

Canada: Quebec to ban public sector employees from wearing religious symbols

By Frank Cranmer

Law & Religion UK (29.03.2019) – <https://bit.ly/2FZY05J> – Law and Religion UK (29.04.2019) – On 28 March, the Government of Quebec introduced Bill 21, **Loi sur la laïcité de l'État/ An Act respecting the laicity of the State**, which would ban public sector employees in the Province from wearing religious symbols during working hours. The ban would extend to teachers, judges and police officers, though the Bill exempts current government employees and civil servants.

The proposed law is opposed by the Federal Prime Minister, Justin Trudeau, who told reporters in Halifax, Nova Scotia, on Thursday that “It is unthinkable to me that in a free society we would legitimise discrimination against citizens based on their religion.” The Jewish advocacy group B’nai Brith called Bill 21 “an assault on the fundamental rights and freedoms of Quebecers”, while the National Council of Canadian Muslims said that it would make Muslims and other minorities “second-class citizens” and overwhelmingly affect Muslim women.

To shield the proposed legislation from legal challenge, the Quebec Government intends to invoke s.33 of the **Constitution Act, 1982**, which enables it to override the Canadian Charter of Rights and Freedoms for up to five years. Under the so-called “notwithstanding clause” (Exception where express declaration):

“Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections

7 to 15 of this Charter.”

Though the exception lapses after five years, under s.33(4) it may be renewed by the *Assemblée Nationale* for successive five-year terms.

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