



MOTION REGARDING SSMU SOLIDARITY WITH THE COALITION OF COMMUNITY GROUPS DEMANDING AN END TO CITIZENSHIP-BASED DISCRIMINATION IN EMPLOYMENT

Whereas, the Professional Syndicates Act¹ (adopted in 1924), which is used by 1,740 unions and nonprofits in Quebec to incorporate and operate, specifically restricts staff employment to Canadian citizens;

Whereas, a Haitian accounting technician with permanent residency status was recently fired from their place of work on the grounds that they do not have Citizenship status;

Whereas, they were the only person of colour in their workplace and other foreign nationals at the same workplace were not let go from their jobs;

Whereas, the Quebec Human Rights and Youth Rights Commission (HRC) recently ruled, in response to the complaint filed by the Center for Research-Action on Race Relations (CRARR)², that citizenship is not a ground of discrimination according to the Quebec Charter, thus dismissing the complaint³;

Whereas, as a result of this ruling citizenship discrimination is effectively permitted by the Quebec Charter and the Commission cannot protect victims or accept their complaints;

Whereas, by refusing to address race and the intersectionality of race and citizenship in the case, the Human Rights Commission's decision creates a dangerous precedent for immigrants, and racialized and ethnic minorities in particular, in Quebec;

¹ <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-40>

² <http://www.crarr.org/>

³ <http://montrealgazette.com/news/local-news/immigrants-rights-groups-denounce-discrimination-based-on-citizenship>



Whereas, in accordance with the HRC's decision any employer or service provider can now demand citizenship as a condition of employment, rental or service delivery – without legal sanctions - which will disproportionately affect already marginalized communities currently living in or wishing to live in Quebec, as well as full-time resident Members of the SSMU;

Whereas, a coalition of community groups, including CRARR and the Organisation des Femmes Philippines du Québec (PINAY)⁴, has recently taken a collective stance against this ruling and the legislation behind it⁵;

Be It Resolved, that the SSMU stand in solidarity with the coalition of community groups and endorse their demands (Appendix A);

Be It Further Resolved, that the SSMU advocate within the McGill and the broader Quebec community through the Offices of the Vice-President (University Affairs) and Vice-President (External Affairs) to have the HRC's decision be void and declared unconstitutional;

Be It Further Resolved, that the SSMU advocate through similar Offices with the goal of having the Professional Syndicates Act amended to remove any clauses that contribute to the "legalization" of discrimination based on citizenship;

Be It Further Resolved, that the SSMU circulate this Motion to the Executive Committee of AVEQ and all of its Member and Observer associations with the goal of building a position(s) based on this matter.

Moved by:

Lambert Lefebvre, Management Representative

Mariam Madwar, Management Representative

Leonardo Nassani, Dentistry Representative

⁴ <http://www.migrantworkersrights.net/en/actors/pinay>

⁵ Professional Syndicates Act (S-40) <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-40>



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Submitted for April 6th, 2017

Erin Sobat, Vice-President (University Affairs)

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FOR APPROVAL

APPENDIX A - CRARR DEMANDS

**Motion Regarding Solidarity to end Citizenship-based Discrimination in Employment,
April 4th 2017 | 3**



Demand 1:

An end of this legislated discrimination based on citizenship, “with all deliberate speed.” Citizenship as a condition of employment or professional development was declared unconstitutional in 1989 by the Supreme Court in the Andrews case. There is no justification for citizenship to work in a union or a nonprofit. Citizenship discrimination can open wider doors to racial and ethnic discrimination, in this age of rising nativism and nationalism, since more than 70% of immigrants coming to Quebec are racialized people.

Demand 2:

The Quebec Government should not wait any longer, because it has waited for more than a year since the case was brought to its attention. Every day of week of waiting is every day or week allowing discrimination based on citizenship to take place without legal sanctions.

Demand 3:

CRARR and the woman in question will challenge the constitutionality of the Professional Syndicates Act before the courts. CRARR invites support and contribution from everyone concerned about this to help it challenge the law. CRARR calls upon all unions, that are incorporated under this law, to do its part.