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HOUSE OF COMMONS
CANADA

Maurice Vellacott, MP
Saskatoon-Wanuskewin

January 11, 2011

Hon. Don Morgan
Minister of Justice
Room 355, Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3

Dear Justice Minister Don Morgan,

Today I write asking you to give serious consideration to implementing a “single entry point” system, such as that used by Ontario, under which a couple seeking the services of a marriage commissioner would proceed, not by directly contacting an individual commissioner, but by dealing with the Director of the Marriage Unit or some other central office. In such a system, if the request for the services of a commissioner included information about the sorts of matters that might lead a commissioner to excuse himself or herself on religious grounds, then the religious beliefs of individual commissioners could be accommodated with the result that no couple would be denied services.

Some have suggested that marriage commissioners should resign if they won’t perform same-sex marriages. However, that approach violates the spirit and letter of the Charter of Rights and Freedoms.

Back in July of 2005, I suggested that, as an analogy on this matter, we look at how official bilingualism policy is implemented. When it comes to bilingualism requirements, federal government services must be available in both official languages, but not necessarily by the same person. Bilingualism is rooted in the Charter, yet attempts have been made to implement policies in a fair-minded fashion.

The Saskatchewan Court of Appeal Marriage Act Reference decision violates the provisions of the federal Civil Marriage Act, the federal law which ultimately was passed in 2005, to implement same sex “marriage” across the country.

The 2005 law contains a provision, which was intended to address this situation: “For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed

under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.” (s.3.1)

The Saskatchewan Court of Appeal stated that the obligation to solemnize same-sex marriages does not affect or interfere with the core elements of a commissioner’s religious freedom: the freedom to hold beliefs and the freedom to worship. The Court has hereby belittled religious faith by writing it off as something “you do in your head or on weekends” without it impacting all of a person’s life. This crowding it into a corner or to the edge of the gangplank is a secularist push premised on a false dichotomy.

Nor has the court appropriately recognized the principle of reasonable accommodation of such faith claims in the workplace. As Faye Sonier, Legal Counsel for the Evangelical Fellowship of Canada, who intervened in the case, has said “to argue that only citizens working in the private or non-profit sectors have Charter protections is ludicrous and contrary to our human rights and employment law. Canadian case law is clear – regardless of where you work in our nation, you have constitutional rights as enshrined in the Charter.”

Don, I look forward to hearing back from you on this most important matter at your earliest convenience.

Best regards,

Dr. Maurice Vellacott, MP
Saskatoon-Wanuskewin Constituency