

Canada's Dirty Little Secret



Richard Young

public funding + religious discrimination and homophobia = how we roll in Ontario

“MARC HALL V. DURHAM CATHOLIC SCHOOL BOARD BEGAN WHEN Oshawa, Ontario’s *Monsignor John Pereyma Catholic Secondary School* asked students attending the prom to submit the names of the guests they intended to bring. Hall, who is gay, submitted the name of his 21-year-old boyfriend, Jean-Paul Dumond, and was denied on the grounds that homosexuality is incompatible with Roman Catholic teaching.

Supported by his family and a wide variety of community organizations, Hall took the school board to court in a two-day hearing that began on May 6, 2002. Hall’s lawyer, David Corbett, argued that the denial of his request violated the Ontario Education Act, which requires school boards in the province not to discriminate. The school board, on the other hand, argued that court interference in its decision would amount to denying its religious freedom.

Corbett argued that an organization that accepts public funding (Catholic school boards in Ontario are fully funded in the same manner as public schools) has to be accountable to the same laws (including anti-discrimination laws) as other public institutions. The school board’s lawyer countered that Section 93 of the Canadian constitution protects the Catholic board’s rights to conduct its affairs in accordance with Catholic teaching.

“On May 10, Justice Robert McKinnon granted an interlocutory injunction ordering that Hall be allowed to attend the prom with Dumond. The justice also ordered that the school not cancel the prom. He did not decide on the larger issues raised by the case, leaving those to be heard at a later trial. Hall attended the Prom with Dumond that evening.” [1*] **Legal cost to the public to defend the Catholic Board’s position: \$150,000** [2]

THE BEST THING ABOUT CANADA?

Maple syrup? Nanaimo bars? Undisputed hockey supremacy? Yes, yes, and yes—with honourable mention going to our Charter of Rights and Freedoms, that enlightened parchment that was signed into law in 1982. Then-prime minister, Pierre Trudeau described it as a nation-unifying document underpinning the freedom and equality of all Canadians. It’s a big part of why Canada is so highly regarded as a human rights beacon.

The worst thing about Canada? Our Charter is routinely tossed out the window when it becomes a nuisance to the most powerful religion in the country.

That is our situation in Ontario, where the vast majority of our public officials have an uncanny ability to toot the Charter vuvuzela with one side of their mouth while facilitating discrimination with the other.

While it is well known that two-thirds of our schools are public schools and one-third of our schools (1,400) are Roman Catholic, what is astonishingly less well known is that *all* of those schools are *fully publicly funded*.

What exactly does this mean? For one thing, it means that if you are a teacher looking for work in

Ontario, one-third of our publicly funded schools will ask you your religion and then reject you if you answer incorrectly [3]. No Catholic school board hides the fact that employment requires a reference from a Roman Catholic priest along with a Roman Catholic baptismal certificate, even while advertising themselves as “equal opportunity” employers [4].

It’s not just teachers who feel the ill-effects of this policy. Let’s say you are a parent—a Muslim or a Baptist or a Buddhist or a Hindu or a Jew or an Anglican or an atheist/humanist, etc. You are raising a young family in Ontario. You’d like to send your child to the nearest publicly funded school, which, happily, is right across the street—*Our Lady of Compassionate Inclusiveness*. You’ll soon learn that “inclusiveness” does not include you [5]. Worse still, you might have to send them off to the next nearest publicly funded school which could be an hour’s bus ride away. This scenario is not uncommon, especially in smaller communities.

It might be easier just to convert to Catholicism, as some have done. That Canadian teachers and families are feeling pressured to change religions in order to use basic public services is a sure sign that

something has gone horribly wrong [6]. The fact that no one's allowed to talk about it makes it worse.

(Oddly, although Catholic Boards are strict about proof of Catholicity for teachers and students, when it comes to accepting public tax dollars those requirements are greatly relaxed.)

The picture is sometimes grim even for Catholics. A woman in Eastern Ontario was intending to move her child from a Catholic school to a public school. Her priest found out and threatened to deny her Easter Communion. She changed her mind. In some cases even Catholic teachers with baptismal certificates can be denied employment if a priest is insufficiently impressed with their church attendance or their tithing prowess.

Our dirty little secret is that Roman Catholic priests and Bishops are effectively in control of a multi-billion dollar tax-funded *public service*.

I was stunned when I first heard this. I was certain there was a misunderstanding. It seemed too un-Canadian, too Apartheid-like, that a public institution would actively discriminate against Canadians with the “wrong” religion. Impossible! It’s the kind of state-sanctioned backwardness you’d expect in 1954 Alabama, not in 2010 Ontario. The cognitive dissonance was unnerving.

Then I was pointed to an Ontario property tax form sent out by the Municipal Property Assessment Corporation. On that form there was, and still is, a set of checkboxes where you must specify whether you wish to support the Catholic separate system or the public system (in each of our two official languages). The form stresses that in order to support the Catholic system you *must* be Roman Catholic.

Whew! What a relief! Only Catholics are paying for Catholic schools! Non-Catholics wouldn’t be allowed to contribute *even if they wanted to!* What magnanimity!

My peace of mind was short-lived.

Like most people, I understood the word “support” to mean “financial support”. Wrong. In Ontario, Catholic schools are *fully publicly funded*, exactly like public schools [7]. That set of checkboxes on the tax form is not there to direct tax dollars. It seems its only effect is to help hide a dirty secret.

This gobsmacker was confirmed for me by a Catholic School Board ad in *The Ottawa Citizen*. It is unusually revealing:

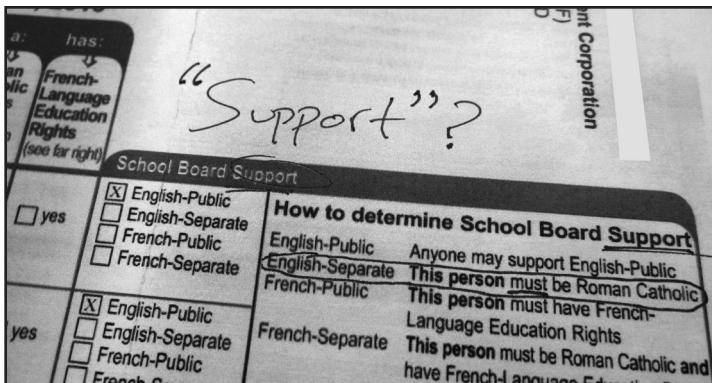
“When you designate yourself as a separate school supporter, there is no longer a financial benefit to our Board. Rather, your designation guarantees a strong political voice through your elected representatives (Trustees) in ensuring your rights to Catholic education for the young people in our province.”

In other words, ticking off the Catholic box won’t direct your property taxes to Catholic schools, but it will, however, make public officials believe that it would be political suicide to dare to speak out on this issue.

It works only too well. Hardly anyone knows the truth, and hardly any politician will risk their career even to talk about it [8]. It’s the publicly funded discrimination that dare not speak its name.

When Bill-30 (the extension of full funding for Catholic schools) came into law in 1986, (without a free vote) only one MPP, Norman Sterling, dared to speak out. Mr. Sterling, heeding his conscience while risking “political suicide”, broke ranks with his party and ended up being the 1 in the 117-1 “vote”. His description of how the democratic process was so easily hijacked is chilling and a must-read [9]. You don’t have to be a conspiracy theorist to come away with the overwhelming feeling that Bill-30 had nothing to do with democracy and everything to do with closed-door deals.

(It should be noted that the oft-implied threat of “political suicide” never materialized. Twenty-five



“Lies, damn lies, statistics” and checkboxes: Ontario’s Property Tax Form

The vast majority of Ontarians believe that only Catholics pay for Catholic schools. Our property tax form is so effective at perpetuating that misunderstanding that you’d be forgiven for thinking it’s more than just an accident.

years later, the Honourable Norm Sterling is still very much serving the public good [10].)

Whenever I'm traveling in the U.S. and the topic of education comes up, no one ever believes it when I tell them that Ontario's Catholic schools are fully publicly funded. I guess that's to be expected given the gap between Canada's reputation and its reality. Harder to understand is the Twilight Zone-worthy fact that even most Ontarians don't know it. Our ill-crafted property tax form is certainly to blame, but so too is the campaign of fear, uncertainty and doubt actively undertaken by supporters of the status quo.

Case in point: a few months ago a brochure was sent home with Catholic school students [11]. Designed to justify the public funding of the separate system, it crosses the line of truth in some statements. For example:

"Directly supported by 2.4 million ratepayers, Ontario's English and French Catholic schools annually educate approximately 670,000 students—a third of all students in the province."

There's that weasel-word again: *support*. The strong implication here (so strong that you might call it a lie) is that only Catholics pay for Catholic schools. We know that *all* taxpayers in Ontario "directly support" Catholic schools, whether they be Anglican, Hindu, Muslim, Jew or agnostic. Everyone.

The brochure lobs another smoke-bomb, this time in an effort to dodge a United Nations condemnation:

"In opposing Catholic education, some critics say the U.N. has called Ontario's funding system "discriminatory." In fact, the U.N. has not made such a ruling. It was the opinion of members of one committee, and never moved beyond that committee."

This statement represents either total ignorance or a devious interpretation of the way the UN system works. The record is clear: The United Nations Human Rights Committee ruled on November 5th, 1999 that "if a state party [Canada] chooses to provide public funding to religious schools, it should make this funding available without discrimination," and, "the facts before it [the Committee] disclose a violation of article 26 of the Covenant [12]."

The UN added that it "wishes to receive from [Canada], within ninety days, information about the measures taken to give effect to the Committee's views." It's been over a decade and the UN is still

waiting. (Meanwhile, in a similar case brought before the UN, Canada has received another condemnation [13].)

It is often stated that public funding for Ontario's Catholic schools is a "minority right" [14] that was "enshrined" in the Constitution in 1867, and that even whispering the word *amendment* will result in the earth splitting open and swallowing us up.

As with any constitution, ours is a living, breathing document. Not long ago South Africa's policy of racial segregation was "enshrined" in its constitution. Today it isn't. Once upon a time our very own Constitution did not consider women as "persons" under the law. It's hard to imagine it, but before 1929 women did not have the right to vote. A determined group of women, not intimidated by the smoke-and-mirrors of "enshrinement", succeeded in having the Constitution amended [15].

We've even seen it done several times already in education. Both Québec and Newfoundland had amendments passed 12 years ago to make full public funding of Church-controlled schools a thing of the past [16]. Catholics and non-Catholics in both provinces simply recognized the wastefulness of their divided and divisive systems and realized that profound truth in the simple statement that "public funding is for public schools". (Neither case resulted in the country falling apart, as the Bishops threatened [17].) Manitoba arrived at this same sensible conclusion, but over a century earlier.

Although these days it is effectively impossible to get the numbers (one can't help but wonder why), the Ontario Ministry of Education back in the mid-90s acknowledged that the *additional* cost of funding just the high school component of the Catholic system extension amounted to an extra \$200 million per year [18]. When we account for the elementary panel as well, the additional costs rise to about \$500 million per year [19]. It must be emphasized that this figure is the amount that Ontario pays *over and above what it would cost to educate our children together in a de-segregated system*. (i.e. this is not the cost of educating our kids—it's the *extra* cost associated with a parallel separate system bureaucracy.) By going to one system we'd free up a jaw-dropping \$250 per child—*every* child, no mat-

ter what their religion or lack thereof. That's about \$7,500 per classroom per year! [20]

How often do we get the opportunity to rectify two UN Human Rights Committee condemnations while adding an extra \$500 million to our classrooms in the same stroke?

If Ontario's political leaders cared more about children and less about pleasing Bishops behind closed doors, this would be a no-brainer. Instead, we appear to lag behind even Northern Ireland in understanding the dangers of using public funds to build religious walls between children [21].

The \$150,000 lesson that we can take from the lawsuit described earlier is that the Catholic school boards have no qualms spending public education dollars on legal fees to attack basic Charter rights. It's a strange situation, but it's exactly the kind of thing we ought to expect when the government tries to serve two masters. One master (the Charter) embodies the advancement of human rights; the other master (*Monsignor Master* to you) prides itself on the infallibility of ancient views on women, gays and, well, everything. The contrast is striking [22].

Premier McGuinty was struck by it (and struck hard) a couple of months ago when he introduced an updated sex education curriculum [23], one developed over two years with input from medical professionals and experts from diverse fields, and included Catholic principals, teachers and parent groups. One change involved the addressing of homosexuality. That was enough for the Conference of Bishops to spasm with fury. The Archbishop of Ottawa called for "a firestorm of response". Jan Bentham of the Ottawa Catholic school board said the Premier "seems to be misinformed," and that her school board would not implement the curriculum [24]. Some of the pious even took it as an opportunity to pillory McGuinty for appointing a homosexual as Minister of Education. After fighting the good fight for a few days, McGuinty buckled [25]. Let there be no confusion about who is actually in control of one-third of Ontario's publicly funded schools [26].

Another oddity: The June 2010 issue of the Ontario College of Teachers journal highlights all the great things that Ontario schools do to promote inclusiveness [27]. It is heartwarming to see that

LGBT students and teachers are no longer marginalized! We've come such a long way! *Yet*, there is a conspicuous absence. When describing the progress made in Thunder Bay the author writes, "a lot has changed. There are now GSAs (Gay-Straight Alliances) in all 4 high schools." Fantastic! But she seems to forget that Thunder Bay's public system also includes 3 Catholic high schools: that makes 7, not 4. The amnesia may have been induced by the inconvenient fact that of Ontario's 300 Catholic high schools, the total number that have anything remotely resembling a GSA is *zero* [28].

Even the OCT seems keen to help hide our dirty little secret. (Perhaps I will do my part by suggesting an easy fix for the cover [29].) *Cui bono*?

Though some supporters of the status quo take great pains to portray it this way, the issue is not one of Catholic vs non-Catholic. The issue is about whether it is appropriate for Ontario to divert hundreds of millions of public tax dollars to promote religious discrimination. There are powerful reasons, both moral and financial, why the answer must be No.

Too many of us shy away from discussing the matter lest we be accused of "hating Catholics". Please don't. It's a bit like accusing Rosa Parks of "hating white people" for refusing to give up her seat to a white man in order to protest an inhumane law. I want to believe that back in that scorching hot summer of 1955 in Alabama, at least one white man was capable of cutting through the fog of discriminatory privilege by making a point of willingly giving up his seat to a black person, for all to see.

"Finally, government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens."

—Pope Paul VI

The discrimination in Ontario's education system makes a hypocrite of this Pope.

As long as the facts are kept hidden we won't be able to discuss the matter properly. As long as we can't discuss it we won't be able to fix it. Until we fix it, it will remain Canada's dirty little secret [30].

Richard Young, B.Eng., M.Eng., B.Ed. is a public school teacher in Ontario. He's proud to teach in a truly public system that welcomes people of all races, religions, sexual orientations, hair colours, and even OS preferences.