



# Quebec's Bill 21: An Overview

## Understanding the Issue

### Overview

Quebec's Bill 21, *An Act Respecting the Laicity of the State*, was passed in June 2019. The law establishes state secularism ("laicity") as a fundamental principle of Quebec's public institutions. While framed as promoting religious neutrality in government, the law restricts certain public sector employees from wearing religious symbols while performing their duties.

Bill 21:

- Prohibits certain public sector workers in positions of authority from wearing religious symbols while on the job.
- Applies to teachers in public schools, police officers, Crown prosecutors and government lawyers, judges, and some other government employees.
- Requires individuals to provide and receive public services with their faces uncovered, with limited exceptions.
- Includes a "grandparent clause" allowing some employees already in affected roles to continue wearing religious symbols as long as they remain in the same position or with the same employer.

### What Are "Religious Symbols"?

The law defines religious symbols broadly, including items such as: hijabs, turbans, kippahs, visible crosses, and other religious attire worn for faith-based reasons.

### Who Is Most Affected?

While the law applies broadly, it disproportionately affects individuals whose religious beliefs require them to wear visible symbols. In practice, many Muslim, Sikh, and Jewish individuals, particularly women who wear the hijab, have faced barriers to employment and career advancement in public sector roles such as teaching and policing.

**76%** of Muslim women who wore hijabs reported experiencing discrimination including verbal harassment and exclusion in public and professional settings.

**75%** of both Sikh men and women, and **73%** of Muslim women, reported feeling a decline in their sense of safety in public.

**33%** of Jewish men and **50%** of Jewish women reported feeling less free to express themselves publicly.

## Use of the Notwithstanding Clauses

In Canadian law, "notwithstanding clauses" allow governments to override certain *Charter* protections. Bill 21 uses the notwithstanding clauses in both the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms* to infringe upon Quebecers freedom of religion, freedom of expression, and equality rights.

By using these clauses, Quebec attempted to shield the law from constitutional challenges based on violations of these rights.

This issue is not limited to Quebec nor religious freedom. If there are no limits to how the notwithstanding clause can be invoked, governments could one day decide to use it:

- To ban speech critical of people in power;
- To legalize torture or the death sentence; or
- To roll back important social gains such as abortion rights.

## Key Concerns Raised by Civil Liberties Organizations

There must be limits to how the notwithstanding clause can be used. Otherwise, many of our most important *Charter* rights are under threat.

The CCLA is challenging Bill 21's constitutionality and after appeals, the case is now before the Supreme Court of Canada.

We are arguing that Bill 21:

- Discriminates against religious minorities.
- Forces individuals to choose between their faith and their careers.
- Undermines equality and diversity in public institutions.
- Sets a concerning precedent for governments using the notwithstanding clause to override fundamental rights and freedoms.

## Why This Matters

In addition to raising important questions about religious freedom and equality, the Bill 21 case explores the limits of government power in Canada. The outcome of this ongoing legal challenge will shape how constitutional rights are protected, and potentially overridden, across the country.