



**Canadian Centre for  
Christian Charities**

*Supporting ministries in a complex world*

# Canadian Centre for Christian Charities

Submissions to the Standing Committee on Human Resources, Skills and  
Social Development and the Status of Persons with Disabilities

Re: Canada Summer Jobs Program

October 25, 2023

## INTRODUCTION & OVERVIEW

The Canadian Centre for Christian Charities (CCCC) is grateful to have the opportunity to provide input and feedback regarding the Canada Summer Jobs (CSJ) Program to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

CCCC has been actively engaged in CSJ-related matters for many years, as the program impacts hundreds of our member charities, which in turn, impacts countless individual Canadians and communities across our country.

CCCC sees great benefits and great potential in the CSJ Program, particularly for charities. Charities provide significant community and public benefits – for example, CCCC’s membership of more than 3,200 Christian charities includes churches, relief and development charities, summer camps, educational institutions, shelters, environmental protection, food banks, mental health services, poverty relief, social justice initiatives, and more. CSJ funding for charities enhances and expands these diverse community benefits in ways that may not otherwise be achievable.

Further, the CSJ program can provide expanded access to meaningful job experience for a diverse range of Canadian youth. We trust that range of youth includes those of faith, who want employment experiences that help give expression to their religious beliefs, and which help affirm "the notion of personal choice and individual autonomy and freedom"<sup>1</sup> that lie at the core of religious freedom.<sup>2</sup>

In making these submissions, we recognize that faith-based organizations have widely varying experiences with CSJ applications and funding. Many have been granted funds which are used in furtherance of community-enhancing programs and services. Many others have been denied funding and been subject to scrutiny focused on the nature of their religious beliefs. Given these varied experiences, we present a number of concerns and ways in which the CSJ program could be significantly enhanced, including through flexibility, timeliness, consistency, and transparency and fairness. We outline each of these concerns below, followed by specific recommendations to address our concerns.

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<sup>1</sup> *Syndicat Northcrest v Amselem*, 2004 SCC 47 at para 40.

<sup>2</sup> *R v Big M Drug Mart*, [1985] 1 SCR 295 at para 94.

## FEEDBACK & CONCERNS

### **Flexibility**

The CSJ program does not necessarily reflect the needs and realities of employers and employees, student employees in particular. Students have a limited amount of time during the summer to secure work. This means students want to secure positions early and for the duration of the summer months. Employers that rely on the CSJ program are often left with partial funding or split funding (or no funding!), and cannot then allocate the funds in an effective, efficient way that serves the interests of the employee, the organization, and the community.

For example, an applicant may request one sixteen-week grant but instead is approved for two eight-week grants to be allocated to two different employees. This means post-secondary students are likely to pass on the opportunity as it is not long enough; the employee who does accept the role has a short work period; and the employer spends a good portion of those eight weeks training the employee, only to repeat with a second employee, resulting in excess cost in time and financial resources. Employers want flexibility to apply the funding in the manner that makes most sense for the employee, the organization, and the community.

### **Timeliness**

Applicant organizations have specific timelines in which jobs can begin and must end. Applicants are usually informed about funding decisions in the same month as jobs can begin; however, if there are any delays or follow up information requested, the funding decision is often not communicated until much later.

We are aware of organizations that have not received a final funding decision until *after* the latest job end date. Other organizations, particularly those who receive requests for follow-up information, often do not receive a final funding decision until shortly before (or even after) the latest job start date. Improved timeliness is necessary for effective use of CSJ grants, for employers to effectively publicize the roles, and for youth to have sufficient time to apply for positions.

### **Consistency**

A need for consistency may at first seem to be at odds with the need for flexibility; however, they are not mutually exclusive.

It can be exceedingly difficult to create meaningful, well-planned, multi-year programs over the summer when organizations have no certainty that CSJ funding will be available to secure the job roles needed to staff these programs. It is difficult to plan these activities – and the job roles necessary to support them – year-by-year. It requires a significant investment of time and resources to plan high quality programs, to engage participants, and to publicize services or opportunities. Trying to do so without any certainty that funding will be approved in subsequent years – even for the very same program – often makes these high impact programs unworkable.

Not only does this impact the employer and organization offering programs to the community, it impacts employees who may not have the same opportunities from one year to the next, and it impacts community members who rely on programs for essential needs, such as affordable summer camps/childcare.

A reduction or loss of funding year by year has significant impacts.

For example, we are aware of an organization which, after being denied CSJ funding could only offer one week of summer camp (fewer than in previous years), thereby eliminating affordable summer childcare for parents. The camp could not offer extended hours for caregivers who work late because the grants were insufficient to hire additional staff. Funds were also insufficient to hire students to work with special needs children as it had in the past.

Consider also a church that was unable to hire an intern, as it had in the past, to facilitate summer programs and liaise with a local Indigenous community. The summer program was completely scaled back to include only one week of volunteer-run programs and collaboration opportunities between the church and Indigenous community were extremely limited.

### **Transparency & Fairness**

In 2018, CSJ program applicants had to sign an attestation that required agreement with government positions on particular social and ethical issues as a condition of funding. This social values requirement excluded a wide variety of religious groups from CSJ participation. After advocacy work and interfaith efforts to remedy *Charter* concerns surrounding the attestation, it was appropriately removed; however, there remains a perception that religious applicants are treated differently than non-religious applicants.

In 2021 the Federal Court reviewed a decision of Employment and Social Development Canada (ESDC) that denied funding to a faith-based summer camp. The camp won its case – the court found that the decision was not made in a procedurally fair way. Because of this conclusion the court did not need to examine *Charter* infringements of religious freedom and freedom of association.

Nonetheless, the court commented on *Charter*-related matters, specifically ESDC’s “after-the-fact attempt at justifying the decision” to reject the camp’s application by characterizing camp operators as having “controversial church beliefs.”<sup>3</sup> While the record was unclear, if this was the basis for rejecting the camp’s application, it “would clearly engage ... *Charter* interests.”<sup>4</sup> The court also questioned whether “government officials should be basing their program advice to Ministers on their opinions of what constitutes ‘controversial church beliefs’.”<sup>5</sup>

A similar, but more pointed warning was issued from the Federal Court in another 2021 CSJ-related decision, where a faith-based university also won its case because ESDC’s decision to deny funding was not made in a procedurally fair way. Though the court did not issue judgement on the *Charter* claims, the Minister of Employment was warned to “take no comfort from this conclusion” – there was “some support for” finding religious discrimination because the university “was clearly identified as a potentially high-risk candidate based solely on the cursory

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<sup>3</sup> The court further explained that the applicant BCM camp was conflated with the application of a different BCM camp in another province, “the operators of which were considered by the program managers to have ‘controversial church beliefs’.” See *BCM International Canada Inc. v Canada (Minister of Employment, Workforce Development and Labour) and the Attorney General of Canada*, 2021 FC 687 at para 32 [*BCM v Canada*].

<sup>4</sup> *BCM v Canada* at para 32.

<sup>5</sup> *BCM v Canada* at para 37.

examination of a few web pages and a magazine article.”<sup>6</sup> There was no evidence that ESDC made any overt attempt to consider “freedom of religion, freedom of expression or freedom of association” in assessing the university’s application. This failure is problematic because faith-based institutions “must be treated not just with procedural fairness but also with respect for their *Charter*-protected rights.”<sup>7</sup>

These decisions provide judicial confirmation that the perception of different treatment for religious charities is not without merit. This perceived differential treatment is most often experienced by way of follow-up requests that focus almost exclusively on applicants’ religious beliefs.

The follow-up questions tend to use a formulaic statement that usually references “information in the public domain” which “raises concerns regarding the eligibility of [the] job project or job activity.” And, more often than not, the concern centres around a statement of faith and religious beliefs.

For example:

- Churches are asked why Assistant Ministers or similar Ministerial roles need to adhere to a doctrinal statement or statement of beliefs;
- Religious educational institutions are presented with public domain information that confuses expectations of students and staff;
- Faith-based organizations are presented with affiliated groups’ statements of faith and asked to disprove (for example) that the *affiliated group’s* belief in life from conception to natural death would not “undermine or restrict a woman’s access to sexual and reproductive health services”; and,
- Churches are presented with *church membership* requirements and statements of faith as a concern regarding various summer positions.

Faith-based CSJ applicants are often asked to explain why agreement with or respect for a statement of faith is a reasonable qualification for particular roles. This question about reasonable qualifications raises distinct legal issues, the adjudication of which has been delegated to federal and provincial human rights tribunals. In that context, it is usually referred to as a *bone fide occupational requirement*, which has a number of specific legal tests and considerations, informed by a factual context and legal precedent. As such, that (typically complex) process rightly has expansive procedural protections. Yet when the same question is asked in the context of a CSJ grant application there are few of those same procedural

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<sup>6</sup> *Redeemer University College v Canada (Minister of Employment, Workforce Development and Labour)*, 2021 FC 686 at paras 47, 43 [*Redeemer*]. The program officer reviewing the application “did a cursory search of the Internet for information” about the school’s policies, “turned up a few pages about its faith-based approach to education” and submitted them as evidence of ineligibility, and which “related to the undoubtedly sincere beliefs” of the school’s community about the nature of marriage. See para 40.

<sup>7</sup> *Redeemer* at para 47.

protections in place, and grant reviewers effectively take the place of human rights claims adjudicators.

Administrative decisions are to be made in “a fair and open procedure, appropriate to the decision being made, and its statutory, institutional and social context, with an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision maker.”<sup>8</sup>

But there is a notable lack of openness and transparency in the CSJ decision-making process which leads directly to concerns about fairness. While there is a list of mandatory criteria that applicants must meet, the following is a short sampling of the unknown criteria:

- When is public domain information sought?
- Why is public domain information sought?
- Is the veracity of public domain information assessed? Against what standard?
- How is this information weighed in the application assessment?
- Are *Charter* rights and freedoms (such as religious freedom, freedom of association, and freedom of expression) considered in the application review process?
- How are *Charter* rights and freedoms incorporated into the review process?
- What prompts concerns regarding hiring practices?
- What criteria is used to weigh whether a particular applicant’s beliefs or mission or vision is concerning?
- What standards are used to assess applicants’ responses to questions about “reasonable qualifications”?

The list above is not meant to be exhaustive, but illustrative. These questions, and others like them, raise serious concerns about the level of transparency and fairness in the CSJ process.

## RECOMMENDATIONS

In light of the above feedback and concerns, CCCC makes the following recommendations:

### **Enhance Flexibility**

Ideally, organizations would have flexibility in the application of a set amount of funding, such that instead of two eight-week grants, an organization can use those two eight-week grants to support a full-time summer role for the duration of the summer months.

### **Consider Multi-Year Grants**

In the interests of consistency, predictability, and community benefit, consider expanding CSJ grants to allow for multi-year funding. This will enhance organizations’ ability to plan and sustain high-quality projects, employment, and community services.

### **Improve Timelines**

Applicants are given five business days to respond to requests for information, but there is no similar commitment from the government. Applicants should be provided with final funding

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<sup>8</sup> *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, 1999 CanLII 699 (SCC) at para 22.

decisions in a manner that respects the deadlines within the CSJ program itself – organizations should know *before* the job start dates whether they will receive funding.

### **Include Religion in CSJ Priorities**

Each year, the CSJ Program identifies specific funding priorities. Future priorities should reflect and include faith-based projects and organizations. This can be a means of furthering the multicultural nature of Canadian society and demonstrates a commitment to state neutrality, which “neither favour[s] nor hinder[s] any particular belief” or unbelief. Given that religion is “the lens through which people perceive and explain the world in which they live,” including faith-based projects as priorities helps preserve “a neutral public space that is free of discrimination” and encourages “everyone to participate freely in public life regardless of their beliefs.”<sup>9</sup>

### **Consider Religious Literacy Training Amongst Service Canada Staff**

Service Canada<sup>10</sup> should implement religious literacy training for its staff, particularly those who interact with CSJ applications, whether reviewing, asking follow-up questions, making recommendations, etc. It raises serious concerns from the religious community when government staff cannot understand why those in ministerial (e.g. Pastor, Priest, Imam, Rabbi) roles need to affirm a statement of belief.

In response to a report from the Federal Office of the Taxpayers’ Ombudsperson report, *Charity Begins with Fairness*, the Canada Revenue Agency intends to implement a variety of new training for its audit staff, including unconscious bias and religious literacy training. Both this training and the Ombudsperson report were undertaken in response to concerns and perceptions that Muslim charities were being treated unfairly in audit selection and audit processes.

We strongly recommend that CSJ decision-makers engage with religious communities to better understand their perspectives, their organizations and missions, and the significant community benefits they provide through programs and services. Better understanding of religious diversity within Canada will result in better outcomes for the CSJ program. Following CRA’s example, more formal religious literacy training for those involved with the CSJ program should also be considered.

### **Enhance Transparency**

There are many opportunities to enhance the transparency of the CSJ program. We would encourage publication of information such as:

- The standards used to determine which organizations must provide additional information, particularly as it relates to “reasonable qualifications”;
- The criteria used to assess responses;
- The standards used to determine when and why independent background research is conducted;
- The criteria used to assess the veracity, accuracy and applicability of public domain information;
- How *Charter* rights and freedoms are taken into consideration;

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<sup>9</sup> *Mouvement laïque québécois v Saguenay (City)*, 2015 SCC 16 at paras 72-74.

<sup>10</sup> And/or other appropriate departments involved in CSJ application assessments and program delivery.

- What presumptions, if any, are applied to an organizations' hiring practices;

Enhancing transparency will not only clarify the process for *all* applicants, it will also help to ensure consistency in application assessment and, very importantly, can positively change the perception of the program amongst faith-based applicants.



## ABOUT CCCC

Founded in 1972, CCCC is a Canadian registered charity that exists to support Christian ministries on their journey to becoming ever more exemplary, health and effective. CCCC's 3,200+ members are a diverse group of ministries from all across Canada and include churches, overseas missions, relief and development charities, summer camps, denominational offices, education centres, higher education institutions, foundations, fundraising organizations and many others.

Expert in Canadian charity law and issues that affect religious charities across Canada, CCCC is evangelical in identity and ecumenical in service, meaning that while it self-identifies as evangelical, it makes its services available to the broader public.

CCCC focuses on charity management and advocates for a favourable legal and regulatory framework in which its members may operate. We help support and equip charities by integrating the spiritual concerns of ministry with the practical aspects of management, stewardship, and accountability, which includes fiscal, tax, accounting, and legal compliance.