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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• 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 Alleged
    Discrimination, There Must Be an Evidentiary
    Basis

• 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

• Brillinger v. Brockie
  – Confirmed That 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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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.”