School Boards which until 1985 had two-thirds of their members appointed by those churches and in 1986 continue to have one-third of their members appointed by those churches. Those School Boards are still answerable to the Denominational Educational Committees which ruled them before integration. The only difference is the Denominational Education Committee is now integrated instead of being strictly Anglican, United Church or Salvation Army. Those who would claim that these integrated schools are nondenominational are blindly groping for a means to defend a discriminatory system which is being subject to increased and harsher criticism.

In a recent study conducted by the Political Science Department of Memorial University for the local CBC Television program "On Camera", public attitudes to the current denominational system were surveyed. In response to the question "Should Newfoundland keep its present denominational school system or change to one public system without church control?", 44.5% preferred to keep the denominational system while 55.5% preferred changing to one public system. While this is not an overwhelming majority it does indicate that a majority of Newfoundlanders are not satisfied with a completely denominationally controlled education system. In response to a second question indicating

reaction to a joint system of denominational and non-denominational schools, 59.2% thought it was a good idea while only 37.4% were opposed. It is evident from this survey that a significant percentage of Newfoundlanders want a public school system. The Newfoundland-Labrador Human Rights Association supports that position, but conscious of the rights of those people who prefer a denominational system, advocates an education system which has both public and denominational schools. This would satisfy the commitment to education Canada made in signing the Universal Declaration of Human Rights and would also satisfy the desire of a great number of Newfoundlanders for a public school system.

Even if this conjoint system of education were put into place, however, there remains a number of blatantly discriminatory practices in the current Denominational School System which must be eliminated. In 1985 the Newfoundland-Labrador Human Rights Association was approached by a number of parents whose children had been denied entry into a special program by the Avalon Consolidated School Board (one of the so-called nondenominational school boards). The children in question were barred from participation in a federally-financed French Immersion Program because they were non-Christians, were of no professed religion or were not a member of one of the five denominations under the jurisdiction of the School Board. Registration for the French Immersion Program was conducted on a first come-first served basis. Some of the children denied entry to the Program were among the first to register but were relegated to least

priority because of their religion or non-religion. The Newfoundland-Labrador Human Rights Association intervened in this dispute on behalf of some of the parents, taking their case to the School Board and to the Department of Education which finally applied to the Federal Government and was granted additional monies to enable the hiring of extra teachers and the acquisition of space to accommodate all children who had registered for the Program.

The children denied admission to the French Immersion Program were fortunate on a number of counts: (1) that the Newfoundland-Labrador Human Rights Association was willing and able to advocate on their behalf because under our Provincial Human Rights Code the Provincial Human Rights Commission could not have handled such a complaint against our Denominational School System; (2) that the program in question was sponsored and financed by federal monies and that the Federal Government was willing to provide additional monies to accommodate them; (3) that the program the children were denied access to was not one such as music or physical education (which could happen in this age of austerity) because then the parents would have had little recourse but to accept the decision of the School Board and have their children discriminated against. If these children had the opportunity to attend non-denominational public schools they would not be treated with this type of discrimination-discrimination legitimized by the Newfoundland Schools Act, the Terms of Union, the Newfoundland Human Rights Code and the Charter of Rights and Freedoms.

Later in 1985 a second problem of overt discrimination by School Boards surfaced. In November elections for school boards were held with two-thirds of the members being elected and the other one-third being appointed by their respective churches. One of the regulations for candidacy in the school board elections was adherence to the faith of the school board to which a person wished to be elected. Only Roman Catholics could run for positions on Roman Catholic School Boards; only United Church, Anglican, Salvation Army, Presbyterian or Moravian adherents could run for election to integrated boards. The same applied for Pentecostal and Seventh Day Adventist boards. This meant that persons of the Jewish, Moslem, Hindu, Bhuddist or Confucist religions, non-adherents, agnostics, athiests and even adherents to such Christian denominations as Lutheran, Baptists, Orthodox, Mormon and Menonites were not allowed to offer their candidacy for school boards which administered the schools their children attended and for which they paid provincial, federal and local school taxes to support. The Newfoundland-Labrador Human Rights Association attempted to have this policy changed but has not yet been successful. This, despite the fact that most of the candidates elected to the boards who had been contacted before the election indicated they did not support the policy. Moreover, the survey conducted for "On Camera" indicates that 70% of the respondents favoured totally elected school boards with no church appointed members and 75% of the respondents disagreed with the policy which required candidates for school board election to be of the same faith

as the school board.

A third area of discrimination involves the infamous "morals clause" in teacher contracts, and is particularly evident in schools administered by the Roman Catholic School Boards. Section 12.01(e) of the Teacher Contract states "A contract of employment made between a School Board and a teacher may only be terminated: (e) without notice by the School Board, where there is gross misconduct, insubordination or neglect of duty on the part of the teacher, or any similar just cause...". While the phrase "just cause" has never been defined, it has been used to dismiss teachers who have married a divorced person, dismissed teachers who have obtained a divorce and dismissed teachers who have changed their religion to that of one contrary to the School Board in question. Any attempts to challenge these dismissals have met with failure in local courts because of the legal powers and protections provided to the Denominational School System by the statutes outlined above. As a result Canadian citizens domicile in Newfoundland who profess to be teachers must work under adverse conditions not required of other Canadians including abrogation of the rights guaranteed other Canadians in the Charter of Rights and Freedoms and in other federal and provincial statutes. And since there is no alternate school system where these dismissed teachers might seek employment, they are forced to leave the Province or seek employment in another field. This is blatant discrimination against a specific class of people in Canadian society and would not be tolerated in any other part of the country. In Newfoundland it is legal discrimination because

our Denominational School System is an entrenched part of the Constitution of Canada through the Terms of Union and it is further protected in its discrimination by Section 29 of the Charter of Rights and Freedoms.

These discriminatory practises cannot be allowed to continue unchecked even if a public school system is introduced in Newfoundland. Discrimination is wrong in any form. The legalized discrimination practised by the Denominational School System must be abolished and this abolition must take place immediately. We must stop being hypocrites in our own land while we loudly condemn discrimination in other parts of the world. Only then will we provide our children with a system of education which will be truly representative of the ideals and freedoms which Canada as a nation represents and which some of us as Canadians enjoy. There will always be some of us who are discriminated against. It is our duty to work towards eliminating that discrimination, not to protect it with laws and statutes because tradition dictates we should.

(1)

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Discrimination in our society takes many forms. Sometimes it is overt; sometimes it is hidden. Sometimes it is intentional sometimes it is accidental. Whatever the ~~source~~ ^{form}, we in Canada have come to treat discrimination as ~~an~~ undesirable ~~aspect~~ and have attempted to eliminate or guard against it whenever possible. ~~The~~ ~~Both~~ each province and the federal government have ~~per~~ enacted human rights legislation which ~~prohibits~~ ^{prohibits} discrimination in a host of specifically enumerated areas. In 1948 Canada became a signatory to the Universal Declaration of Human Rights which outlines the rights and privileges which all people in the world are entitled to share and enjoy. In 1982 as part of the repatriation of its Constitution Canada enacted a Charter of Rights and Freedoms to protect its citizens from all forms of discrimination. What hypocrites we Canadians are! We enact and endorse highly principled legislation to protect ourselves and the rest of the world from discriminatory practices and then add ^{codicils} ~~to~~ or make exceptions

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to the legislation to allow legal discrimination against a certain group or region of the country in the name of political expediency, freedom and fairplay. We enact a Charter of Rights and Freedoms containing a progressive human rights protection clause which states "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical ~~handic~~ disability" (Section 15) and then include a clause such as Section 29 which promotes legalized discrimination based on religion, race, creed, marital status and language.

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However there are those who would claim that we do have a secular or at least alternate school system in Newfoundland. In the 1960s the Staven Commission into Education in Newfoundland recommended a totally integrated education system as the benchmark for the future. Throughout the late 1960s and early 1970s the United, Anglican, Salvation Army, Presbyterian and Moravian churches did agree to this principle and established integrated schools throughout the Province. The Roman Catholic, Pentecostal and Seventh Day Adventist churches did not integrate, ^{they} but remain strictly denominational in their structure. While communities no longer have separate United, Anglican, Salvation Army, Presbyterian or Moravian schools, it does not ~~follow~~ follow that the ~~sets~~ integrated schools which exist are non-denominational. They are still operated by School Boards which until 1985 had ~~two~~ ^{two} - thirds of their members appointed by those churches and ~~in~~ ⁱⁿ 1986 continue to have one third of their members

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Even if this conjoint system of education were put into place, however, there ~~are~~ remain a number of blatantly discriminatory practices in the current denominational school system which must be eliminated. In 1985 the Newfoundland-Labrador Human Rights Association was approached by a number of parents whose children had been denied entry into a special program by the Avalon Consolidated Progress School Board (one of the so-called non-denominational school boards). The children in question were barred from participation in a federally-financed French Immersion Program because they were non-Christians, ^{were} of no professed religion or were not ^{a member} of one of the five denominations under the jurisdiction of the School Board. Registration for the French Immersion Program was conducted on a first come first served basis. Some of the children denied entry to the program were among the first to register but were relegated to least priority because of their religion or non-religion. The Newfoundland Labrador Human Rights Association intervened in this dispute on behalf of some of the parents, taking their case to the School Board and to the Department of Education which finally applied to the Federal

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Government ^{and was} ~~which~~ granted additional monies to enable the hiring of extra teachers and the acquisition of space to accommodate all children who had registered for the Program.

The children denied admission to the French Immersion Program were fortunate on a number of counts: (1) that the Newfoundland-Labrador Human Rights Association was willing and able to advocate on their behalf because under our Provincial Human Rights Code the Provincial Human Rights Commission could not have handled such a complaint against our Denominational School System; (2) that the program in question was sponsored and financed by federal monies and that the Federal Government was willing to provide additional monies to accommodate them; (3) that the program ~~was not~~ ^{the children} were denied access to was not one such as music or physical education (which could happen in this age of austerity) because then they ^{parents} would have had ~~no~~ ^{little} recourse but to accept the decision of the School Board and have their children discriminated against. If these children had the opportunity to attend non-denominational public schools they would not be treated with this type of discrimination - discrimination legitimized by the Newfoundland Schools Act, the Terms of Union, the Newfoundland Human Rights Code and the Charter of Rights and Freedoms.

Later in 1985 a second problem of overt discrimination by School Boards surfaced. In Oct November elections for school boards were held with two-thirds of the members being elected

and the other one-third being appointed by their respective churches. One of the regulations for candidacy in the school board elections was adherence to the faith of the school board ^{to which} a person wished ~~to~~ to be elected. ~~to~~ Only Roman Catholics could run for positions on Roman Catholic school boards; only United Church, Anglican, Salvation Army, Presbyterian or Moravian adherents could run for election to integrated boards. The same applied for Pentecostal and Seventh Day Adventist boards. This meant, that persons of the Jewish, Moslem, Hindu, Buddhist ~~or~~ Confucian religions, non-adherents, agnostics, atheists and even adherents to such Christian denominations as Lutheran, Baptists, Orthodox, Mormon and Mennonites were not allowed to offer their candidacy for school boards which administered the schools their children attended and for which they paid provincial, federal and local school taxes to support. The Newfoundland-Labrador Human Rights Association attempted to have this policy changed but has not yet been successful. ~~None~~ ^{candidates} This, despite the fact that most of the ~~successful~~ ^{candidates} elected to the boards who had been contacted before the election indicated they did not support the policy. Moreover, the survey conducted for "On Learning" indicates that 70% of the respondents favoured ~~the~~ totally elected school boards with no church appointed members and 75% of the respondents disagreed with the policy which required candidates for school board election to be of the same faith as

the school board.

A third area of discrimination involves the infamous "morals clause" in teacher contracts, and is particularly evident in schools administered by the Roman Catholic School Boards. Section 12.01(e) of the Teacher Contract states "A contract of employment made between a School Board and a teacher may only be terminated: (e) without notice, by the School Board, where there is gross misconduct, insubordination or neglect of duty on the part of the teacher, or any similar just cause...." While the phrase "just cause" has never been defined, it has been used to ~~dismiss~~ teachers who have married a divorced person, dismissed teachers who have obtained a divorce and dismissed teachers who have changed their religion to that of one contrary to the School Board in question. Any attempts to challenge these dismissals have met with failure in local courts because of the legal powers ^{and protections} provided to the Denominational School System by the statutes outlined above. As a result Canadian citizens domicile in Newfoundland who profess to be teachers ~~to~~ must work under adverse conditions not required of other Canadians including abrogation of the rights guaranteed other Canadians in the Charter of Rights and Freedoms and in other federal and provincial statutes. And since there is no alternate school system where these dismissed teachers might seek employment they are forced to leave the province or seek employment in another field. The School Boards claim that the reason for such

This is blatant discrimination against a specific class of people in Canadian society and would not be tolerated in any other part of the country. In Newfoundland it is legal discrimination because our denominational school system has been an entrenched part of the constitution of Canada through the Terms of Union and ~~is~~ ^{it is} further protected in its discrimination by Section 29 of the Charter of Rights and Freedoms.

These discriminatory practices cannot be allowed to continue unchecked even if a public school system is introduced ~~in~~ ~~this~~ in Newfoundland. Discrimination is ~~be~~ wrong in any form. The legalized discrimination practised by the denominational school system must be abolished and this abolition must take place immediately. We must stop being hypocrites in our own land while we loudly condemn discrimination in other parts of the world. Only then will we provide our children with a ~~free~~ system of education which will ^{be} truly representative of the ideals and freedoms which Canada as a nation represents and ^{which} some of us as Canadians enjoy. There will always be some of us who are discriminated against. It is our duty to work towards eliminating ^{that} ~~all~~ ~~of~~ ~~the~~ ~~discrimination~~, not to protect it with laws and statutes because tradition dictates we should. ~~The Newfoundland-Labrador Human~~

~~The Newfoundland-Labrador Human Rights Association is dedicated to eradicating the~~
~~Rights Association is pledged to fighting these~~

① Lifestyles Seminar

- October 1982

- Result of numerous calls/queries from teachers regarding ~~School Board Policy~~ what was popularly known as the Lifestyles Clause of Teacher Contracts - specifically for those with R.C. School Boards. Overwhelming number of people too came to the meeting panel discussion & participated in the open discussion which followed.

② Spring 1985.

- Children refused entry to enrichment programs on the basis of their religion. Limitation of ^{on enrollment} space ~~was~~ resulted in children not of the ~~for~~ faiths of a particular denominational school ~~and~~ "humped" from the list. - Acted on behalf of parents and additional funds were found (Fed Govt) to accommodate all.

Interference with
numbers of children
& School Board.

④
⑤ 20 Oct / Nov.
Autumn

85. - School Board Elections

- Candidates for election had to be of specified faiths. We polled candidates & found a majority did not favour this policy. Published those names - 9 of the 12 candidates elected had been published as not favouring the election policy. Policy is still in place.

③ Oct: 85 - Submitted a Review of H.R. Legislation to the Justice Minister.

Recc. 79 - 82 pertain to Denom. System + called for:

- (1) Repeal of Sec. 4(2) of the Prov. H.R. Code which prohibits examination of complaints involving D.E. system.
- (2) etc.

Lynn - ST Authority Report.
* Survey for Lynn to give to Kenin brew.

* Re-schedule meeting re ST. report tomorrow

Sunday Morning Show.

Background on what we've done + why!

General background on what we've done.

Historical Perspective.

Call Gerlinde a call → 8:30

History:

- Rec. we proposed.
-

① Lifestyles — teachers

~~French Immersion~~

② Access to programs based on religion. — limitation of space.

③ School Board Business.

enrichment programs:

Public - public funds.
not public — re in part.

28. May 1986.

* NTA Report. — ~~No response~~ is only now responding.

* French Immers. — last Oct: 85 — no committee set up. but ← response as yet.

* Hearn's statement. —