

# The Canadian Secular Alliance has serious concerns with Quebec's Bill 60 Charter



**The CSA favours instead a focus on ending institutional religious favouritism and special accommodations that privilege religious over non-religious forms of expression**

## **What is the Canadian Secular Alliance (CSA)?**

- The Canadian Secular Alliance is a non-profit, public policy research and advocacy organization advancing church-state separation and the neutrality of government in matters of religion. We seek to represent all Canadians, religious and non-religious alike, who believe that the Canadian government should adopt public policies consistent with a secular state.
- The CSA believes in church-state separation — the idea that the government of Canada should not favour one religion over others, or religious belief over non-belief. Our commitment is to liberal-democratic principles of equality, fairness and justice for all under the law, regardless of religious belief or lack thereof.

## **What is Bill 60?**

- Also known as the 'Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests', Bill 60 was tabled in November 2013 by the governing Parti Québécois. Its stated goals are:
  - (1) setting clear rules for everyone on religious accommodation; and
  - (2) affirming 'Quebec values' including equality between women and men, religious neutrality of Quebec's public institutions, and recognition of a common historic heritage; and
  - (3) establishing the religious neutrality of the state to promote pluralism by ensuring fair and equal treatment of all beliefs.
- The bill includes a ban on wearing of 'conspicuous' religious symbols for all state personnel except elected officials. This includes kippahs, turbans, hijabs, niqabs and large crucifixes.
- The bill makes it mandatory for persons to have their faces uncovered when receiving a state service.

## **What is the CSA's position on Bill 60?**

- The CSA, as an organization advancing government neutrality in matters of religion, supports the goal of a more religiously-neutral provincial government in Quebec. However, the CSA does not endorse this bill because it deviates too far from the principle of government neutrality in religion. The general view of the CSA is that:
  - (1) The bill fails to address the core violations of religious favouritism in Quebec law.
  - (2) The bill fails to address the institutional forms of religious expression that still exist within the jurisdiction of the Quebec government.
  - (3) A ban on wearing religious symbols across all unelected professions in public employment is excessive and unnecessary.

## **What should the Quebec government do to create a religiously neutral government?**

- End institutional forms of religious expression. This includes removing the crucifix from the walls of the National Assembly and ceasing to commence municipal council meetings with prayer recitals.
- Eliminate property tax exemptions for religious buildings under Section 204(8), 208(12) and 208(17) of the Act Respecting Municipal Taxation (Loi sur la fiscalité municipale). Religious buildings that hold significant historic value should continue to be protected under the Cultural Property Act (Loi sur les biens culturels).
- Amend the Act Respecting Private Education (Loi sur l'enseignement privé) to cease funding roughly 60% of the budget of religious private schools.
- Stop directly subsidizing organizations whose sole purpose is to advance religion.

## **Why is it important to restrict institutional forms of religious expression? Is an employee wearing a visible religious symbol a form of institutional religious expression?**

- Institutional religious symbols indicate an explicit state endorsement of one faith over other religious or non-religious worldviews. Equality rights are a core principle of the liberal democratic state, and institutional religious expression conflicts with this ideal. The CSA believes that by retaining symbols such as the crucifix above the chair of the president of the National Assembly, the Quebec government is directly contradicting its stated objective of attaining religious neutrality in public institutions.
- A public employee wearing a religious symbol during work hours is a form of individual religious expression and does not necessarily represent government endorsement of that religious worldview.

## **Under what circumstances, if any, should the government restrict civil servants from wearing visible religious symbols?**

- A public employee's freedom of expression may be restricted during work hours (and in rare cases outside of work hours) if that expression is judged to hinder job performance or represents a legitimate conflict of interest.
- Conflict of interest exists in any situation in which a public servant has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which a public servant uses his or her office for personal gain.
- Though the CSA has no desire to judge which specific professions require restrictions on religious symbols, using this criterion it is clearly not necessary to impose restrictions in the majority of cases. It is not reasonable to assume that displays of religious affiliation by employees would materially affect the quality or neutrality of most government services - especially in professions with limited authority or public interaction.
- For professions that wield significant legal authority (such as judges), a reasonable case for restrictions can be made on the grounds that maintaining neutrality is of supreme importance and judgments made can have materially significant consequences. However, it should be noted that the 'reasonable apprehension of bias' test already exists as a legal standard to protect against biased or unfair judgments – which arguably makes restrictions redundant.
- In the event that restrictions are judged necessary, they should be applied equally to all employees regardless of their religious worldview.

### **Is religious expression worthy of more protection than other forms of speech?**

- No. Freedom of religion and religious expression are an extension of freedom of speech and conscience. They are worthy of specific mention because of historic and contemporary infringements by governments worldwide - but they are fundamentally no different. The CSA rejects the proposition that religious opinions expressed should be treated differently than opinions held without a connection to religion. Both require identical protection under the law.

### **Should it be mandatory for persons to be unmasked to receive services?**

- In general the CSA believes that where there is a compelling reason for prohibiting facial coverings for the purpose of advancing public safety or security, no special exceptions should favour religious over non-religious forms of expression. If this is not applicable, then unless the desired public service requires personal identification, and acquiring accurate identification is impossible without at least temporary removal of facial obstructions, there is generally no compelling reason why a person receiving services should be forced to comply with a dress code imposed by the state.

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