

**Bill 44: The good, the bad and the ugly**  
**Presentation to the Board of AIDS Calgary**

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- **Sheldon Chumir Foundation work on human rights:**
  - o **3 year Human Rights Project** (Dec 2005 – Jan 2009)
  - o 3 research reports + final report submitted to government (Sept 2008, released to public Jan 2009)
  - o Public consultation in 8 Alberta communities moderated by Fil Fraser, former Chief Commissioner of the Alberta HRC
  - o **Final report made 21 recommendations for improvement of HRC and legislation, including:**
    - addition of “sexual orientation” as prohibited ground
    - Amendment of s.3 to pre-1996 wording to protect free speech
    - Splitting of adjudicative and educational functions of HRC to ensure fairness and avoid conflict of interest
  
- **Bill 44:**
- **The Good:**
  - o **Addition of “sexual orientation”** in the 6 places required in the *Act*
    - Brings AB into the late 20<sup>th</sup> century, 10 years after *Vriend*
  - o **Removal of “citizenship” and “multiculturalism”** from *Act* and HRC name
  - o That’s all, folks.
  
- **The Bad:**
  - o Where to begin?
  - o **No change to s.3**
  - o **No change to Commission structure** re: conflicting educative, investigative and adjudicative roles
  - o **No independence from government** (SCF recommends reporting directly to Legislature)
  
- **The Ugly:**
  - o **S.11 Parental Opt-out**
    - Very poorly thought-out: written on back of envelope in caucus meeting
    - Requires that schools send home advance notice regarding any lessons that deal with “religion, human sexuality and sexual orientation” and that students be opted out “without academic penalty”

- **Reverse onus from existing policy** on “religious and patriotic instruction” (*School Act*) and “human sexuality” (Ministerial Directive, Dept of Ed.)
    - Parents had to request exemption in writing for the former, and the latter only applied to several hours out of entire year in CALM and Life Skills classes (Sex Ed.)
    - Now, advance notice required for every lesson dealing with the 3 scary areas
  - **Excessively broad and vague:** could catch all kinds of subjects in the net, including history, English lit, science (e.g., evolution), but also, obviously, sexual health education, even anti-bullying education dealing with sexuality or sexual orientation (contradicts zero tolerance bullying policies?)
  - **Likely Charter challenge:** too broad/ impossible to comply
  - **Endangers teachers, administrators** (HRC complaints)
  - **Restricts children’s education**
  - **Chilling effect on curriculum**
    - ATA to restrict teaching of controversial subjects to protect teachers (contradicts “Teaching Controversial Issues” policy)
  - **Small-minded:** If it was a political trade-off for finally enshrining sexual orientation, this is disgraceful.
- **Consequences of s. 11 for AIDS Calgary:**
  - An affront to many of your clients, supporters, etc as it is motivated by homophobia; see: <http://www.edmontonjournal.com/News/Homophobic+activists+bullies+legislature/1579903/story.html>
  - **Chilling effect on sexual health education**
    - Schools will likely be very uneasy about inviting you in to give workshops for fear of hassle of advance notice or HRC complaints
    - Schools will also be more wary of addressing any sexual health or sexuality issues as they arise (the amendment about spontaneous discussion doesn’t help—what’s the difference between “instruction” and “incidental or indirect references”?)
  - **Conclusion:**
  - Third reading probably on Monday; will become law
  - There will be legal challenges and HRC complaints
  - Continued public and media pressure
    - This one has really ignited a firestorm

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