

SECTION 11.1 OF THE ALBERTA HUMAN RIGHTS ACT: EXPECTATIONS AND PRACTICE

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INTRODUCTION

On June 4, 2009, Section 11.1 of the *Alberta Human Rights Act* received royal assent. Section 11.1 requires educational institutions to provide prior written notice to parents when any aspect of education deals explicitly with religion, human sexuality, or sexual orientation. Parents/guardians then have the right to request their child be excluded from that portion of study.

Previous legislation already granted parents the right to withdraw their children from instruction [1]. The introduction of Section 11.1, however, shifts the onus from parents to withdraw their children to teachers to provide notice. Failure to provide notice exposes teachers to the risk of having a complaint filed against them with the Alberta human rights commission. Initial evidence suggests that teachers have begun practicing self-censorship in their classrooms as a result of Section 11.1, above and beyond the guidelines developed and implemented by their school boards [2, 3, 4]. The central focus of this research is: how has Section 11.1 impacted classroom practice since its introduction in 2009?

METHODS

This research surveyed the existing claims made under Section 11.1 through media accounts of those claims. These claims were evaluated against the anecdotal evidence collected by previous research [3, 4].

RESULTS

There have been three instances where a complaint has been filed under Section 11.1. In 2012 two parents in Morinville filed separate complaints under Section 11.1 against the Greater St. Albert Catholic Regional Division No. 29 [5], and in 2014 an Edmonton mother and daughter filed complaints against the Edmonton Public Board [6].

Contrary to the expectations of religious based complaints which were voiced during the drafting and implementation of Section 11.1, all the complaints to date under the legislation have been in support of secular learning environments. It could be argued that Section 11.1 is primarily able to protect the “religious neutrality”, which “is now seen by many Western states as a legitimate means of creating a free space in which citizens of various beliefs can exercise their individual rights” [7].

However, the formal complaints to date are not indicative of the legislation’s total effects. Returning to the anecdotal evidence mentioned previously, there have been reports that teachers are censoring themselves in their classrooms. The central question that emerges is whether censorship in the classroom is the responsibility of the legislation or a problem which emerges elsewhere. Following the introduction of Section 11.1, school boards have implemented formal procedures for schools; yet a disconnect has emerged between formal policies at the central administrative level and the informal practices that teachers may self-impose [3]. The self-censorship highlighted by initial evidence suggests that teachers have gone above and beyond the guidelines developed and implemented by their school boards [3, 4, 8]. This also refutes the idea that teachers are acting out of ignorance of the legislation; rather, they are acutely aware of the legislation and the ability for parents to file complaints under the *Alberta Human Rights Act*. Whatever documentation has been produced at the administrative or even provincial level, despite outlining specific course content and units which are covered by Section 11.1, still has not inoculated teachers against complains in other traditional fields or subjects [4].

DISCUSSION AND CONCLUSIONS

This research highlights the secular nature of the claims made under this legislation to date in light of evidence which suggests teachers have altered or removed curricular materials that they use in their classroom, and finds that while claims under the *Act* have fought for secular education, Section 11.1 still negatively impacts Alberta classrooms as it induces teacher self-censorship.

REFERENCES

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