

IN THE MATTER OF THE HUMAN RIGHTS ACT

- S.B.C. 1984, C. 22 (AS AMENDED)

AND IN THE MATTER OF A COMPLAINT

BETWEEN:

CECILIA MOORE

(COMPLAINANT)

AND:

HER MAJESTY IN RIGHT OF THE PROVINCE  
OF BRITISH COLUMBIA AS REPRESENTED BY  
THE MINISTRY OF SOCIAL SERVICES AND  
HOUSING

(RESPONDENT)

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SUMMARY OF THE EVIDENCE OF CECILIA MOORE

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H. E. WALDOCK, ESQ.

COUNSEL FOR THE COMPLAINANT

JOSEPH J. ARVAY, ESQ.

COUNSEL FOR THE RESPONDENT

SUBMITTED BY CECILIA MOORE

SUMMARY OF THE EVIDENCE OF CECILIA MOORE (SEE DOCUMENTS VOL. 3)

1. I was born on July 8, 1960. Just over a week after birth, I was baptized and received into the Roman Catholic faith at St. Patrick's Church, Vancouver, British Columbia on July 17, 1960. Since then I have been an active member of the parish where I have received the Sacraments of the Church and completed twelve years of Catholic education at St. Patrick's Elementary and Secondary Schools.

2. I was raised in a strong Roman Catholic family as the eldest of six children: four brothers and one sister. The daily recitation of the rosary and morning prayers were a central part of the routine of our family life. I was taught by my parents that our faith must never be compromised regardless of the consequences. My Father frequently warned us about temptation and sin, particularly mortal sin which kills the divine life within us. He repeated again and again "If you die with mortal sin on your soul you are condemned to hell". In order to dispose of mortal sin, a confession requires

admission of offence, sorrow and contrition,, penance and firm commitment to never commit the sin again.

3. My spiritual life has always been most important to me. When I received the seal of the Holy Spirit in the Sacrament of Confirmation at age 12, I made a personal commitment to live in the world as a true witness of Christ defending my faith by my words and example.

4. Since my childhood, my faith has been nourished by a personal prayer life, the regular participation in the liturgy of the Mass, and the frequent reception of the Sacraments of the Eucharist and Reconciliation. At every opportunity I would also attend retreats and workshops to enrich and deepen my spiritual life. I loved to read books about the lives of the saints and aspired to live a holy life.

5. I was profoundly influenced by such spiritual leaders as Mother Teresa of Calcutta. I heard her speak for the first time in 1976 at the Habitat Conference hosted in Vancouver.. Her words still echo in my ears as she exhorted us to serve Jesus by

responding to our brothers and sisters at their immediate needs. "Whatsoever you do unto the least of my brethren you do unto p:le"(Math. 25:40). She challenged us to live the gospel message of love - love of God and love of neighbour. "Love facilitates change; love converts". I met her again in 1988 at the Marian Rally held in Vancouver at the Pacific Coliseum,, where she announced the opening of a home for unwed mothers. I have since then become a co-worker of Mother Teresa.

6. In high school, I joined the social justice and service groups; entered the annual public speaking and Bible reading festivals sponsored each year by the Knights of Columbus; and helped organize religious and spiritual events Le. hunger lunches, prayer liturgies, youth group presentations, etc. In Grade 12, I received the Representative Graduate Award at the June 16, 1978 50th Annual Graduation Exercises for Christian witness in the school (See Tab 2- Resume (p.1)).

7. My faith influenced me to offer my service in music to the church, school, and community. Since the age of thirteen,, I have played the organ and guitar at

church and school liturgies. I have also led mUSIC programs for the Cursillo Movement; the VanSpec Catechetical Program for hanpicapped children; and the office of Catholic Youth Ministry. In the community, I have combined music with pastoral visiting to bring comfort and joy to the sick and dying in hospitals and rest homes (See Tab 1 - Letter from Parish Priest; Tab 2 - Resume submitted with application for employment dated October 12, 1984).

8. Other volunteer and work experience relating to my desire to live my faith includes eight years service as a counsellor for the Office of Catholic Youth Ministry planning leadership training sessions aimed at building Christian community and strengthening Catholic morality. I prepared and gave talks on such topics as "Human Sexuality - the Christian Way" etc. I also taught catechism for six years providing religious instruction to the intermediate grades. In my employment as a Catholic school teacher, I taught Christian Education as part of my teaching assignment and helped direct retreats etc. (See Tab 2 - Resume - part IV Work Experience (p. 2); part V Volunteer Experience and Church Activities (PA)).

9. With a view to furthering my knowledge in the Catholic faith, I attended liturgical, catechetical and encyclical workshops; enrolled in courses in biblical literature, church history, and religious studies (See Tab 2 - UBC Transcript (p. 6»)) and studied ethical and theological issues, auditing courses sponsored by Gonzaga University.

10. When interviewed by Art Temple and two other Ministry representatives in November, 1984 regarding my application for employment as a Financial Assistance Worker, I discussed my work and volunteer experience in the Catholic Church and answered questions about my employment as a Catholic school teacher. Sheila Roberts, the Vice-Principal of St. Patrick's Secondary School, was contacted as a job reference. I submitted my resume (Tab 2) which clearly documented my commitment to the Catholic faith and included four references from Catholic sources, one being a priest (See Tab 2 - p. 5»)

11. During my interview, I was not informed that I would be expected to authorize temporary medical

coverage for abortion expenses as part of my duties as a Financial Assistance Worker. I had no idea that this would be requested of me (See Tab 7 - Notes Prepared by Cecilia Moore (p.10); Tab 8 - Notes Taken by Union Shop Steward (p.5); Tab 6 - Attachment to Complaint Form (p.1); Tab 13 - July 30, 1985 Reply to Employer's Step 3 Response (p.8); Response of Moore Vol. 2 pt.#18 (p.12)).

12. My two weeks' training and orientation with the Ministry taught by Pat Simpson, EA W. at the Kensington West District Office (November 26, 1984 - December 7, 1984) contained no instruction on resources available for counselling clients who were pregnant. Two case studies examined during the course did consider the ~ and procedures available to pregnant women under G.A.I.N. (Guaranteed Available Income For Need), specifically to single mothers. One mother was unmarried with no other children (Tab 4 - Week 1 - Thursday AM. - Case #2 (p.3-5) the other married - separated with two children (Tab 4 - Week 2 - Tuesday AM. - Case #3 (p.6 - 9). Both were entitled to ongoing medical coverage and a pre-natal allowance after written confirmation of pregnancy and need for

supplement from a licensed medical physician. (Tab 11- G.A.I.N. Regulations, Sections 29(1)(f), 10(3), 21(c) (p.5-7); Tab 4 - (p.17 - 19)). A single parent who gained employment was also eligible for medical up to a year after closing of income assistance (Tab 11- G.A.I.N. Regulations, Section 29(1)(g), Medical Only Classification (p. 5); Tab 4 (p.18)) and day care subsidy (Tab 4 - Week 2 - Monday AM. - Case #3 (p.ID-11)). By contrast, married pregnant women were responsible for their own medical coverage and pre-natal care (Tab 4 - Week 1 - Thursday AM. - Case #4 (p.3). Abortion,, however, was never mentioned nor even suggested as a service to pregnant clients (married or unmarried) and their unborn children under the G.A.I.N. Act, Policy or Regulations. (See Tab 4 - Case Studies and Notes from Two Weeks' Training; Tab 11- G.A.I.N. Regulations.)

13. Two other case studies examined during the course (Tab 4 - Week 1 - Friday AM. - Case(s) # 1 and #3 (p.12 - 14) considered eligibility for medical services urgently required to income assistance recipients, not eligible to receive on-going medical under Section 29(1). The client in Case # 1 was a single man aged 50 who had just retired. He had no pension and wanted to

apply for assistance under the G.A.I.N. Act. I mistakenly decided that the client qualified for temporary medical coverage because he was elderly. According to policy temporary coverage must not be provided for a period exceeding that required to obtain medical services plan premium assistance or temporary premium assistance and must only cover the individual suffering from an acute illness. (Tab 11 - G.A.I.N. Regulations, Section 29(3) (p.1 and 4)). I was corrected by my instructor, Pat Simpson, who explained that being elderly is not an acute illness. Likewise pregnancy is neither acute nor an illness.

14. During training I was also taught that the policy of the Ministry is to grant essential temporary medical coverage only if alternatives are not possible (Le. Pine Free Clinic; VGH outpatients; W.c.B., benefits; criminal Injury compensation; I.C.B.C. benefits etc. as appropriate) (Tab 11 - G.A.I.N. Regulations, Section 29(3) (p. 1 and 4); Tab 4 - (p.14); Tab 7 (p.2-3); Tab 8 (PA)). If no alternatives exist, an acute illness must be confirmed by a qualified medical practitioner (Tab 11 - G.A.I.N. Regulations, Section 29(3), 5(a) (p.2)). It was not sufficient to declare that a benefit was required.

The onus was on the client to establish eligibility by specific documentation i.e. diagnosis, does the condition demand immediate treatment,, anticipated treatment period etc. In a sample letter dated December 6, 1984, a simple dietary allowance was rejected because "Written confirmation from a licensed physician or qualified dietician of the physical condition,, the therapeutic diet,, and the duration of the treatment" was not adequately substantiated (See Tab 4 - December 6, 1984 Sample Letter (p.15»)

15. In January of 1985,I was assigned to work at the Fraserview Office under the supervision of District Supervisor Art Temple who originally interviewed me and recommended that I be hired by the Ministry. During this assignment, on February 28, 1985, a client met with me who requested temporary medical coverage to cover the costs of an abortion,, although her doctor did not recommend it and she believed that it was wrong. She stated that she felt guilty about abortion and wanted it before the child was too big so that it would be easier to block out the experience. She said she suffered sleepless nights over a past abortion. I refused her request as she did not fit the policy

guidelines for temporary coverage because she was a single employable person not suffering an acute illness certified by a medical practitioner. With her permission,, I phoned her doctor's office and confirmed non-entitlement.. I spoke to her nurse and, subsequent to this meeting, to her physician who confirmed his advice in writing. I then informed the client about her right to appeal, although I believed an appeal would be futile and suggested she think about her decision and seek further counselling. I also told her at the very end of the interview that even if policy provided for abortion expenses I could not in conscience facilitate abortion because I believe it is the termination of human life. (See Tab 7 - Notes Prepared by Cecilia Moore (p.2-3); Tab 6 - Attachment To Complaint Form (p.2); Tab 9 - Particulars of Allegation pts.# 4-7 (p.2-3); Summary of Investigation Vol. 1 pts # 5-9 (p.1-2) and pts.# 1-3 (p.3-4); Response of Moore Vol. 2 pt. #3 (p.1-2); pt. #12 (p.6-7) and pt #15 (p.8».

16. I consulted my co-worker Evelyn Fox for her experience about such requests and understanding of policy. Evelyn informed me that she had never been approached with a similar request for temporary medical

coverage to cover the costs of an abortion in her career as an F.A.W. but that she agreed with my decision on policy. Although she was not morally opposed to abortion,, she stated that she would have refused this request.. (See explanation contained in pt.# 8 of Summary of Investigation Vol. I(PA»)

17. A case similar to mine came up in a Ministry office almost a year after my firing. On February 13, 1986, an EA W. refused a client's request for temporary medical coverage for abortion expenses. Non-entitlement was confirmed by the Ministry's Health Care Unit and the worker was told that the client had other alternatives since she could have an abortion free of charge at Vancouver General Hospital.. This is also verified by Temple's Addendum (See Tab 10- (p.2»)

18. Other Ministry EA W's that I interviewed after my firing also confirmed non-entitlement in this instance and reported that this was an unusual request as the majority of clients who seek abortions, would not need to seek temporary medical coverage since they would already have coverage or other alternatives available to

them. (See explanation contained in pt. #8 of Summary of Investigation., Vol. 1 (p.4»)

19. On March 5, 1985, Art Temple approached me and requested that I issue temporary medical coverage for abortion expenses and threatened that I could lose my job for refusing his order. I explained that the client did not meet the requirements of policy, but even if entitlement existed I could not sign this order because it violated my freedom of conscience and was illegal under the Criminal Code of Canada (See Tab 7 - (p.4); Tab 6 - (p.2); Tab 9 - pt.#8 (p.3) and pt. #22 (p.5») I was surprised by Temple's order as he expected me to disregard regulations in granting coverage. (See Response of Moore Vol. 2 pts. #16-17(p.8-11») Temple himself admitted that I was technically correct in my application of policy to this request.. (See Tab 10 - Addendum (p.2); Tab 8 - Notes Taken By Union Shop Stewart (p.4); Tab 15- Hearing (p.2») Regional Manager approval for an exception to policy was not obtained (See Tab 7 - (p.9»)

20. Subsequent to a meeting with Temple who issued the order for coverage on March 6, 1985 and signed it

"A Temple for C. Moore", the client dropped by my office to say that she admired and respected me for standing up for my principles and that she hoped I would not lose my job. Concerned for my civil rights she offered to provide any information or testimony required to protect my employment.. At this date I did not seriously believe that I would suffer disciplinary action but thanked her for her offer.

21. In the presence of shop steward, Karen Rash, social worker at the Fraserview office, on March 18, 1985, Temple called a meeting and asked me to repeat my statements made March 5, 1985 in the file room and again warned that disciplinary action was warranted. Temple explained that the content of the doctor's letter etc. was not the issue, but rather that I did not comply with his order on policy. I presented two grounds for refusal: (1) the regulations and (2) my conscience. I referred to the policy manual and made a number of points Le. not recommended by doctor, no danger to physical or mental health, to maintain and restore health, can apply for her own medical coverage etc. On a second level, I explained that I believed in human life so I could not issue it (coverage) because the request

violated my beliefs. (See Tab 7 - Notes Prepared by Cecilia Moore (p.5); Tab 8 - Notes taken by Union Shop Steward (p.1-2); Tab 6 (p.3), Tab 9 - pts. #10-11 (p.3); Summary of Investigation Vol. 1 pts #11-13 (p.2), pts. #4-5 (PA)) Temple again asked me what I would do if I heard that a client was having an abortion and was not entitled to welfare M.S.P. but had it. I explained that if the client was not entitled to coverage, I would follow policy and close coverage; however, if the client was entitled to on-going coverage, I would not do anything as this is beyond my control.. (See Tab 7 - (PA); Tab 8 - (p.2); Summary of Investigation Vol. 1 pt. #5 (PA).)

22. The client's physician and his letter were virtually dismissed by Temple although he provided medical evidence concerning the health of the patient and had known her from birth and even delivered her. His letter stated that the client was in good health, but that her state of mind was apprehensive due to her fear of anaesthesia and dying during an anaesthetic. He found no medical reasons relating to her mental or physical health for which he could recommend therapeutic termination of her pregnancy. In fact, he saw it contra -

indicated because of her fear of the procedure and guilt about having a termination. With these facts in mind, he could not recommend an abortion. (See Response of Moore Vol. 2 pt. 16(p.8»)

23. On April 11, 1985, I was again asked to explain my reasons for refusing this abortion order. Temple reported to me that he had not started my evaluation because he forgot that my assignment concluded at the end of this week. Normally, an auxiliary employee would receive a written evaluation before starting a new assignment. Temple confirmed that in general I was an excellent worker; however, he would attach an addendum to my evaluation concerning this conflict and let his supervisors decide if they would terminate my employment. He also stated that my religious and moral beliefs interfered with my job. He made two analogies: 1) the situation of a Jehovah's Witness refusing a blood transfusion; 2) the situation of a District Supervisor who feels that a client is committing a fraud but cannot refuse the client funds based on a personal belief. (See Tab 7 - Notes Prepared by Cecilia Moore (p.6); Tab 6 (p.3); Tab 9 - pt. #13 (PA); Summary of

Investigation Vol. 1, pt. #15 (p.2); Response of Moore Vol. 2 pt. #6 (p.2-3)).

24. On April 15, 1985, I commenced a split assignment at the Sunset District Office, working a half day at Sunset West under Bill Little and a half day at Sunset East under Bill Dubensky. On the first day of my new assignment District Supervisor Bill Little called me into his office to explain my actions at the Fraserview Office. With considerable emotion, Little said many things to me, including that he wanted to be honest and upfront with me, and generally felt that I was honest; that he was not sympathetic with my moral stand on abortion as he personally believed in abortion; that I had no right to deny this girl medical coverage because policy provides for abortion expenses; that all the District Supervisors in Region 16 had convened to discuss my case and generally were appalled by my action; that disciplinary actions should be pursued and that Rob Wilmot, auxiliary supervisor, should have approached me about this by now; that I am not to hide issues and put them under the rug; that he would have taken immediate disciplinary action against me and that I may not repeat my actions at his office; that I must

inform him if I feel I cannot deal with an issue so that he can assign the task to another worker; that he will not tolerate this type of behaviour from any employee etc. When I asked Bill Little to point out where abortion coverage is provided for in policy, he responded "it is in policy" (See Tab 7 - Notes Prepared by Cecilia Moore (p.7); Tab 6 (p.3); Tab 9 - pt. #14 (PA); Summary of Investigation Vol. 1 pt. #15 (p.3); Response of Moore Vol. 2 pt. #7 (p.3-4)).

25. I was shocked by this interview, which seemed unnecessarily severe and premature, since I had not yet received a written evaluation nor was I subject to formal disciplinary action or proven guilty of any wrong doing. In fact, my auxiliary appointment had been extended for an indefinite period. (See Employment Income Earnings Vol. 6 - Tab 4). By contrast, my supervisor, Bill Dubensky, at the Sunset East Office did not raise this issue at all with me (See Tab 8 - Re: Harassment (p.6)).

26. I finally received my evaluation May 8, 1985 and signed it in the presence of Art Temple on May 9, 1985. I requested that he sign my addendum which I attached

to his evaluation (See Tab 10- EAW.Float Employee Evaluation Form and Addendum(s».) Temple said the following to me at this mee~ing: that a decision about my termination would now be made in quick order before my six-month probation period was up; that he does not understand why I will not adhere to his authority and why I am doing this; that this is a moral issue; that I should not be surprised that he held a meeting with the other supervisors to inform them of my actions since each supervisor will need to know this in order to question me about my behaviour, if I work for them etc. Temple then proceeded to ask two questions: 1) what would I do if, for example, a murderer was to be executed for his crimes? 2) What would I do if a mother's life was in danger if an abortion was not performed? I commented that both these analogies could not be easily and fairly equated to the issue at hand since the unborn child in this case was both innocent and non-threatening. I also suggested that the second scenario was no longer very probably, but if it did occur, I believe that the doctor must proceed with the attitude that he must attempt to save both lives. I also proposed an analogy and asked Temple what he would do if he walked into a mental institute and for no

reason at all, an innocent patient threatened his life. Temple made no comment.. (See Tab 7 - Notes Prepared by Cecilia Moore (p.8-9); Tab 6 (p.3-4); Tab 9 pts. #15-16 (PA); Summary of Investigation Vol. 1 pt. #17 (p.3»).

27. Later that same day, Rob Wilmot, my auxiliary supervisor phoned me and requested to see me immediately about my evaluation and response addendum. I met at length with him on May 14, 1985, in the presence of shop steward, Karen Rash, at the Granview Highway Office. For the sixth time I explained my reasons for refusing this request citing from the G.A.I.N. Regulations, Section(s) 29(1) and (3) and confirmed that if faced with the same situation in the future I would not put the client through an appeal, but would inform my supervisor re: violation of conscience and regard for human life. I challenged the Ministry to provide clarification on policy, in writing, so that it would be clear for all employees as I did not know that this was a requirement of my job when hired. I explained that I would not have accepted employment if I had known I would be expected to facilitate abortion with no regard for my freedom of conscience and

religion. Wilmot responded that this was a simple case of insubordination and that my only recourse was to work first, grieve later. (See Tab 12 - Collective Agreement, Article 6 (PA). I replied that I could not accept this simplification of the issue, dismissed as mere insubordination. Karen Rash also stated she felt the Ministry was taking the back door out of this conflict by rejecting me from probation for insubordination instead of facing the issue and taking a stand on it. She pointed out that it was very difficult to get such a good evaluation from Temple because he is so tough and that this proved my suitability as a Financial Assistance Worker. Wilmot agreed in part and added that it was a shame I would no longer be working for the Ministry because of my other abilities. Le. I had been recognised for my skills in fraud investigation etc. (See Tab 7 - Notes Prepared by Cecilia Moore (p.9-12); Tab 8 - Notes Taken By Union Shop Steward (p.3-6); Tab 15- Minutes of September 12, 1985 Hearing (p.3 and p.5-11); Summary of Investigation Vol. 1 pt. #18 (p.3»)

28. As I explained to Wilmot the Ministry did not have to make this such an issue. (See Tab 8 - Notes Taken By Union Shop Steward (p.6»). Instead of

exempting me, my employer forced me to make a decision between my job and my conscience knowing that I could not myself sign this authorization or ask someone else to sign it for me (See Tab 7 - May 14, 1985 Meeting (p.10). Flexibility was possible. (See Tab 4 - Case Studies and Notes From Two Weeks' Training (p.20); Summary of Investigation Vol. 1 pt. #8 (PA».) No accommodation short of undue hardship was offered, although ad hoc accommodation of individual employees seemed to exist. Margaret McCleod, a voucher clerk with the Ministry in Powell River, was exempted from signing travel costs and mailing medical coverage for abortion purposes. She was faced with such requests only 3 to 4 times in 17 years of employment.. (See Tab 17- Witnesses (p.8); Summary of Investigation Vol. 1 pt. #11 (p.5») I know of two other Ministry employees who have been exempted but are afraid to testify for fear of reprisals.

29. My union shop steward, Karen Rash, had suggested to my auxiliary supervisor, Rob Wilmot, that I be excused from these requests in consideration for my freedom of conscience. She proposed that situations like this must have occurred before and a compromise

reached Le. reassigning case to another worker. Rash gave an example of a social worker who refused to use dolls in a child abuse investigation but was not fired for her refusal. Wilmot countered "but the social worker still had to do the investigation" (See Tab 7 - May 14, 1985 Meeting (p.11»).

30. My union staff representative, Joanne Bannon,, also discussed accommodation with my employer during a grievance procedure launched after my firing (See Tab 6 (p.5-6») She spoke to Margaret McFarland, Personnel Officer, who reported that Regional Manager, Ken Derby had considered employing me in another position as F.A W. but then decided against this (See Tab 15 (p.2») Bannon explained that because the Collective Agreement did not contain a clause safeguarding the right to exercise freedom of religion with respect to employment, my only recourse was to work first, grieve later (See Tab 15-(p. 3, and p.9-11») Response of Moore Vol. 2 pt. #20 (p.13») At that time most people thought an arbitrator did not have the power to grant Charter Relief (See Response of Moore Vol.2 pt. #22 and #26 (p.13-16»). The Crown argued that point in the RC.. Court of Appeal.. (See Response

of Moore Vol. 2 - Letter to Union Requesting Reinstatement of Grievance Procedure dated July 8, 1988- Attachment 10) Bannon also felt that although the parties hereto subscribed to the principles of the Human Rights Code (See Tab 12- Collective Agreement S.I.07 (p.3), this would not help my case because my employer would be discriminating against non-Catholics if only Catholics were exempted from signing abortion requests (See Tab 15 - Minutes of September 12, 1985 Hearing Before Grievance Appeal Committee (PA»).

31. This was the first time in my life that I had to seriously consider the morality of abortion in making a decision. As I have explained, I was not expecting to have to take a moral stand on abortion because the client was not entitled under policy or the law for coverage of abortion expenses.

32. I recognized that one did not have to be religious in any sense to oppose abortion as being contrary to human reason and the common good. Until then I was not involved with the pro-life movement and naively expected that my supervisor would soon come to his senses and realize that he was asking me to facilitate the

killing of an innocent human life. (See Response of Moore Vol. 2 - Betty Green's letter - Attachment 1). Before the March 18, 1985 meeting with Temple, I did not tell anyone including members of my own family and church about this conflict as I hoped to save my employer from embarrassment. . The one exception was Evelyn Fox who was consulted on policy. I gradually became aware that there was a double standard concerning abortion requests.

33. I initially relied on my civil rights of freedom of conscience to refuse this order. On April 11, 1985 and again on May 9, 1985 Temple said that this was a moral and religious issue. (See Tab 7 - (p.6 and 8). At first I denied this because I had not thought it through. I explained to Temple that I would have made the same decision even as an atheist. I knew that an unborn child is a human being and I knew this is a free country. (See Tab 7 - April 11, 1985 Meeting (p.6»)). By May 9, 1985, I realized it was both issues (See Tab 10- (p.2-3»)) but my opposition was not based on an obscure belief relating to religious procedure because of some foible which has no basis in reason. A film I saw on abortion in high school confirmed that abortion is also a fundamental

human rights issue - without the Right to Life no other rights exist. (See Response of Moore Vol. 2 pt. #10 (p.4-5»)

34. I clarified my position with a correction to the last paragraph of my addendum confirming that my decision was in part based on faith and morals, but was supported by scientific evidence and human reason (See Tab 10 - Addendum (p.3»). I tried to explain to my auxiliary supervisor, Rob Wilmot, my concern that my beliefs not be dismissed as religious obscurantism or fanaticism since this was not exclusively an issue of faith. Wilmot felt that the reasons (Le. morality) for refusing the order were not important - that this was not a question of conscience, but a case of insubordination as employees have to carry out duties. He explained that the principle of freedom of conscience cannot be permitted as Ministry employees might refuse to issue crisis grants or apprehend a child because this is against their conscience. I pointed out that these analogies were not equivilant to the issue at hand. (See Tab 7 - May 14,1985 Meeting (p. 10); Tab 8 - Notes Taken by Union Shop Stewart (p.3-6). I again explained my beliefs as a Catholic and reasons for refusing this order in letter(s)

to the Union (RC.G.E.V.) and to Deputy Minister, John Noble (See Tab 13- Letters Outlining Grievance; Tab 15- Hearing Before Grievance Appeal Committee (p.3»)

35. I had studied the Church's teaching on abortion when I was a student at St. Patrick's Catholic High School from 1973 to 1978. I was taught that abortion - the direct killing of an innocent unborn child - is always a grave moral evil. I was also taught that a Catholic who supports abortion (directly or indirectly) voluntarily excommunicates himself, bars himself from receiving Holy Communion and commits mortal sin which merits eternal damnation if not confessed. (See Tab 5 - Amended Statement of Claim (p.6-8). Tab 13- Letters to RC.G.E.V. (p.3-4, p.7); Tab 15 - Minutes of September 12, 1985 Hearing (p.3); Summary of Investigation Vol. 1 pt. #1 (p.1), pt. #7 (PA); Exhibit 7 (Attachment 8, p. 2-3); Response of Moore Vol. 2 pt. #10 (PA); Catholic Teaching On Abortion., Vol. 4 - Letter by Reverend Joseph Hattie, OMI - Attachment 1).

36. On January 16, 1983, a pastoral letter written by Archbishop James Carney was read from the pulpit at

all Catholic churches informing the faithful of the Archdiocese of Vancouver that Catholic charities and Catholic community services had decided to refuse to accept further funding from United Way as of January 1, 1983, because it granted membership to Planned Parenthood, an agency which appeared to promote or support abortion. (See Catholic Teaching on Abortion,, Vol. 4 - Pastoral Letter on a Commitment to life by Archbishop Carney (1983) - Attachment 9.) Because of this decision,, I did not agree to make charitable donations by payroll deduction(s) to United Way, whilst I was employed by the Ministry.

37. This conflict was a great test of my faith. Only by the grace of God was I able to withstand the constant pressure to compromise my conscience, my faith, and possibly my eternal life.

38. Although I never wavered from my initial refusal to obey this illegal and immoral order I did suffer from temptation. When interviewed by Art Temple in the presence of shop steward, Karen Rash, on March 18, 1985, Temple suggested that my signing would not really facilitate the abortion because I would not be doing the

abortion or making the decision. (See Tab 8 - Notes Taken by Union Shop Steward (p.1.)) This rationalization coupled with my own desire to retain my job caused me great internal conflict which I wrestled with overnight after this meeting.

39. By the following morning I shuddered at the thought of complying with this order, as I knew that the haunting voice and innocent blood of this tiny child would forever be gnawing at my conscience as a hell on earth. As I contemplated the request made of me, I realized the grave consequences of succumbing to this order - the falling from divine life as the effect of knowingly and willingly consenting to mortal sin. Confronted by the dramatic reality of the existence of hell I felt the deep pit of darkness of the soul living in the absence of God as the result of rejecting Jesus in a tiny defenseless unborn child.

40. After overcoming this temptation I was infused with a great sense of peace and renewed my resolve not to submit to this order and not to quit which I also contemplated after this March 18th meeting. I had left the meeting in disbelief, feeling totally overwhelmed.

Karen Rash, my union shop steward, phoned me later that evening and encouraged me not to give up advising that she felt I presented my case very well.

41. I was so naive, I also feared that I could be charged with an offence under the Criminal Code of Canada (See Tab 7 (PA); Tab 9 pt. #22 (p.5); Tab 13 (p.3 and 7); Tab 15 (p.3)). Based on the physician's letter, no medical grounds were provided to initiate coverage (See Response of Moore Vol. 2 pt. #16 (p.8-9), pt. #19 (p.12)). At no time did this client supply any other medical advice which disputed her own doctor. (See Tab 11- Section 29(3), 5(a) (p.2)). This led me to believe that the Ministry might try to conceal the truth i.e. non-entitlement and illegal abortion. Moreover no documentation was on file for a previous abortion.. Temporary medical coverage was issued but the reasons for it were not recorded. Evelyn Fox can verify this as she double-checked the file. When interviewed by Wilmot on May 14, 1985 I asked if the Ministry were trying to hide something since no proof i.e. doctor's letter or recordings existed that medical coverage was granted for abortion purposes. (See Tab 7 - May 14, 1985 Meeting (p.11); Tab 8 - Notes Taken by Union Shop

Steward (p.6») Normally the Ministry would not supply any benefit without supporting documentation. Deputy Minister John Noble even states in an operational directive (no. 15) dated July 3, 1984 that "applicants who do not possess appropriate identification are not eligible for Income Assistance Benefits" (See Tab 4 - Case Studies and Notes from Two Weeks' Training (p.16»)

42. On May 21, 1985 I received a hand delivered letter from John Noble advising that effective immediately I was dismissed as I had not proven suitable for continued employment in the capacity of a Financial Assistance Worker. (See Tab 14). A few days later, I engaged a lawyer, Humphrey Waldock,, to represent me as counsel. I also wrote a letter to my bishop advising him of the facts of the case. In December of 1985 we were invited to meet and discuss the facts with the Most Reverend Archbishop James F. Camey D.D., now deceased, who blessed our case.

43. After my firing I was subject to further discrimination. When I applied for Unemployment Insurance Benefits I was disqualified from receiving benefits for four weeks because it was considered that

I lost my employment with the Ministry of Human Resources by reason of my own misconduct. (See Employment Income Earnings Vol. 6 - Notice of Disqualification - Tab 11). In at least five job opportunities it appeared that my employers decided against hiring me when they learned of the reasons for my dismissal. On August 14, 1988 an employee of a group home reported to me that I was not hired because it was felt that I was "too strong in my principles". On another occasion I was informed that I was refused employment because I was considered "a threat". In August of 1988 I decided to further my employment opportunities by taking Clinical Pastoral Education Training offered at the Vancouver General Hospital. During an interview for this course I was told that I was perceived a "possible security threat", "hurtful" and "untrustworthy" - in part because of my pro-life involvement (Le. street counselling, litigation, etc.) and strong Roman Catholic faith. After I was refused admission I submitted documentation of this discrimination to Reverend Gregory Smith, Vice-Chancellor of the Archdiocese of Vancouver.

44. Since beginning this action I have met over fifty people who have been affected by abortion in their employment.. Similar cases of discrimination against obstetrical nurses, pediatric nurses, technicians, other social workers and teachers have been brought to my attention. (See Tab 17 - Witnesses; Tab 18 - Related Cases.) At least half of the Ministry cases do not want to testify because they are afraid of disciplinary action (See Tab 17 - (p.5); Response of Moore Vol. 2 pt.#11 (p.5)) I know of a number of Ministry employees, if faced with the same situation could not in good conscience facilitate an abortion request.. (See Summary of Investigation Vol. 1 pts. #9 - 12 (PA-5)) As I explained at my hearing before the Grievance Appeal Committee it is unfair that Catholic employees and employees who share my beliefs are subjected to these pressures, forced to make a decision between losing their job or their soul, many with the responsibility of a family to support. (See Tab 15 Minutes of September 12, 1985 Hearing Before Grievance Appeal Committee (p.3); Tab 16- Terms of Settlement).

45. It was the experience of this case that led me to join the pro-life movement.. Prior to my dismissal in

May of 1985, I had never heard of Betty Green,, President of the Vancouver Right to Life Society and met her for the first time on October 25, 1985. She invited me to attend a Members' Meeting November 7, 1985, which was the first pro-life meeting I had ever attended. On May 21, 1986, I was nominated and elected Secretary on the Board of Directors of the Vancouver Right to Life Society. Since then I have been active in pro-life work in the church, schools and community, providing guest lectures on abortion,, organizing events, such as the annual May March For Life, and implementing workshops in Sidewalk Counselling, which I began on April 29, 1987 (See Response of Moore Vol. 2 pt. # 12 (p.6) and Attachment 9)

46. In my experience as a sidewalk counsellor (See Response of Moore Vol. 2 - Affidavit Re: Sidewalk Counselling - Attachment 2), I have interviewed over 100 pregnant women who have been pressured to abort by family, boyfriends, doctors, school counsellors, and social workers etc. Many are teenagers referred for abortion by government employees and health care workers often without the knowledge or consent of legal guardians. One underage teen was advised by her doctor to borrow

her friend's medical card to avoid telling her parents. Very few pregnant women that I have encountered have been provided with informed consent.. It is the objective of sidewalk counselling to offer women contemplating abortion information on the humanity of the unborn child, the dangers of abortion and the alternative to it. In the last two years almost thirty babies and mothers have been saved from abortion by the efforts of street-counselling. In dramatic fashion three of these women climbed off the operating room table at the last minute and cancelled their abortion in response to our offer of help. Examples of successful cases include a prostitute and cocaine addict pressured to abort by doctors who cancelled her scheduled late-term abortion at Vancouver General Hospital and subsequently gave up drugs and prostitution,, gave birth to a healthy baby boy and married the father of the child. I am now in contact with 40 mothers and six individuals suffering post-abortion trauma to provide follow-up support.

47. It is also the experience of Birthright and other pro-life agencies over the past twenty years that Ministry clients who are expecting are often pressured to have abortions because of economic and social reasons. (See

Response of Moore Vol. 2 pt. #18 (p.11») Shortly before I was fired a social worker at the Fraserview office told me that she was upset with one of her clients aged 18 for ignoring her advice that she would be "ruining her life if she didn't have an abortion". When I was transferred to the Sunset District Office on April 15, 1985 a single mother who sought practical help because she was pregnant was told by her F.A.W. that it would be better to have an abortion provided free of charge at Vancouver General Hospital.. More recently a Ministry client reported to me that her worker threatened to cut her off welfare if she did not have an abortion.. Another Ministry client, Christina,, phoned me on September 7, 1990 to complain that her F.A.W. suggested that she "get rid of it (pregnancy) and "have an abortion", after she requested help in obtaining maternity clothing. (See Tab 17 - Witness (p.17-18»). On October 12, 1989 a Ministry social worker admitted that he complied with an order to apprehend a 15-year old prostitute and made her a permanent ward for the sole purpose of abortion.. He now regrets this decision to compromise his conscience and religion. A number of people, including Mike O'Connor, M.H.R. social worker; Rita Point, Birthright counsellor; and Bev Busse, nurse and family

