



# MOTION REGARDING CONDEMNATION OF BILL 21 2019-10-10

Submitted for: October 10, 2019

**WHEREAS**, the Students' Society of McGill University ("SSMU" or "the Society") has a commitment to "leadership in matters of human rights, social justice and environmental protection" per the Preamble to the SSMU Constitution<sup>1</sup>;

**WHEREAS**, the SSMU Equity Policy mandates the SSMU to:

- 1.1.1. Recogniz[e] that historical and ongoing processes of oppression disadvantage and harm certain groups of people;
- 1.1.2. Tak[e] proactive steps to challenge the current and historical processes that affect the safety and well-being of these groups, and the actions, attitudes, and assumptions that result from these processes of oppression.<sup>2</sup>

**WHEREAS**, *Loi 21 - Loi sur la laïcité de l'État* (hereinafter, "Bill 21"), is a law adopted by the Quebec National Assembly on June 16<sup>th</sup> 2019 that forbids public sector workers in Quebec in the fields copied in Appendix A from wearing religious symbols<sup>3</sup>;

**WHEREAS**, Bill 21 includes a grandfather clause allowing those presently employed in these industries to continue wearing religious symbols so long as they do not apply for a transfer or promotion;

**WHEREAS**, these provisions will stunt the growth and employment opportunities of those Quebec residents who are members of cultural and religious minority communities, this notably includes industries with a labour shortage, such as high schools<sup>4</sup>;

**WHEREAS**, this law shows that the Government of Quebec privileges teachers' personal religious convictions over the Quebec education system;

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<sup>1</sup> [Constitution of the Students' Society of McGill University](#)

<sup>2</sup> [Equity Policy 2018-04-05](#)

<sup>3</sup> [National Assembly of Québec: Bill 21 - An Act respecting the laicity of the State](#)

<sup>4</sup> [Montreal Gazette: "Teacher shortage puts Quebec's education system to the test"](#)



**WHEREAS**, Bill 21 grounds its reasoning in a long-standing debate about reasonable accommodations that can be given to religious groups without compromising the Quebec identity<sup>5</sup>, which cites aspects of the authoritative analysis on the “Reasonable Accommodations Debate,” from the Bouchard-Taylor Report, to highlight this reasoning<sup>6</sup>;

**WHEREAS**, Francois Legault, the Premier of Quebec, has expanded beyond the recommendations of the Bouchard-Taylor Report so as to include teachers and administrators of schools “under the jurisdiction of a school board,” per Appendix A;

**WHEREAS**, Premier Legault’s reasoning for the above is that this prohibition is the case in some European countries<sup>7</sup>;

**WHEREAS**, the *Bouchard-Taylor Report* explicitly decries this line of reasoning as ignoring the context of the ban in France, which was passed in reaction to centuries of the imposition of power by the Catholic Church on the French State, Bouchard and Taylor further discuss that “it would be unfair that this situation leads them to direct at all religions the painful feeling inherited from their Catholic past”<sup>8</sup>;

**WHEREAS**, Bouchard and Taylor have both claimed that Bill 21 will not put an end to the debate on reasonable accommodation<sup>9</sup>;

**WHEREAS**, Bill 21 preemptively invokes the Notwithstanding Clause of the *Canadian Charter of Rights and Freedoms*, and Premier Legault has justified this move by claiming that the vast majority of Quebec Residents support Bill 21<sup>10</sup>, including Anglophone Quebec residents, and that he is aiming to put quickly terminate the debate;

**WHEREAS**, the data substantiating this claim has been called into question<sup>11</sup> and even if it were sound, the tyranny of the majority should not be used as a justification for overruling the safety of a vulnerable minority;

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<sup>5</sup> [Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles: “Building the Future - A Time for Reconciliation”](#)

<sup>6</sup> [National Assembly of Québec: Bill 21 - An Act respecting the laicity of the State](#)

<sup>7</sup> [Montreal Gazette: “Blaming Liberals, Legault says National Assembly will sit all weekend”](#)

<sup>8</sup> [Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles: “Building the Future - A Time for Reconciliation”](#), p. 21

<sup>9</sup> [Global News: “Both authors of Bouchard-Taylor report speak out against Quebec’s secularism bill”](#)

<sup>10</sup> [CTV News Montreal: “Francois Legault is ready to use the notwithstanding clause to force a ban on religious symbols”](#)

<sup>11</sup> [Montreal Gazette: “English-speaking Quebecers strongly against Bill 21, poll shows”](#)



**WHEREAS**, Bill 21 does not merit the Notwithstanding Clause if it can demonstrate under Section 1 of the *Canadian Charter of Rights and Freedoms* that it responds to a pressing need, and is thus a reasonable limit<sup>12</sup>;

**WHEREAS**, insecurity about the adherence of Bill 21 prompted the Government of Quebec to allow a surveillance body to be created for the sole purpose of enforcing the clauses of Bill 21 (hereinafter, “secret police”);

**WHEREAS**, the fear that those in positions of authority will impose their religion on those they serve is, simply put, an unsubstantiated fear motivated by latent xenophobia;

**WHEREAS**, the xenophobia hypothesis is substantiated in considering the general lack of support from those regions with higher cultural diversity, such as Montreal<sup>13</sup>, and the fact that a ban on religious symbols will apply more strongly to visible religious symbols such as the hijab, turban, and kippah, which are worn by groups representing cultural and religious minorities in Quebec;

**WHEREAS**, the xenophobia hypothesis is further substantiated by the *Coalition Avenir Québec* (“CAQ”)’s initial refusal to remove the crucifix from the Quebec National Assembly, yielding only to external pressure<sup>14</sup>;

**WHEREAS**, the xenophobic pandering of Bill 21 validates islamophobic elements of the Quebec population, and those across the world inspired by hate crimes<sup>15</sup>, by legitimizing discriminatory behaviour and attitudes;

**WHEREAS**, the population of Quebec is not best served by allowing their fears to be accommodated, but rather by being accompanied by those who assist them in conquering their fears and reaching new levels of understanding and solidarity;

**BE IT RESOLVED**, THAT the Campaigns Department of the Office of the Vice-President (External Affairs) be given a mandate to support the Campaign *Non à la loi 21*;<sup>16</sup>

**BE IT FURTHER RESOLVED**, THAT the Vice-President (External Affairs) liaise directly with other student associations and workers across Quebec to raise awareness about the harmful effects of Bill 21 on historically marginalized communities, and especially Muslim women;

<sup>12</sup> [Justice Laws Canada: “Constitution Act, 1982”](#)

<sup>13</sup> [CTV News Montreal: “Plante: Bill 21 targets minorities and violates freedoms”](#)

<sup>14</sup> [Montreal Gazette: “Crucifix removed from Salon Bleu of National Assembly”](#)

<sup>15</sup> [Montreal Gazette: “New Zealand mosque shooter references Quebec killer Alexandre Bissonnette”](#)

<sup>16</sup> [Facebook: Non à la loi 21](#)



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*Located on Haudenosaunee and Anishinaabe, traditional territories*

**BE IT FURTHER RESOLVED, THAT** the Society adopt a position against Bill 21 and any legislation seeking to limit the wearing of religious symbols, in line with its commitment to equity;

**BE IT FURTHER RESOLVED, THAT** the Society adopt a position against Bill 21 in particular as a xenophobic, fascist, and discriminatory law that is contrary to human rights legislation;

**BE IT FURTHER RESOLVED, THAT** the Society, through the Office of the Vice-President (External Affairs), make efforts to seek out and promote groups that support and advocate for those affected by Bill 21, and in particular those Members who face increased anxiety due to job insecurity and racism.

Moved by:

Adam Gwiazda-Amsel, *Vice-President (External Affairs)*

Seconded by:

Mustafa Fakhri, *Engineering Representative*

Written in part by:

Hamza Lahmimi, *Muslim Students' Association President*



## APPENDIX A

### List of Occupations Made Inaccessible to Visible Minorities Through Bill

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- (1) the President and Vice-Presidents of the National Assembly;
- (2) administrative justices of the peace referred to in section 158 of the Courts of Justice Act (chapter T-16), special clerks, clerks, deputy clerks, sheriffs and deputy sheriffs referred to in sections 4 to 5 of that Act, clerks and deputy clerks referred to in section 57 of the Act respecting municipal courts (chapter C-72.01), and bankruptcy registrars;
- (3) members or commissioners, as applicable, who exercise their functions within the Comité de déontologie policière, the Commission d'accès à l'information, the Commission de la fonction publique, the Commission de protection du territoire agricole du Québec, the Commission des transports du Québec, the Commission municipale du Québec, the Commission québécoise des libérations conditionnelles, the Régie de l'énergie, the Régie des alcools, des courses et des jeux, the Régie des marchés agricoles et alimentaires du Québec, the Régie du bâtiment du Québec, the Régie du logement, the Financial Markets Administrative Tribunal, the Administrative Tribunal of Québec or the Administrative Labour Tribunal, as well as disciplinary council chairs who exercise their functions within the Bureau des présidents des conseils de discipline;
- (4) commissioners appointed by the Government under the Act respecting public inquiry commissions (chapter C-37), and lawyers or notaries acting for such a commission;
- (5) arbitrators appointed by the Minister of Labour whose name appears on a list drawn up by that minister in accordance with the Labour Code (chapter C-27);
- (6) the Minister of Justice and Attorney General, the Director of Criminal and Penal Prosecutions, and persons who exercise the function of lawyer, notary or criminal and penal prosecuting attorney and who are under the authority of a government department, the Director of Criminal and Penal Prosecutions, the National Assembly, a person appointed or designated by the National Assembly to an office under its authority or a body referred to in paragraph 3;
- (7) persons who exercise the function of lawyer and are employed by a prosecutor referred to in paragraph 2 or 3 of article 9 of the Code of Penal



Procedure (chapter C-25.1), unless the prosecutor is referred to in paragraph 6, when those persons are acting in criminal or penal matters for such a prosecutor before the courts or with third persons;

(8) lawyers or notaries acting before the courts or with third persons in accordance with a legal services contract entered into with a minister, the Director of Criminal and Penal Prosecutions, the National Assembly, a person appointed or designated by the National Assembly to exercise a function under its authority or a body referred to in paragraph 3, or lawyers acting in criminal or penal matters before the courts or with third persons in accordance with a legal services contract entered into with a prosecutor referred to in paragraph 7;

(9) peace officers who exercise their functions mainly in Québec; and

(10) principals, vice principals and teachers of educational institutions under the jurisdiction of a school board established under the Education Act (chapter I-13.3) or of the Commission scolaire du Littoral established by the Act respecting the Commission scolaire du Littoral (1966-1967, chapter 125).