

Legal Affairs Update

October 2020

For nearly forty years, the Legal Defence Fund has provided CCCC with the means to advocate on your behalf in the public sphere. Whether intervening in court cases, communicating with politicians, publishing academic articles, or serving on advisory committees, our goal is to ensure that you remain free to carry out your mission to advance the Gospel.

Like you, we have been impacted by the current pandemic. Through the COVID-19 crisis, we have been in touch with provincial and federal governments to clarify regulations and to promote the needs and contributions of the charitable sector. Guided by respect for the authorities as well as concern for our members and the wider public, we recognize the importance of allowing Christian churches and charities to find safe ways to offer the physical and spiritual comfort that our nation – and world – so desperately needs in this time of fear, isolation and suffering.

At the same time, we have not stopped pursuing our mandate in other areas. In particular, the Legal Affairs Team has made several court intervention applications in recent months.

The first case involves the Ethiopian Orthodox Church, wherein several members were expelled from the congregation because of an internal, theological dispute. Normally courts do not adjudicate such matters. In fact, in a case involving Jehovah's Witnesses, the Supreme Court of Canada (SCC) ruled in 2018 that "religious groups are free to determine their own membership and rules; courts will not intervene in such matters save where it is necessary to resolve an underlying legal dispute."

Unfortunately, the Ontario Court of Appeal in the Ethiopian case thought otherwise and ruled the courts can review decisions made by church leadership. Given the potential ramifications, we are thankful that the case has been appealed to the SCC and we expect it to be heard in December. Please join us in praying that the courts would reaffirm the long-established right of religious communities to maintain their own theological beliefs and practices regarding membership.

There are also two cases currently underway at the Federal Court regarding the Canada Summer Jobs program. The controversy began in 2018, when the federal government required applicants to sign an attestation agreeing with the government's ideological position on abortion, "Charter values" and marriage to be eligible for grants to hire summer students. Although the government eventually modified the application form in response to widespread opposition, including input from CCCC, it has continued to deny funds to religious charities that are deemed "discriminatory." Two charities are now seeking to resolve this conflict in court. Our intention is to assist the court by intervening; however, government lawyers are robustly opposing our applications. We are deeply concerned about the government's discriminatory treatment of religious charities, so we are determined to move forward. Please pray that, despite the opposition, we would be permitted to appear before the court to share our expert perspective on the harmful effects of the government's policy.

Finally, the Legal Defence Fund allows us to be part of the scholarly discourse that influences legal and political decisionmakers. Our focus is on writing articles and books that demonstrate the valuable contributions of religious charities to society at large. Our research affirms that religious communities

deserve respect not only because they have religious freedom rights, but because of the incredible benefits they offer to society through their generosity and compassion.

All of this requires a faithful ministry of presence to engage with public issues that seem to be more challenging and complex with every passing year. We cannot stand alone: your prayerful support and financial gifts are crucial. We depend on your contributions to carry on the work of the Legal Affairs team, over and above your membership fees. If you are able during these difficult times, please do continue to give – and spread the word – so that, as fellow believers and servants of Christ, we can do our part to help your ministry thrive!

Gratefully,

A handwritten signature in black ink, appearing to read "Barry W. Bussey". The signature is stylized with a large, looped "B" and "W".

Barry W. Bussey
Director of Legal Affairs