

Pilon, Janet

Subject: Quebec Bill 21

From: Malcolm Buchanan

Sent: January 11, 2022 3:40 PM

To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>

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**OPEN LETTER TO MAYOR FRED EISENBERGER AND CITY OF HAMILTON
COUNCILLORS**

January 11, 2022.

Mayor Eisenberger has heeded a call from Brampton Mayor Patrick Brown to fight against Quebec's Bill 21, *An Act respecting the laicity of the state*. He has requested staff to review all available means, including a financial contribution to support a legal challenge to Bill 21. The notice of motion will be discussed at a future meeting in January.

Bill 21, the 2019 law that prohibits public employees in a position of authority from wearing religious symbols. The law according to Premier Francois Legault's government is necessary to ensure that Quebec remains secular.

The concern about Bill 21 erupted only when the public outside of Quebec learned that the ban about the wearing of religious clothing also applies to public school teachers, which has led to the reassignment to a non-classroom position for a grade three instructor who refused to remove her hijab.

Mayor Eisenberger is correct in stating that Bill 21 "violates the basic Charter of Rights and Freedoms " of Canadians. He has also stated that Bill 21 is a "clear demonstration of Islamophobia". Other opponents are on record as saying that Bill 21 also targets Sikhs, Jews and Christians, many of whom wear religious symbols as an expression of their identity.

There is no question that Bill 21 violates the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms. The Charter of Rights and Freedoms is a national document and the rights guaranteed in it are guaranteed by all Canadians. The Legault government recognizes that, which is why it took the extreme step of invoking both Charters' notwithstanding clauses. Invoking the notwithstanding clause effectively protects Bill 21 from being overturned by the courts. Accordingly any legal action being successful is extremely unlikely and would be a waste of taxpayers money.

The unfortunate reality is that Bill 21 is extremely popular in Quebec. If a large number of municipalities and other organizations outside of Quebec openly criticize and help finance legal action against Bill 21 it may be counterproductive in rescinding the law in the near future. It will be viewed by many as a Canada-versus-Quebec situation that concerns Montreal Mayor Valerie Plante who is quoted as saying that she's "uncomfortable" with city councils from Ontario and beyond wading waist-deep into the fray. For the record, Montreal City Council unanimously condemned Bill 21.

Yes, Hamilton City Council should be on the record opposing Bill 21 and all similar laws and regulations that violate the Canadian Rights and Freedoms of Canadians. The battle to overturn Bill 21 will be political. It is a battle that has to occur within Quebec itself.

Hamilton City Council has to be mindful that Ontario also has its own religious discriminatory practices that are also a violation the Canadian Charter of Rights and Freedoms. To clarify: *Fundamental Freedoms Section 2 Everyone has the following fundamental freedoms a] freedom of conscience and religion; b] freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; c] freedom of peaceful assembly; and d] freedom of association. Since 1882, the Charter has given these freedoms constitutional protection.*

Currently in Ontario, publicly funded Roman Catholic School Boards have the right to demand that candidates for teaching positions within their respective school boards submit a Pastoral Reference from their parish priest.

Specifically, the Hamilton Wentworth Catholic District School Board requires candidates for teaching positions to have a completed Faith Reference Portfolio. Catholic teachers are employed in schools with the expectation that they will take seriously the practice and development of the faith both in themselves and in their students. The required Faith Reference Form states the following: [1] It is required that a teaching candidate requesting a Faith Reference be interviewed by his/her Pastor; [2] It is required that the teaching candidate is a member of good and moral character consistent with the expectations of the Catholic Church.

If the parish priest is satisfied with the teaching candidate's responses outlined in the Faith Reference Form and his interview with the candidate a Pastoral Letter of Reference will be issued.

Non-Catholic teaching candidates need not apply on the grounds that they are non-practicing Catholics.

The requirement that a non-Catholic teaching candidate cannot obtain a teaching position in a publicly funded institution is clearly a violation of the individuals Charter of Rights and Freedoms and the Ontario Human Rights Code both of which prohibit discrimination on the basis of religion. However, publicly funded Catholic School Boards have repeatedly been able to hold onto unique discriminatory provisions that go back to 1867. In effect, religious discriminatory hiring practices have become normalized which in itself cries out to be changed.

Conclusion.

The Hamilton City Council speak out against the Quebec Bill 21 as it violates an individual's Charter of Rights and Freedoms.

That the Hamilton City Council send messages of solidarity to those Quebec organizations involved in the legal challenge against Bill 21.

That the Hamilton City Council not contribute tax payers money in support of a legal challenge on Bill 21 as the notwithstanding clause protects the legislation from legal challenges.

That the Hamilton City Council speak out against the current religious discriminatory hiring practices of Ontario's publicly funded Catholic school boards.

Malcolm Buchanan