

## MEMORANDUM

**TO:** Mayor and Members of Council, City of Hamilton, ON  
**FROM:** Brian Dijkema, Vice President External Affairs, Cardus  
**DATE:** January 12, 2022

**SUBJECT:** City of Hamilton Motion – Legal Challenge to Quebec’s Bill 21

### WHO WE ARE

Cardus is a non-partisan, faith-based think tank and registered charity dedicated to promoting a flourishing society through independent research, robust public dialogue, and thought-provoking commentary. We are a leading voice on religious freedom in Canada and seek to promote the good of religion within our common life as citizens. Our headquarters are located in the City of Hamilton at 185 Young Street.

### ISSUE

On December 15, 2021, Mayor Eisenberger provided notice of a motion to join various Canadian municipalities in a legal challenge to Quebec’s Bill 21. Council will consider the motion on January 19, 2022. Quebec’s Bill 21: *An Act respecting the laicity of the State* (henceforth: the secularism law) was enacted on June 16, 2019. The secularism law prohibits certain Quebec public servants from wearing visible religious symbols.

### POSITION

Freedom of religion and conscience are fundamental freedoms that are inherent to us as human beings. As noted in the motion, Quebec’s secularism law violates these fundamental freedoms as enshrined in the *Canadian Charter of Rights and Freedoms*. Cardus agrees with the City of Hamilton that this law is an unconscionable violation of Quebecers’ freedom to express their most deeply held beliefs.

As we have stated [elsewhere](#), a democratic State facilitates open expression of both religious and non-religious belief in the public square. Cardus supports the City of Hamilton’s recognition of public religious expression as central to a robust exercise of religious freedom, and that this is the foundation of an authentically pluralist society.

The motion states that the secularism law “is a clear demonstration of Islamophobia and poses a threat to the freedoms of many within the Province of Quebec.” It is also true that the freedoms of many other faith communities in the province are infringed as the prohibition covers Sikh turbans, Jewish kippot, and Christian crosses. We agree that a lack of respect for religious beliefs in any Canadian jurisdiction, expressed as a prohibition on certain symbols or in other forms of expression, undermines the fundamental freedoms of *all* Canadian citizens.

As an organization that defends religious freedom and as a local employer, Cardus commends Mayor Eisenberger and Council for their public commitment to affirming religious pluralism and to promoting freedom of religion in this city and across Canada. Further, we encourage Council to implement initiatives within Hamilton that will foster religious pluralism and dialogue.