

C A N A D A

PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

S U P E R I O R C O U R T

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N° 500-17-

ICHRAK NOUREL HAK

- and -

NATIONAL COUNCIL OF CANADIAN  
MUSLIMS (NCCM)

- and -

CORPORATION OF THE CANADIAN  
CIVIL LIBERTIES ASSOCIATION

Plaintiffs

v.

THE ATTORNEY GENERAL OF QUÉBEC

Defendant

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**AFFIDAVIT OF CAROLYN GEHR**

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I, the undersigned, CAROLYN GEHR, residing and domiciled at [...], do solemnly affirm the following:

1. I am a teacher presently working in a high school in the English Montreal School Board (“**EMSB**”). I have worked in this school board since 2006.
2. I have a BSc/BEd from McGill University which I received in 2006.
3. I have read the *Act respecting the laicity of the State* (also known as Bill 21). I understand that this law prohibits all teachers in Quebec, along with others, from wearing a “religious symbol”.
4. I am Jewish and practice the Jewish faith. I wear a kerchief over my hair which is in a “bun” at the back of my head. It is my understanding that the Act would prevent me from wearing my kerchief at work.
5. In my view, the Jewish faith requires married women to cover their hair in some manner, and this is the manner I have chosen to respect this tenet of my faith. I have done so since my marriage nearly 16 years ago.

6. In accordance with my faith, and my sincerely held beliefs, I am not permitted to uncover my hair at work since the only circumstances where I am permitted to do outside the home is when I am in immediate danger.
7. If I had to choose between my employment or complying with the tenets of my faith I would choose to comply with the requirements of my faith. Visible observance of the Jewish faith has been under attack for millennia and keeping to the requirements of our faith is how the Jewish people and the Jewish faith have survived.
8. While I could choose to wear a wig instead of the kerchief, this is not how I choose to express my faith. Since its purpose would be the same, however, it is my understanding that a wig would also be prohibited under the Act.
9. In addition, wigs are expensive, uncomfortable, and require a lot of maintenance.
10. The only other alternative I would have would be to try to find employment at a private Jewish school that is not covered by the Act. Assuming I could find such employment, this would mean giving up my seniority and would affect my pension.
11. I would also be extremely upset and angry at having to make this choice. I love being a teacher and have a real attachment to my current school.
12. My job is very important to me, both economically and personally.
13. I have never had any issues with my kerchief at school. When I interviewed to work there, I was wearing it. The only comments I have ever received from students about it are positive such as "Miss, that colour looks so good on you!"
14. When the Act was introduced, I felt very angry and unfairly targeted. There has never been any issue with me wearing a kerchief and working as a teacher for 13 years.
15. The so-called "grandfather clause" does not change this fact. Right now, anyone can look at me and say that the only reason I'm allowed to keep my job is that the government took mercy on me, but I really don't belong in my profession. This does not create a good work environment and impacts my self-esteem.
16. In addition, while I have no current plans to switch schools or school districts or go into administration, I do not believe that it is right or fair that I should be prevented from making the same choices about my career and my life as my colleagues who the law does not apply to.
17. Of course, teachers hired after the date of the introduction of Bill 21 do not have the "right" that I do to wear their religious symbols at work. This means that, practically speaking, people who wear religious symbols will simply be excluded from teaching at public schools.

18. I am appalled at the message this will send young students. As a teacher, I want to be able to say with conviction that my students should be proud of who they are, and that they can follow their dreams. But Bill 21 will force teachers to tell their students that, before they can begin following their dreams, they have to read the fine print of this law which may require them to rethink their career aspirations and their ability to contribute to the public service or consider leaving the province, based solely on who they are. Surely this is not the message we want to be sending our students.
19. In addition, I question whether this law will really facilitate integration. If I were about to become a teacher and I was refused employment at a public school because of my kerchief, I would be forced to work at a private, Jewish school and would have fewer opportunities to meet with others outside my community. I was lucky to have the choice to work in a diverse environment; because of Bill 21, the new generation of teachers will not have this choice.
20. I feel that I have both something to contribute to, and to gain from, society at large by interacting with people who are not exactly like me. But if men and women like myself who wear religious symbols are barred from entering their chosen professions, and from participating in public institutions, Québec will become less integrated. People of diverse backgrounds will be sent the message that they are not worthy of taking part in the work of government.
21. I have shared my experience with and my views on Bill 21 in a public submission to the Commission des institutions when the bill was undergoing study by members of the National Assembly, as appears from a copy of these submissions, **Exhibit CG-1**.
22. All of the above facts are true to my personal knowledge.

AND I HAVE SIGNED this 13 day of June  
2019



Solemnly declared before me  
In Montreal, this 13 day of June 2019



Commissioner of Oaths



## Brief on Bill 21, An Act respecting the laicity of the State

Submitted by

Carolyn Gehr

I am a public high school teacher. I teach math, science, and Ethics and Religious Culture in a wonderful and diverse public high school in the English Montreal School Board. In our school and in my class everyone is treated equally and respectfully, regardless of their religion, skin colour, or sexual orientation.

I am also a married Orthodox Jewish woman. I wear a head scarf in public, at all times. Contrary to what some Bill 21 proponents like to claim, the Jewish religion is not just about how you feel in your heart. In fact, we have a set of 613 commandments. We are expected to perform them to the best of our abilities. One of these commandments is to walk with modesty. For Orthodox Jews, this means a man must wear a Kipah and a married woman must cover her hair.

If Bill 21 becomes law, and the government asks me to remove my kerchief for work, it is not simply asking me to leave my identity at the door. It would be asking me to change the way I practice my religion. To break a requirement of my faith.

Some say Bill 21 will unite Quebecers. It will help people to better integrate into Quebec society. In my view, it will have the exact opposite effect. If I were about to become a teacher and was refused employment at a public school because of my kerchief, I would end up teaching at a private Jewish school. I would have less opportunity to meet others outside my community, less opportunity to break out of my little bubble. I was fortunate that I had the choice to work in a mixed environment. The new generation of teachers in my position will be deprived of that choice.

I also feel that I have something to contribute to, and to gain from, the larger society by interacting with people who are not exactly like me. If men and women wearing religious

articles are barred from entering their chosen professions, Quebec will become less integrated, not more.

Some have said that my kerchief will make my students want to convert to my religion. But to speak frankly, that would be absurd. Actually, Jewish religious tradition strictly prohibits proselytizing.

I personally believe in and support the neutrality of the state and the public education system. What I would like however, is for students to say "This teacher is proud of who she is, and she is not afraid to show it. I should also be proud of who I am, be proud my identity. I can walk with my head held high, and not be ashamed, even if I am different from others."

While I am deeply troubled by the impact of Bill 21 on teachers, present and future, what bothers me most about Bill 21 is the message we will be forced to give to our current and future students. My school runs an annual career exploration program for all grade 9 students. Students are encouraged to interview people who have jobs that interest them, to spend a day with their parents at work, and other activities directed at encouraging them to think about the type of careers they may be interested in pursuing. If Bill 21 is enacted, the person teaching that class next year will have to say, "All of you have a bright future ahead of you, follow your dreams, the sky's the limit. But before you follow those dreams, read the fine print in Bill 21. Because you over there wearing the cross, you in the hijab, you wearing the Kipah, you with the turban, you may have to re-think your career aspirations. Or consider leaving the province." Is this the message we really want to be giving our students? Let's hope that when Quebecers take the time to think about what Bill 21 means, they will say "no way."

Carolyn Gehr, teacher

N° 500-17-108353-197

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**AFFIDAVIT OF CAROLYN GEHR AND  
EXHIBIT CG-1**

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**COPY FOR THE COURT**

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**imk**  
avocats • advocates

M<sup>e</sup> Catherine McKenzie |  
M<sup>e</sup> Olga Redko  
[cmckenzie@imk.ca](mailto:cmckenzie@imk.ca) |  
[oredko@imk.ca](mailto:oredko@imk.ca)  
514 934-7727 | 514 934-7742  
☎ 5176-1

**IMK s.e.n.c.r.l./LLP**  
Place Alexis Nihon • Tour 2  
3500, boulevard De Maisonneuve Ouest • bureau 1400  
Montréal (Québec) H3Z 3C1  
T : 514 935-4460 F : 514 935-2999  
**BI0080**