

Bill 21 Discriminates Against Quebecers: Statement from ELAN

Montreal, July 26 2019

As an organization serving the minority-language community of English-speaking Quebecers, ELAN strongly condemns the implementation of Bill 21 and Justice Michel Yergeau's decision last week to reject an appeal from civil rights organizations to suspend this law. We support the newest actions of the National Council of Canadian Muslims and the Canadian Civil Liberties Association who now seek to appeal the Quebec Superior Court's decision.

Bill 21 was voted in on June 16, 2019 under Premier François Legault and Minister of Immigration, Diversity and Inclusiveness Simon Jolin-Barrette, and legally affects the public sector (educators and principals in the public school system, police officers, lawyers and judges, and government officials). Under this legislation, workers in the public sector are barred from wearing visible religious symbols in the course of their duties.

Bill 21 is a divisive law that perpetuates exclusion, discrimination, and class division by increasing systemic barriers to employment for religious minorities. The notwithstanding clause protects Bill 21 from judicial review for potential violations of the *Canadian Charter of Rights and Freedoms*. We believe, however, that the law did not go through the proper channels of debate before it was passed, and that there was insufficient public consultation with the people who are affected by this law. The bill also implements oversight measures that create another layer of policing, affecting communities who are already disproportionately targeted by police and state surveillance. Despite the notwithstanding clause on the *Canadian Charter of Rights and Freedoms*, Bill 21 impacts the fundamental rights that are protected by the United Nations' *Universal Declaration of Human Rights* (UDHR).

We believe that Bill 21 does not beneficially further the cause of secularism in the public sector (*laïcité*), as it does not address the structural influence of religious organizations upon Quebec governance. The law instead targets the fundamental and protected right of individuals to manifest their faith through their own person. We agree with the [Ligue des droits et libertés' March 2019 statement](#) that the law unjustly places the "weight of the religious neutrality of the state" on individuals who are already marginalized in Quebec society. Article 18 of the UDHR states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." By interpreting this personal expression as an attempt to influence the governance of a society, we believe that Bill 21 is misdirected in its interpretation of *laïcité*, and presumes bad faith toward religious Quebecers.

Article 23 of the *UDHR* further states, “*Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*” The non sequitur of the Grandfather clause does not offer any viable solutions for religious and racialized minorities, who will be prevented from advancing in their careers and gaining employment in the public sector. The Fédération autonome de l’enseignement already [legally challenged Bill 21](#) in March 2019, before the law was passed, for threatening the working conditions of teachers. We also agree with [la Fédération des femmes du Québec](#) in that Bill 21 particularly threatens the economic and social equality of religious women. This bill immediately robs Quebecers of the fundamental right to work and choice of vocation, and thereby impedes the ability of Quebecers to contribute to their own society economically, politically, and socially.

Working closely with the education sector, ELAN believes that this law enables and encourages discrimination in schools where the law is being enforced. We support the [opposition of the Quebec English School Boards Association](#), who state that legislation is not necessary to prevent proselytizing in a professional environment. Article 26 of the Universal Declaration of Human Rights states: “*Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups.*” We believe that Bill 21 goes against the spirit of an educational environment where students thrive on exploring and reflecting the diversity of their communities, while nurturing respect for one another.

We therefore join our voices in solidarity with the Canadian and Quebec organizations that have condemned Bill 21, including the [Canadian Council of Muslim Women](#); [Fédération des femmes du Québec](#); Justice Femme; the [Public Service Alliance \(MUNACA\)](#); the [Quebec Writers’ Federation](#); the [Council of Canadian Muslims](#); the [Canadian Civil Liberties Association](#); the [Quebec English School Boards Association \(QESBA\)](#); and the municipal governments across Quebec that have declared that they will not enforce Bill 21.