Quebec law bans symbols of faith in public sector

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by Jax Jacobsen in the July 17, 2019 issue

Quebec's provincial assembly on June 16 passed a controversial measure banning public-sector workers in positions of authority from wearing religious symbols while at their job. It bars Muslim women who wear the hijab, Sikhs wearing turbans, and Jewish men wearing kippas, among others, from being able to work as teachers, police officers, and judges. Christians also have to remove their crosses.

More drastically, however, Bill 21 also prohibits anyone from covering their faces while receiving services from government bodies, including transit services, doctors and dentists, school boards, or subsidized day care. For example, women wearing religious garments such as the niqab are not able to ride a bus.

The measure, which the governing Coalition Avenir Québec promised to pass in last fall's electoral campaign, aims to protect the secularity of the province. According to the text of the law, it also "attaches importance to the equality of women and men."

The bill immediately drew criticism from Canadian prime minister Justin Trudeau, who called it "unthinkable" that "in a free society we would legitimize discrimination against citizens based on their religion," while legal scholars maintain that the bill clearly violates Canada's Charter of Rights and Freedoms.

Quebec premier François Legault insists that the bill is not discriminatory and that what voters want is to settle the issue of religious symbols in the public sphere once and for all.

Groups representing religious minorities are largely opposed.

"What it does is disadvantage the women who want to practice their faith from participating in the labor market," said Nuzhat Jafri, executive director of the Canadian Council of Muslim Women. "We're not talking about large numbers of

people foisting their religion on anyone.”

During public hearings on the bill in May, Amrit Kaur, the World Sikh Organization’s vice president for Quebec, said the bill was “offensive to neutrality or secularism in the public sector and does nothing to advance the cause of gender equality.” According to the WSO, passing the bill would set a dangerous precedent that would undermine the rights of women and minority religious groups in the province.

But those in support of the bill insist such measures are necessary to preserve Quebec’s religious neutrality.

“For us, democracy is inseparable from secularism,” said Diane Guilbault, president of Pour les droits des Femmes (For the Rights of Women). “We are not asking for the end of religions. We are asking for the state to disassociate itself completely from them in its relations with citizens.”

Canada, unlike the US, does not have a bill of rights explicitly endorsing freedom of religion. The Charter of Rights and Freedoms, which has existed since 1982, guarantees a number of freedoms, including the freedom of religion and the freedom of assembly. However, it also includes a “notwithstanding clause” that allows provinces to override the charter for five years.

Canada is “a very decentralized country, far more than the US,” said Daniel Béland, the director of the McGill Institute for the Study of Canada. “What the notwithstanding clause does is it allows the parliament, or a provincial legislature, to temporarily override certain aspects of the charter, so it’s something you can do for a limited time and then renew it.”

This latest version of a religious neutrality law comes as incidents against religious minorities, particularly Muslims, have been rising. In 2017 six Muslim men were shot dead in their mosque in Quebec City. According to Statistics Canada, hate crimes against Muslims grew by 253 percent from 2012 to 2015, largely propelled by incidents in Quebec and Ontario. Since Bill 21 was introduced in the National Assembly, Muslim women in the province reported increasing levels of provocation.

The law also exacerbates divisions in Quebec society. Anglophones are less likely to share the French-speaking population’s attachment to *laïcité*, a concept of secularism in public affairs that is prized in France.

But there’s also a clash in age groups, Béland added: “Younger people care less about these issues than older people, and they give more weight to religious freedom than secularism.”—Religion News Service

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