

EDMONTON JOURNAL

Parental veto may face review

Redford concerned about restrictions on controversial topics in class

Published October 6, 2011

By Karen Kleiss

Premier-designate Alison Redford suggested Wednesday she will reopen debate over controversial legislation that gives parents the right to pull their children out of school if sexuality, sexual orientation or religion are on the classroom agenda.

In a live Internet chat Wednesday on The Journal and Calgary Herald websites, she said "there was a real concern on this issue at the time," referring to the passage of Bill 44 in June 2009.

"We will be taking a look at where we are on this," she said, and on Section 3 of the Alberta Human Rights Act, which prevents discrimination that is likely to expose a person to hatred or contempt. Some say the section is too broad.

Bill 44 was introduced by government MLA Lindsay Blackett in April 2009. The purpose of the bill was to enshrine gay rights in Alberta's Human Rights Act, nearly a decade after the Supreme Court of Canada ruled in *Vriend vs. Alberta* that the province was required to do so.

The bill, however, did far more. A clause also amended the act to say school boards must give parents written notice when controversial topics - such as sexual orientation - are going to be covered in the curriculum. Parents could then ask for their child to be excluded from the discussion.

The clause sparked weeks of contentious debate. The province eventually clarified some language, allowing teachers to talk about sexual orientation or religion incidentally, without notifying parents. Furthermore, complainants to the human rights commission had to prove they first pursued other avenues of complaint.

"It concerns me that we could have kids in school who are not getting the info and support they need to have to live healthy lives. We can't have policies that harm kids," Redford said.

Andrea Mrozek, spokeswoman for the Ottawa-based Institute of Marriage and Family Canada, responded Wednesday to the prospect of reopening the debate by saying that parents are the prime educators of their children and are in the best position to choose the timing and messaging on certain topics, particularly where deeply held religious convictions may apply.

"It is important that a parent be able to withdraw their children from sensitive discussions for reasons of the child's maturity or religious beliefs," Mrozek said.

"Parents give schools the responsibility of educating their children for the day in the public system, and as such, they retain control over the curriculum being taught. Public schools are beholden to parents, not the other way around."

The Alberta Teachers' Association advocated against Bill 44 in 2009. Spokesman Jonathan Tegtmeyer said Wednesday teachers would still like to see the education-related section of Bill 44 removed.

"We would be in favour of seeing changes that wouldn't see teachers being brought before human rights tribunals," he said, adding that because the union took steps to protect teachers, that hasn't happened yet.

"We worked closely with the department to mitigate the potential for a chill in the classroom on these sorts of issues," he said. "The hope was that the chill wasn't there and that teachers could still address ad hoc issues.

"It's hard to say what teachers aren't able to do because of this, but it wouldn't surprise me if teachers became hesitant or on edge as a result of Bill 44."

He acknowledged Mrozek's concerns but said they are already addressed in existing laws.

"They have legitimate concerns," he said. "These sorts of protections are already in place in the School Act and they're proposed in the new Education Act as well. The question is whether this is a human rights issue."

Redford spokesman Gord Rosko said the legislative agenda for the fall sitting has not yet been set and it is not known whether the legislation will be examined at that time. The fall sitting is slated to begin Oct. 24.

Redford also said she plans to look at Section 3 of the Human Rights Act, which prevents discrimination that is "likely to expose a person or a class of persons to hatred or contempt."

Critics say the word "likely" is problematic because it is too broad, exposing everyone from journalists to religious leaders to human rights actions for expressing views on moral issues or making comments that might offend someone.

In August, Redford told the Rocky Mountain Civil Liberties Association she would like to see the section repealed.

"I want to amend and fine-tune the existing legislation, after consultations with stakeholders, to better define and protect free speech in light of challenges to the statute in recent years," she said in response to a questionnaire, which was posted on the organization's website.

"Freedom of expression must be shielded and Section 3 of the Alberta Human Rights Act should be repealed."