

# 2002 Church and The Law Seminar – November 5, 2002

## Recent Court Decisions Involving Freedom of Religion & What it Means for Churches & Religious Charities

By Bruce W. Long, B.A., LL.B.

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### 2002 CHURCH & THE LAW SEMINAR

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November 5th , 2002

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- **Trinity Western Case Indicates That**
  - A Person's Core Beliefs Must Be Kept Separate From His/Her Actions.
  - A Group Has a Right to Delineate Its Core Beliefs and Should Ensure That Its Members Adhere to Them
  - It Is Not Enough to Simply Allege Discrimination, There Must Be an Evidentiary Basis

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- **Brillinger V. Brockie**
  - Confirmed That the The Human Rights Commission Can Find Discrimination Based Upon Religious Beliefs Even in the Marketplace
  - The Religious Beliefs Should Be Confined to One's Home and Religious Community Says the Commission

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- **Halpern V. Toronto**
  - Ruled That the Traditional Definition of Marriage Violated the Equality Provisions of the Charter. The Federal Government Has Two Years to Change the Wording to Include Same Sex Couples
  - If Approached to Marry a Same Sex Couple, Clergy May Still Refuse and Refer Persons to Another Denomination. It Is Preferable to Preside Only at Marriages of Members of One's Own Congregation. This Case Should Cause Enough Concern to Generate a Political Response

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- **Determine Your Organizations Core Beliefs, and Ensure Compliance With Them.**
  - **The Test As Presently Stated In Hall v. Powers Is “In Canada We Are Permitted to Hold Views That Are in Conflict With Public Policy, but We Are Not Permitted to Act Upon Discriminatory Views in Prescribed Fields of Endeavour When the Result Is Discriminatory Treatment of Others”.**

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