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## BY EMAIL

Community Legal Assistance Society  
300 – 1140 West Pender Street  
Vancouver, BC V6E 4G1

**Re: David Wood v. College of Registered Nurses of BC,  
Vancouver Coastal Health Authority, British Columbia Nurses' Union and Donald Hedges**

Dear Sirs/Mesdames:

### Introduction

We are counsel for the Centre for Inquiry Canada (“CFIC”) and the British Columbia Humanist Association (“BCHA”). CFIC’s mandate is to educate and provide training to the public in the application of sceptical, secular, rational and humanistic inquiry. One of CFIC’s specific priorities is promotion of secular human rights. CFIC strongly advocates the separation of church and state and the end of faith-based bigotry.

BCHA is an independent, non-partisan, registered charity that provides a community and a voice for Humanists, atheists, agnostics and the non-religious of British Columbia. BCHA supports a secular state where government institutions are strictly separated from religious organizations. The BCHA works to promote progressive and secular values and to end religious privilege.

Both CFIC and BCHA have a keen interest in the proposed human rights complaint of David Wood. We understand that Mr. Wood has applied to the British Columbia Human Rights Tribunal (“BCHRT”) for an extension of time for the filing of his complaint. We write to express the support of CFIC and BCHA, and to explain the public interest and the unique, novel or unusual issues raised by Mr. Wood’s complaint.

## **Public Interest in Mr. Wood's Complaint**

The ramifications of determination of Mr. Wood's case extend well beyond the parties to the dispute. Mr. Wood's case implicates: (a) the fostering of a society in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia; (b) promotion of a climate of understanding and mutual respect where all are equal in dignity and rights; and (c) identification and elimination of persistent patterns of inequality associated with discrimination.

Furthermore, Mr. Wood's case raises unique, novel or unusual issues. It appears the BCHRT has not yet commented on the religious content of Alcoholics Anonymous ("AA") and its impact on those without religious faith and those whose religious faith is incompatible with AA's brand of religion.

### *Fostering a Society Free of Impediments*

Whether it is AA or another addiction treatment program, it is to the benefit of all society that an individual without religious faith is able to fully participate in the program and obtain effective treatment for his or her addiction.

Alcohol addiction is an illness that affects countless British Columbians. It harms the lives of the addicted as well as their friends, families, co-workers, employers and the general public. The effective treatment of alcohol addiction is undoubtedly an important goal from a variety of perspectives. The importance of effective treatment of those addicted to alcohol cannot be overstated.

AA is easily the most recognized alcohol addiction treatment program in Canada. Its program is overtly religious. One cannot progress through AA's twelve steps without confronting and accepting religion.<sup>1</sup> This is antithetical to the deeply held beliefs of many British Columbians. For those without religion, the religious content of AA's twelve steps presents a barrier to effective treatment of their alcohol addiction. One can only imagine the insurmountable problems that would be faced by a devout Catholic, Jew, Muslim or Sikh required to participate in a treatment program that requires the denunciation of faith in a deity or higher power.

A requirement to attend a religious-based alcohol treatment program poses a serious impediment to full and free participation in the economic, social, political and cultural life of British Columbia for those without religion. As early as 2001, 35% of British Columbians identified as having no religion.<sup>2</sup> As of 2011, over 44% of British Columbians identify as having no religious affiliation.<sup>3</sup>

Suffice it to say that Mr. Wood's complaint has ramifications that extend well beyond his case. Indeed, it is surprising that given the large number of British Columbians and Canadians who have no religion that this issue did not arise earlier. That speaks to the difficulty atheists have in fully participating in society. While atheism is far more accepted in British Columbian society today, it was not many years ago that atheism was viewed with condemnation and atheists suffered over discrimination. In many countries and societies

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<sup>1</sup> The Twelve Steps of Alcoholics Anonymous (attached)

<sup>2</sup> Statistics Canada's 2001 Census

<sup>3</sup> Statistics Canada's 2011 National Household Survey

of the world, atheism remains a crime, often punishable by death.<sup>4</sup> Even where such harsh punishments are not considered, atheists are stigmatized and shunned from society.

While the experience of atheists in Canada is certainly more positive than in many other countries, atheists continue to face discrimination, barriers to participation in society, and risk of social stigma. Indeed, the Ontario Human Rights Commission's "Policy on preventing discrimination based on creed" states unequivocally:

Atheists, agnostics and persons with no creed, as well as members of newer or lesser known creed communities also face various forms of stigma, prejudice and discrimination.<sup>5</sup>

Consistent with the above statement, in the United States, a Pew poll conducted in January 2016 found that more than half of Americans would be less likely to support a presidential candidate if he or she does not believe in God.<sup>6</sup>

A 2011 University of British Columbia found that in societies in which there is a religious majority, atheists are among the least trusted people.<sup>7</sup> The authors of the study noted that "atheists are not a coherent, visible or powerful social group." The authors found that distrust of atheists was the primary motivating factor of prejudice against them. Many view expressions of religiosity as a proxy for trustworthiness.

Not all discrimination against atheists is overt anti-atheist sentiment. Rather, it is far more insidious and unintentional. Those with religious faith, or who are indifferent to religion, simply do not see the harmful effect that their words, policies or actions have on atheists. For many years the approach to alcohol addiction has been to require attendance at AA. Undoubtedly, in the vast majority of cases, this was not to cause a religious conversion. It was intended in good faith to assist in the treatment of alcohol addiction. However innocent, such actions have discriminatory effects on atheists.

Given the large number of non-religious members of society, one can conclude that many atheists have opted to simply stay silent when faced with such discrimination rather than "out" themselves as atheists. This is undoubtedly reflective of a belief that declaring one's atheism will be accompanied with negative ramifications.

So long as negative attitudes about, and subtle discrimination against, atheists continues, they will face significant impediments to full and free participation in the economic, social, political and cultural life of British Columbia.

### *Promoting a Climate of Understanding*

So long as atheists are fearful of exposing their beliefs, it is impossible to achieve and sustain a climate of understanding and mutual respect. Such can only be achieved when all are free to express their religious beliefs (or lack thereof) without fear of repercussion.

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<sup>4</sup> <http://www.reuters.com/article/us-religion-atheists-idUSBRE9B900G20131210>

<sup>5</sup> <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed>

<sup>6</sup> <http://www.pewforum.org/2016/01/27/faith-and-the-2016-campaign/>

<sup>7</sup> <http://news.ubc.ca/2011/11/30/ubc-study-explores-distrust-of-atheists-by-believers/>

As noted, in many cases the discrimination experienced by atheists is unintentional. In such instances, the party discriminating against the atheist simply has no understanding of the atheist or non-religious perspective. This lack of understanding must explain, at least in part, the concerning results of the Pew poll and University of British Columbia study mentioned earlier.

In addition to a simple lack of understanding – or perhaps because of it – contemporary society tends not to view discrimination against atheists as real or a priority. In 2012, former Foreign Affairs Minister, John Baird, said “we don’t see agnosticism or atheism as being in need of defence in the same way persecuted religious minorities are.”<sup>8</sup> Consistent with that view, no secular, humanist or atheist organizations were consulted in the creation of the Canadian Office of Religious Freedom.<sup>9</sup>

Implicit in Mr. Baird’s statement and the lack of inclusion of a single secular organization in the consultations concerning the Canadian Office of Religious Freedom is the belief that atheism is either not a protected right, or one only deserving of lip service. Such views were squarely put to rest 31 years ago (27 years before Mr. Baird’s statements) by the Supreme Court of Canada in *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295. Nevertheless, such views persist.

The BCHRT is in a position to advance the conversation concerning the rights of atheists and to promote a climate of understanding and mutual respect between atheists and those with religious faith.

### *Elimination of Persistent Patterns of Discrimination*

Mr. Wood’s case is but one example in which an employer or other authority has required one to participate in AA. In *Allen v. CEPU Local 456 (No. 2)*, 2008 BCHRT 277, the employee’s union required the employee to read AA literature and attend 90 meetings in 90 days and attend at least three meetings per week thereafter. In the matter of Bert Donald Currie, a panel of the Law Society of British Columbia ordered the member to attend Alcoholics Anonymous. In neither case is there any suggestion either panel considered the religious content of AA and whether a religiously neutral requirement or order was available. Those are but two examples. It is simply unknown how regularly employers, unions, regulatory bodies and courts require persons to attend AA on pain of losing one’s job, status or benefits, or being held in contempt.

As noted earlier, it is likely that in most instances the requirement to attend AA was made in good faith and the discrimination was unintended or simply unobserved. That, however, does not change the impact of the discrimination on the atheist.

Many employers and unions, their legal and human resources advisors, and courts and other tribunals read or are aware of the decisions of the BCHRT. A decision on Mr. Wood’s case will go a long way to educating such persons as to what AA is and its impact on atheists. This will be a giant step towards eliminating patterns of discrimination that persist in society’s treatment of those with alcohol addiction. It will cause employers, unions, human resources professionals, lawyers, tribunals and courts to fashion better policies, procedures and orders that recognize the subtle, but very real, discriminatory effects that may be endured by those subject to those policies, procedures and orders.

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<sup>8</sup> <http://www.torontosun.com/2013/04/09/atheists-are-persecuted-too>

<sup>9</sup> [http://www.huffingtonpost.ca/doug-thomas/atheists-office-of-religious-freedom\\_b\\_2734442.html](http://www.huffingtonpost.ca/doug-thomas/atheists-office-of-religious-freedom_b_2734442.html)

## Unique, Novel or Unusual Issues Raised in Mr. Wood's Complaint

The content of AA's program has not arisen in any reported decisions of the BCHRT. In fact, it appears that no human rights tribunal across Canada has considered whether AA's program is religious and required participation in it is discriminatory. This is unlike the American experience in which it has been repeatedly held that AA is religious and state coercion is a violation of the Establishment Clause and a violation of an individual's rights.<sup>10</sup>

On February 17, 2016, the Human Rights Tribunal of Ontario ("HRTO") determined that a case involving AA will go to a hearing.<sup>11</sup> In that case, an agnostic AA group was delisted by the parent AA organization because the agnostic group did not require its members to have a belief in God. The parent organization stated that groups that wish to be a part of AA must have a belief in the higher power of God. That complaint has not yet been resolved.

Closer to home, in 2014 it was reported that a West Vancouver agnostic AA group was "delisted" from the Greater Vancouver AA registry.<sup>12</sup> The Greater Vancouver administrative body was not prepared to accept an atheistic version of AA's 12 steps.

There is a clear tension between what AA claims is a requirement for membership and the non-belief of some of its members (or, in some cases, former members). As found by the adjudicator of the HRTO, that raises "a number of complex legal issues".<sup>13</sup> An employer's requirement that one participate in AA adds another layer of complexity to that very problem.

## Conclusion

For the reasons set out above, CFIC and BCHA write in support of the late filing of Mr. Wood's complaint. CFIC and BCHA firmly believe it is in the public interest to have Mr. Wood's complaint heard and resolved. By doing so, BCHRT would be contributing to the continued recognition and understanding of the atheist perspective, and ameliorating the discrimination endured by atheists in British Columbian society.

Yours truly,



WESLEY J. MCMILLAN\*  
For Hakemi & Ridgedale LLP

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cc: clients

Encl.

\*Law Corporation

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<sup>10</sup> <http://www.smartrecovery.org/courts/court-mandated-attendance.htm>

<sup>11</sup> *Knight v. A.A. World Services Inc. et al*, 2016 HRTO 208 [*Knight*]

<sup>12</sup> <http://blogs.vancouversun.com/2014/04/05/atheist-alcoholics-finding-recovery-without-the-god-talk/>

<sup>13</sup> *Knight, supra*, at para. 11