



## **Heintz v. Christian Horizons: Stripping the Biblical Mission from Evangelical Christian Ministries**

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### **Abstract**

The following paper examines the potential impact of the 2007 decision of the Ontario Human Rights Tribunal in *Heintz v. Christian Horizons* on evangelical Christian ministries operating in the province of Ontario.

The decision has the potential to dramatically change the way that evangelical Christian ministries operate in the province, by narrowing the application of the *Ontario Human Rights Code* Special Employment Exemption. The exemption permits religious organizations to restrict their hiring to individuals of the same faith group.

Should the *Heintz* decision stand (it is currently being appealed), evangelical Christian organizations that minister to the general public would be required to hire any otherwise qualified candidate, rather than being able to selectively hire evangelical Christians who are qualified and who share the organization's biblical foundational understanding of ministry. Further, it is likely that ministries will no longer be able to require their staff to agree to and sign a lifestyle policy. The adjudicator in the *Heintz* decision found that such policies create "poisoned work environments."

### **1. Summary of *Heintz v. Christian Horizons* *Christian Horizons, an Evangelical Christian Ministry***

Central to this case is the Christian Horizons ministry. Christian Horizons self-describes as "an evangelical ministry seeking to reach out with Christian love to people with disabilities."<sup>1</sup> The ministry, which was founded in 1964, has become the largest provider of services to individuals with disabilities in Ontario. Christian Horizons, which provides numerous services, is best known for the group homes it operates to care for and serve individuals with physical and mental disabilities.

Christian Horizons' success in this ministry contributed to the province of Ontario's decision to close large institutional care facilities and to move to a community group-home model for the care of individuals with disabilities. As the province closed the institutions, Christian Horizons expanded and now has more than 180 residential homes and more than 2,500 employees and cares for more than 1,400 residents.

Founded by James Reese who was inspired to start the ministry based on his first-hand knowledge of the impact of developmental disabilities on individuals and their families (his brother and son had disabilities), Christian Horizons offers a distinctive evangelical Christian environment in which individuals are cared for by employees who are required to "exemplify Christ, and show Christian love in all they do."<sup>2</sup>

<sup>1</sup>Christian Horizons, online: Christian Horizons <<http://www.christian-horizons.org>>.

<sup>2</sup>*Heintz v. Christian Horizons*, 2008 HRTO 22 (CanLII) at 190 [Heintz].



## *Parks v. Christian Horizons*

The *Heintz v. Christian Horizons*<sup>3</sup> decision is, in many ways, a follow-up to the 1992 Ontario Board of Inquiry (the Board was subsequently replaced by the Ontario Human Rights Tribunal) decision in *Parks v. Christian Horizons*.<sup>4</sup> It is helpful to briefly review the *Parks* decision.

In *Parks*, Christian Horizons was found to have discriminated against two employees for refusing to continue to employ them because of their marital status. In the *Ontario Human Rights Code* (the *Code*), a person cannot be discriminated against in an employment context on several protected grounds, such as creed, race, colour, age, disability, and marital status.

When the two employees, one of whom was Ms. Parks, were hired by the ministry, they were not informed that Christian Horizons had a policy prohibiting employment of individuals living in common law relationships. Once management learned the two employees were living in such situations, their employment was terminated.

Though the Board found that the employees were discriminated against on the basis of marital status, the Board stated that the Special Employment Exemption provided for in the *Code* (then under section 23 (1) (a), which is now section 24 (1) (a)) could have applied. That exemption permitted religious organizations to give employment preference to individuals of the same faith.<sup>5</sup>

The exemption states (in part) that the right to equal treatment with respect to employment is not infringed where a religious institution or organization that is primarily engaged in serving the interest of persons similarly identified employs only, or gives preferences in employment to, persons similarly identified if the qualification is a reasonable and *bona fide* qualification because of the nature of the employment.

In other words, an evangelical Christian ministry could restrict its hiring to other evangelical Christians *as long as* the ministry was primarily engaged in serving people of the same faith group. Furthermore, the restriction of only hiring other evangelical Christians would need to be a legitimate requirement, e.g., to foster an evangelical Christian environment.

Two practical examples of this are the following: the Government of Canada cannot refuse to hire individuals to work as engineers because of their religious beliefs. That would be employment discrimination based on creed. However, an evangelical seminary could refuse to hire individuals as professors to teach New Testament Theology because they were not Christian. In the second example, the Christian ethos is central to the seminary's identity, and it would be reasonable to require a professor teaching New Testament theology primarily to Christian students to be an evangelical Christian.

In *Parks*, the exemption did not apply because Christian Horizons had not practiced the requirements consistently, did not ask the employees upon hiring if they could live in accordance with the requirements, and did not make the requirements part of their employment contract.

The Board did find that Christian Horizons was primarily serving two sets of interests: the evangelical Christian interests of its founders and employees (creating an evangelical environment for service and fellowship) and the interests of the residents and their guardians, who may or may not be evangelical Christians.

<sup>3</sup>*Ibid.*

<sup>4</sup>*Parks v. Christian Horizons* (1992), 16 C.H.R.R./D/40 (Ont. Bd. Inq.) [Parks].

<sup>5</sup>*Human Rights Code*, R.S.O. 1990, c. H-19, s. 24(1)(a) [Code].

As a result of the *Parks* case, Christian Horizons, as well as numerous evangelical Christian ministries across the province of Ontario, included their Statement of Faith and Lifestyle Policy/ Code of Conduct in their application package and discussed it during their interviewing and hiring processes. These hiring policies ensured that the ministries were in compliance with the *Parks* decision.

## *Heintz v. Christian Horizons*

In 2000, when the issues dealt with in the *Heintz* decision arose, Christians Horizons had an established Statement of Faith and Lifestyle Policy, which it required all employees to sign as a condition of employment. In developing the policy, Christian Horizons had set out to restrict its hiring to evangelical Christians who followed a Biblical lifestyle. The policy prohibited, among other things, having pre-marital or extra-marital relationships, using pornographic material, and living in homosexual relationships.

Connie Heintz signed the Lifestyle Policy as part of her employment contract and had been an employee with Christian Horizons for five years when she entered a same-sex relationship, which led to her resignation from Christian Horizons. Ms. Heintz (hereafter, referred to as the complainant) later filed a complaint with the Ontario Human Rights Commission.

The Ontario Human Rights Tribunal adjudicator (not a judge) found that Christian Horizons did violate the *Code* by discriminating against the complainant on the basis of her sexual orientation. He also found that the Lifestyle Policy restriction did not fall within the employment exemption criteria of section 24(1)(a) because he determined Christian Horizons did not primarily serve other evangelical Christians. This latter conclusion was contrary to the 1992 findings in *Parks*.

The adjudicator found that Christian Horizons was primarily engaged in serving the interests of the general public, i.e., anyone with disabilities. Further, the adjudicator found that requiring compliance with the Lifestyle Policy was not a reasonable qualification for employment. In other words, the adjudicator found that it was not necessary for an individual to be an evangelical Christian to complete the required tasks as a support worker in a Christian Horizons group home.

The adjudicator opined that had Christian Horizons been primarily serving individuals who were themselves evangelical Christians, it would be able to benefit from the section 24(1)(a) exemption and would be able to require employees to sign the Lifestyle Policy, provided that this requirement was a reasonable qualification for the ministry's work.

The adjudicator also found Christian Horizons to have violated the *Code* by suggesting to the complainant that she could seek counselling under the Employee Assistance Plan to determine whether she wanted to return to abiding by the Christian Horizons Lifestyle Policy. This suggestion was found to have contributed to a poisoned work environment and was a discriminatory employment practice.



The remedies ordered by the adjudicator included financial sums to be paid to the complainant as well as the following public interest remedies:

- Christian Horizons must stop the use of existing lifestyle and morality statement standards;
- Christian Horizons must provide human rights training for employees;
- Christian Horizons must adopt anti-discrimination and anti-harassment policies; and
- Christian Horizons must report to the Ministry of Community and Social Services and the Ontario Human Rights Commission on steps taken to conform all staff contracts, including a review of all qualifications for employment.

The Christian identity of this ministry was at all times well known by government funders, staff, and the people Christian Horizons serves, including their families or guardians. In fact, the evangelical nature of Christian Horizons has been an appealing feature to government, parents, and staff in considering the needs of those placed in care. A representative from the Ministry of Community and Social Services testified that “Christian Horizons was an agency with a particular willingness and ability to accept some of the most challenging placements.”<sup>6</sup>

The *Heintz* decision sets unprecedented limits on the employment practices of religious organizations when they serve individuals including those of different or no faith backgrounds.

The Tribunal’s decision is under appeal in the Ontario courts. This process involves an appeal of the Tribunal decision to the Ontario Divisional Court. If further levels of appeals are necessary in the court system, they would be made to the Ontario Court of Appeal and subsequently to the Supreme Court of Canada. The entire process may take several years.

## 2. Evangelical Christian Ministries Serving in Ontario: Who Are They and Whom Do They Serve?

Because the *Heintz* decision could affect the scope of service of many evangelical Christian ministries, it has the potential to reduce significantly the positive impact these ministries make on Ontario communities.

In 2006, Ontario had 28,496 active registered charities. Conservative statistical analysis techniques indicate that 19% of these charities, 5,467, were either evangelical churches or ministries<sup>7</sup>. The Centre for Research on Canadian Evangelicalism has identified 4,241 evangelical churches and 1,226 evangelical ministry organizations in Ontario. Brownlee, et al. have estimated that 94% of religious organizations are registered charities.<sup>8</sup> This would put the number of evangelical churches and ministry organizations in Ontario closer to 5,800, which would still be a low estimate.<sup>9</sup>

It is estimated that Ontario evangelical churches and ministry organizations employed approximately 17,500 people in permanent full-time positions and a further 15,400 people in part-time or part-year positions in 2006. Christian Horizons was by far the largest single evangelical employer in Ontario in that year, employing 2,305 persons in full-time permanent positions and 1,349 persons in part-time or part-year positions.

<sup>6</sup>*Heintz*, supra note 2 at 59.

<sup>7</sup>The Canadian Evangelical Churches and Ministry Organization Database (CECMOD), which, in addition to its own coding, is populated by Charities Directorate T3010A data.

<sup>8</sup>Barbara Brownlee, Glenn Gumulka, Cathy Barr, and David Lasby, “Understanding the Capacity of Religious Organizations: A Synthesis of Findings from the National Survey of Nonprofit and Voluntary Organizations and the National Survey of Giving, Volunteering and Participating,” (Imagine Canada, 2005): vi. ([http://nonprofitscan.imaginecanada.ca/files/en/misc/understanding\\_capacity\\_religious\\_orgs\\_report.pdf](http://nonprofitscan.imaginecanada.ca/files/en/misc/understanding_capacity_religious_orgs_report.pdf), Accessed January 6, 2009).

<sup>9</sup>Coding of the CECMOD database is ongoing. These numbers likely underestimate the true number of churches and ministry organization by 5% to 10%.



Of the 1,226 Ontario evangelical ministry organizations (i.e., other than churches), 341 indicated that they carried out their ministries in more than one province or territory, and 195 indicated that the scope of their ministry was provincial.

In 2006, the active evangelical churches and ministry organizations in Ontario had a combined total revenue of \$2,680,550,000. Of this \$1,462,702,000, or 54%, was from tax receiptable gifts. Evangelical churches reported that 80% of their income came from tax receiptable gifts and evangelical ministry organizations reported that 40% of their revenues came from tax receiptable gifts. The ministry organizations received 12.6% of their total revenue from government sources, with most of this being provided by the provincial government. Only 6.2% of these ministry organizations received provincial funding. The funding extended by the province tended to be for agency or ministries engaged directly in caring for the poor or vulnerable.

A high proportion, 89%, of all religious organizations in Canada report that they provide products and services to people directly. Of those religious organizations, 73% serve primarily the general public.<sup>10</sup> A majority, 69%, of religious organizations say that both members and non-members benefit equally from their activities.<sup>11</sup>

Evangelical churches and ministry organizations overwhelmingly work directly with the general public, and their ministries benefit the public. Many of these ministries have a national or international reach. Individuals, rather than governments and foundations, donate the largest share of the gifts to evangelical churches and ministries in Ontario. The potential impact of the *Heintz* decision would be crippling for this sector of the Ontario economy, affecting the staff and the community work of these organizations, with potentially devastating results for their clientele.

### 3. Potential consequences of the *Heintz* decision in Ontario

The *Heintz* decision is currently stayed (suspended and does not apply) as it is under appeal.

If, however, following the appeals process *Heintz v. Christian Horizons* decision is established as common law in Ontario and applied strictly, what would that mean for Ontario faith-based non-profit organizations that provide care and support to needy and vulnerable individuals?

The following analysis and conclusions examine a number of key areas that would be affected.

1. Can faith-based organizations requiring their employees to abide by lifestyle codes of conduct qualify for the section 24(1)(a) Special Employment Exemption?

According to the *Heintz* decision, to qualify for the special employment exemption a faith-based organization would have to

1. prove that it is “religious,”
2. demonstrate that “the nature and purpose of its activities is to serve the private interests of its community” (i.e., a “religious” community); and lastly
3. establish that the requirement that employees abide by a Statement of Faith and Lifestyle Code of Conduct is a reasonable and *bona fide* employment requirement.<sup>12</sup>

<sup>10</sup>Brownlee, et al, 10.

<sup>11</sup>Brownlee, et al, 12.

<sup>12</sup>Code, *supra* note 5, s. 24(1)(a).



## 1.1 Demonstration of religious identity

To demonstrate religious identity, the organization would have to show, as Christian Horizons demonstrated, that religious motivations are a core aspect of the organizational identity. To prove this, its doctrinal and faith statements should be included in the organizations' governing documents. Most faith-based organizations include these provisions in their charitable objects, charters, and constitutions.

## 1.2 Demonstration that an organization primarily serves persons identified by a common creed

Organizations might find it more troublesome to demonstrate that they primarily serve their own faith communities. Many organizations involved in evangelism, outreach, or service to the needy and vulnerable serve the general public (i.e., do not limit themselves to serving those who share their faith beliefs) and so will not meet this requirement.

The adjudicator interpreted the Ontario Legislature's intentions in passing section 24 (1) (a) of the *Code* as follows:

. . . the Legislature has made a policy choice in determining how the rights of a religious organization, and the rights of an individual to be free from discrimination in employment should be balanced. It has determined that *where the organization is primarily engaged in serving the interests of its members or its community of co-religionists, it will be granted freedom to restrict hiring to members of its faith*, subject to the qualification being reasonable and bona fide. Where, however, it *branches out into the public realm, where the nature and primary purpose of its activity creates a relationship with the broader public, its rights are then limited*, and, as pertaining to the social activity of employment, it cannot infringe on the fundamental rights of others.<sup>13</sup> [emphases added]

The adjudicator's decision would effectively prohibit those of a shared faith perspective from requiring others working with them to share that faith perspective if the activity they joined together to engage in resulted in providing any form of ministry to those not of the same faith perspective.

While noting this principle of the *Heintz* decision, the authors of this paper disagree with the adjudicator's interpretation of the law for several reasons, as summarized below:

- The decision is contrary to the conclusion reached in *Parks* and to other decisions on the application of the *bona fide* occupational requirement, and thus is contrary to existing legal jurisprudence (precedent) that has been relied upon by religious organizations across the country.<sup>14</sup>
- The decision is contrary to the principle expressed by the Supreme Court of Canada in *Caldwell v. Stuart*—dealing with a similar provision in the British Columbia *Human Rights Code*—that states the provision should be interpreted in a way that “preserves the right to associate” and “permits the promotion of religion.”<sup>15</sup>

<sup>13</sup>Heintz, *supra* note 2 at 158.

<sup>14</sup>*Parks*, *supra* note 4. See also *Kearly v. Pentecostal Assemblies Board of Education*, [1993] N.H.R.B.I.D. No. 1 (Nfld. Bd. Inq. (QL)). See also *Schoen v. Steinbach Bible College* (1999), 35 C.H.R.R. D/1 (Man. Bd. Inq.). These decisions set out that a religious organization may adopt a lifestyle policy as a *bona fide* employment requirement if the position filled by the employee is central to the religious purpose of the organization.<sup>5</sup> Human Rights Code, R.S.O. 1990, c. H-19, s. 24(1)(a) [Code].

<sup>15</sup>*Caldwell v. Stuart*, [1984] 2 S.C.R. 603 at 626.





- The decision is contrary to the principle expressed by the Supreme Court of Canada in *Brossard v. Quebec*—dealing with a similar provision in the Quebec *Charter of Human Rights and Freedoms*—that the provision “was designed to promote the fundamental rights of individuals to freely associate in groups for the purpose of expressing particular views or engaging in particular pursuits. Its effect is to establish the primacy of the rights of the group over the rights of the individual in specific circumstances.” In *Brossard*, the Court also noted there are differences in various provincial human rights codes but “the essence of the protection afforded groups and the reason for this protection remain the same.”<sup>16</sup>
- The decision is contrary to the principle expressed by the Supreme Court of Canada in *Trinity Western University v. British Columbia College of Teachers* that “[t]he diversity of Canadian society is partly reflected in the multiple religious organizations that mark the societal landscape and this diversity of views should be respected.”<sup>17</sup>

### 1.3 Abiding by a statement of faith and lifestyle policy is a reasonable and *bona fide* employment requirement

In order to prove that the qualification that all employees agree to and sign a lifestyle policy is a reasonable and *bona fide* qualification, considering the nature of the employment, a faith-based charitable organization would have to demonstrate that:

1. The purpose of requiring employees to sign and agree to the lifestyle policy is rationally connected to the performance of the job;
2. The requirement was adopted in a good faith belief that it is necessary to the fulfillment of that legitimate work-related purpose; and
3. The requirement is reasonably necessary to accomplish the work-related purpose, in the sense that the employer cannot accommodate those who do not agree to the lifestyle policy without incurring undue hardship.<sup>18</sup>

The first element, the establishment of the rational connection between the requirement and the performance of the job, requires careful assessment. In *Heintz*, the adjudicator stated that the connection was made as “Christian Horizons has structured the organization and the employment as Christian ministry.”<sup>19</sup>

The second element of this test, which involves a “subjective” assessment on the part of the organization, would require a faith-based organization to demonstrate that it established the requirement with good intention. An evangelical Christian ministry might demonstrate that employment in a ministry is not just a job, but a calling, i.e., that Christian employees cannot have their spiritual life and their ministry work disassociated one from another; the ministry expects its employees to live out in word and deed the Scriptures’ truths as they understand them. The adjudicator accepted these arguments in *Heintz*.

<sup>16</sup>*Brossard (Town) v. Quebec (Commission des droits de la personne)*, [1988] 2 S.C.R. 279 at 100 and 131.

<sup>17</sup>*Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772 at 33.

<sup>18</sup>*British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. at 32-33; *British Columbia (Supt. of Motor Vehicles) v. British Columbia (Council of Human Rights)*, [1999] 3 S.C.R. 868 at 881.

<sup>19</sup>*Heintz*, *supra* note 2 at 181.



The third element the organization would have to demonstrate is that such a requirement is reasonably necessary to the accomplishment of the work required and that it has “put its mind to the issue in a meaningful way, with a recognition that there is an obligation to consider the fundamental rights of others.”<sup>20</sup> The adjudicator stated that this type of “discriminatory restriction” is permissible only “if the qualification is shown to be reasonably necessary.”<sup>21</sup>

In concluding that Christian Horizons had not demonstrated that the qualification (that employees be Christians abiding by the Lifestyle Policy) is reasonably necessary, the adjudicator stated the following:

Christian Horizons’ purpose, and the service it provides, is not religious education and indoctrination. *The primary role of a support worker is not to help all residents to adopt a Christian way of life, or to carry out a mission of salvation, or to convert residents to the faith beliefs of the organization.* While some residents may come from Christian families and the families chose Christian Horizons because of the Christian home environment, there is no evidence that the persons who receive services from Christian Horizons, as a whole, come from the community of co-religionists, or that they seek placement with the organization to further religious education and formation. As I have discussed above, *the mission of Christian Horizons is to provide residential care and support to persons who had development disabilities* [emphases added].<sup>22</sup>

It appears that, other than for purposes of religious education or ministering to those of the same religion, if the *Heintz* decision stands, the 24(1)(a) employment exemption would no longer be available to faith-based organizations with lifestyle codes of conduct. The adjudicator either did not understand or determined to limit the requirement that evangelical Christianity makes of its adherents that they witness, love, and serve all people, and often society’s most vulnerable, regardless of their race, religious beliefs, or sexual orientation. Evangelical Christians’ beliefs infuse and transcend all ministry activities and tasks and are the catalyst behind their service to all peoples. This misunderstanding and this decision, if it becomes law, will make it difficult for Christian organizations to self-identify, self-govern, and operate in the public square.

## 2. Is a poisoned work environment created when a statement of faith and code of conduct are conditional aspects of employment?

The adjudicator commented that a “poisoned work environment” will likely exist in any organization that has a core belief that men and women are created in God’s image, that God established sexuality in a way that it is to be in the male/female relationship, and that homosexuality is a sin. In the adjudicator’s words:

A workplace where the above beliefs form the fundamental, core ethic that all employees are *required to live out on a daily basis runs a serious risk of being a poisoned work environment...* Employers in Ontario are not allowed to permit, let alone foster work environments in which these attitudes are acted out. [emphasis added]<sup>23</sup>

<sup>20</sup>*Ibid.*, at 188.

<sup>21</sup>*Ibid.*, at 200.

<sup>23</sup>*Ibid.*, at 191.

<sup>24</sup>*Ibid.*, at 236.



These comments, should they be held on appeal, leave little room for faith-based organizations to establish Codes of Conduct based on any religious beliefs, as they would “engend[er] fear, ignorance, hatred and suspicion.”<sup>24</sup>

In the process of arriving at his conclusion, the adjudicator evaluated the religious belief of a faith group and made broad statements about the validity and consequences of the beliefs, which runs wholly contrary to what the Supreme Court established in *Syndicat Northcrest v. Amselem*. This case established the precedent that the state is in no position to be, nor should it become, the arbiter of religious beliefs and practices. No consideration was given to the fact that such a Statement of Faith combined with a Lifestyle Policy might actually enhance the workplace environment of those gathering together with a common faith to pursue a common—and legal—purpose (see bulleted points above).

### 3. What would the consequences be for faith-based charities in Ontario?

Because of the potential changes in law that the *Heintz* decision engenders, should the decision stand on appeal, evangelical Christian charities in Ontario that serve or otherwise engage with the broader, i.e., non-evangelical public, will have to make one of the following decisions:

1. Continue their works even though they are no longer able to internally mandate their distinctiveness as a Christian organization and hire any otherwise qualified persons, regardless of their faith convictions;
2. Continue their ministry works, but restrict their service and care primarily to other evangelical Christians. Having now satisfied the new interpretation of the section 24(1)(a) special employment exemption, and therefore maintained their distinctiveness as a Christian organization, faith-based charities may now selectively hire individuals of the same faith conviction. However, these organizations will likely have to justify why being an evangelical Christian is a *bona fide* and reasonable employment qualification for each position within the charity.
3. Cease and desist all operations as they are unable to sacrifice their evangelical Christian distinctiveness and are unable to restrict their services and care to other evangelical Christians.

Further, if this decision stands, it may apply also to volunteers. Ontario law on this point is not conclusive, and the door has been left open to include volunteers in matters of employment discrimination.

Each case study below is a representative hybrid of several ministries, which permits the authors to highlight the practical consequences this decision may have on ministries' operations and services.

## Case Study A: The International Relief and Aid Agency

### Background

Organization A is an evangelical Christian international relief and development organization, which strives to fight world poverty and suffering through special community projects and individual child sponsorships. The organization and its employees have accepted reduced salaries and long hours of work in poverty- and disease-stricken developing countries, because they view their employment as part of their Christian calling to “feed the hungry” and to “care for the fatherless and the widows.”

<sup>25</sup>*Ibid.*, at 256.



The organization receives 85% of its funding through child sponsorship programs, which permits the organization to assist individual children and their families and to establish medical and education facilities.

It receives the rest of its funding through donations and limited government grants for crisis-related humanitarian relief. The organization's emergency response team has been effectively cooperating with other agencies for decades to bring food, shelter, and medical assistance to victims of natural disasters.

Registered as a Canadian charity and based in Ontario, this organization has become a world leader. In the fulfillment of its mandate to demonstrate and offer Christian love and assistance to the world's most vulnerable people, it requires that its employees agree to and sign a doctrinal statement as well as lifestyle policy.

## Consequences of the *Heintz v. Christian Horizons* Decision for Organization A

Because Organization A offers help to the poor, the hungry, and the starving regardless of their religious beliefs, its national and international relief work would be seriously crippled by the *Heintz* decision.

Both staff and the directors hold that time and history has proven that the agency is so successful in its relief work, because its employees share a Christian vision and belief of humanity. They believe that all men and women are valuable and created in God's image, and that as evangelical Christians they are commanded to help the needy, even into the most horrific and dangerous circumstances.

Since they are not involved in religious education, in its traditional or formal sense, the *Ontario Human Rights Code* special employment exemption, as now interpreted, would no longer apply to them.

However, they realize that should they continue their relief work, in the wake of the *Heintz* decision, they would be violating the human rights laws of Ontario.

The board of directors and the staff would not develop a policy that would put them in compliance with the exemption, because on entering a poverty-stricken village or a humanitarian disaster area they would have to systematically question each person in need as to their religious beliefs. This would impose an excessive financial and human resource burden on the organization: they would require a greater number of translators and the means to identify evangelical Christians in order to limit their assistance to them. They would not be able to assist those whom they could not understand due to language barriers, and they would not be able to medically assist those who are unconscious or seriously injured as they would be unable to determine their religious affiliation, and doing so would risk a *Code* violation.

The directors and staff would regard this type of selective humanitarian aid as cruel and inconsistent with the Christian message to love all peoples, not only those that are also Christian.

Further, they would be concerned that this would cause religious strife in poverty-stricken nations that rely heavily on Organization A's relief work. If evangelical Christian individuals receive aid while their non-Christian neighbours go hungry and suffer, Organization A would likely be asked by the countries' governments to leave before creating civil unrest between religious factions in their countries.

Because the Ontario staff base is so large, the organization cannot readily move its operations to another province where these restrictions would not apply.

## Case Study B: The Urban Mission

### Background

Organization B is a large, downtown urban mission, which seeks to assist people living in poverty. It offers a variety of programs:

- A meal program, which offers one hearty meal per day free-of-charge;
- Clothes service, which allows clients to select apparel from clothing donations;
- Barber service, which provides washes and hair cuts once a week for clients;
- Résumé and employment assistance, which assists clients in preparing résumés and seeking employment;
- Skills training, which provides clients with information on the various skills training programs;
- Counselling and referral services, which counsels clients on various issues and refers them to other agencies;
- Daycare, which provides a safe environment for children while their parents seek work or assistance.

The mission has been recognized by the city and the provincial government on various occasions for its work. It has assisted many individuals to move from a life of poverty on the streets to independent living. It refers many individuals to other assistance agencies on matters such as addictions issues, receiving government financial support and legal services.

The evangelical Christian identity is central to the mission's operations. It was founded on Biblical principles of relief of poverty. Each day starts with staff devotions and prayer. Staff and clients are invited to participate in Sunday morning worship and prayer services. It is not uncommon to see a staff member quietly praying and speaking with clients.

As such, a doctrinal statement and a lifestyle code of conduct are part of the organizations' employment contract.

### Consequences of the *Heintz v. Christian Horizons* Decision for the Mission

Because evangelical Christianity is a central, founding element of the organization, it cannot consider giving up its ability to benefit from the section 24(1)(a) employment exemption. However, it cannot turn away vulnerable and poverty-stricken individuals from its doors because these people might not share its belief in Jesus Christ.

The staff have said that they could not continue the ministry work if they were required to refuse to assist non-Christians. Both staff and the founders have agreed that any such policy would run contrary to their religious beliefs to help the poor, and that the mission would have to close.

## Case Study C: The Youth Evangelistic Ministry

### Background

Organization C is The Youth Evangelistic Ministry, an evangelical Christian organization that seeks to serve and assist youth. This Ontario organization is a branch of a larger international organization, which has more than 5,000 staff members working in more than 90 nations, serving and assisting 8 million youth worldwide.

Founded in the 1920s, the organization seeks to come alongside and help youth to develop spiritually, physically, socially, intellectually, and emotionally. They reach out to youth aged 9 through 25, regardless of race, religion, ethnicity, or gender.

As an evangelical Christian ministry, the Youth Evangelistic Ministry believes that youth can be transformed, encouraged, and blessed as they receive Christian service and encounter Jesus Christ and His love. Staff and volunteers show this love, not only by educating youth on Christian values and principles, but also through community programs and friendship.

Organization C organizes and carries out a variety of programs in its city's downtown core, in schools, community centres, and in high-risk neighbourhoods. Some of the individuals it assists include middle-class youth, youth in the justice system, homeless and runaway youth, community youth leaders, teenage mothers and fathers, school drop outs, immigrant youth, and youth who suffer from abuse.

Through its activities and mentorship programs, Organization C seeks to assist these youth with the needs they are facing. Some of the assistance offered to the youth includes clothes and other material assistance, social coaching to assist with troubling relationships, referrals to social services agencies, assistance with their schools studies, and assistance with the development of employment skills.

Because all staff believe that individuals can only reach their full potential and fullness through a relationship with Jesus Christ and by following His teaching, all staff have agreed to a common statement of faith and lifestyle policy.

### Consequences of the *Heintz v. Christian Horizons* Decision for the Youth Ministry

Because organization C seeks to assist youth in reaching fullness through a relationship in Christ, it is essential to them that the ministry retain its Christian distinctiveness and integrity by hiring qualified workers who are evangelical Christians. They believe that youth will be inspired and learn how to live by watching and observing how the ministry's staff and volunteers live, by being taught by them, and by having discussions with them. The ministry is not primarily concerned with organizing youth programs; rather, its focus is on providing youth with caring adults to whom they can go to for support, guidance, and encouragement. Therefore, it is essential that the staff agree to and sign the ministry's doctrinal statement.

The ministry realizes that, should it retain this policy, contrary to the new interpretation of the Special Employment Exemption, it could no longer serve youth in the greater public. Instead, it would have to restrict its service to evangelical Christian teens.

However, the staff and management would hold that it is contrary to their evangelical beliefs to discriminate in their service to youth. To turn away a youth sex worker or gang member looking to leave that life, or to reject a teenage mother who is desperate for assistance because of a difference in their religious beliefs would be unthinkable.

The ministry would be uncertain of its future.

## **Case Study D: The Community Church**

### **Background**

Organization D is an Ottawa church, with about 300 members and 100 other regular attendees. To be a member, interested individuals attend a series of classes and sign an agreement to adhere to the church's statement of faith and lifestyle requirements.

The church offers a regular Sunday morning service and Sunday school for children and teens. It also offers parenting courses and support and a childcare every Wednesday evening, which is open to the public. On Friday evenings and Saturdays, the church opens its clothing centre for the benefit of the working poor who live in the community.

Although the services, courses, and centre are open to the public, all church staff and volunteers strive to demonstrate Christ's love through their words and actions. The ministry opportunities are one way in which the church members can come together in Christian community to serve those in need.

### **Consequences of the *Heintz v. Christian Horizons* Decision for the Church**

The pastor and board of elders of the church have reviewed the *Heintz* decision with their lawyer. They are concerned that they will have to cease all non-religious educational service in order to maintain the Christian integrity of their church community. Currently, running activities such as the parenting support program and the clothing centre means that the church's primary purpose is not religious education, but that it shares its time and money between teaching and showing love for those in its community who need care, encouragement, and assistance. The pastor and elders are concerned that if they carry on with these non-educational services, they will no longer be able to hire Christians to serve as pastors, elders, program developers, and centre employees. 🍁