

Brief
by the provincial political party Équipe Autonomiste

for the general consultation and public hearings
on Bill 60

(Charter affirming the values of State secularism and religious neutrality of the State and of equality between women and men, and providing a framework for accommodation requests)

January 23, 2014

Équipe Autonomiste is a non-separatist provincial party that is, among other things, working to protect our Western civilization. For this reason, its basic values include the maintenance and respect of Québécois customs.

For or against the Charter?

Équipe Autonomiste did not see any need for the tabling of a bill to affirm State secularism and religious neutrality. Nonetheless, with the Parti Québécois intent on going ahead with the bill, we can say we approve of this part of the Charter, especially because it will guarantee State secularism and religious neutrality of the State for the future and thus ensure some stability under whatever political leadership the future may reserve.

Equality between women and men is, we feel, clearly stated in Québec's Charter of Human Rights and Freedoms. Équipe Autonomiste cannot, however, resist taking this opportunity to remind the government that it has been the first to contravene the principle of gender equality:

- The government still has a public body for the Status of Women. Équipe Autonomiste advocates turning it into one for the Status of Humans, which would fight not only injustices to women but also injustices to men, who likewise pay for this public body through their taxes.
- The government has funded over fifty organizations for women and scarcely ten organizations for men, whose needs may differ but are just as extensive as those of women.
- The government has maintained "positive discrimination" programs, as if discrimination could ever be positive. These programs discriminate against innocent people who are victimized for wrongs done by other people in the past. For instance, a woman came to a classroom to promote a program that encourages girls to go into the sciences. A boy wanted to sign up but was turned down because the program was meant only for girls. The boy's mother lodged a complaint because he had been told that favouring one group over another is fine as long as girls are the favoured group (1).

When are we going to admit that women and men are simply different without being unequal? What motivates a boy to play football and a girl to go into synchro swimming? At a health club, the men mostly go to the weight room and the women to the aerobics class. According to an English study, even if we isolate a child from all social influences, most boys will choose toy trucks and most girls will prefer dolls. Men will go more into politics and women into volunteer work and social activities. This reality is denied by positive discrimination programs, which seek to impose quotas that now favour women systematically. The Conseil du statut de la femme (Council on the

Status of Women) recommends that women make up at least 3% of the work force on construction sites (2), but what about the need for male role models in daycare centres or elementary schools?

This leads to routine discrimination against men. Let us give a trivial but flagrant example. Often men are required to wear a tie (3), yet women have no equivalent restriction on the clothing they can wear.

The government should be consistent in its own laws and regulations. For example, the Charter will not apply to the National Assembly, which should in fact be the first to set an example. Équipe Autonomiste wants men and women to be treated equally, but this equal treatment should apply in both directions and in all areas of life. At present, the government and its bodies are making things worse by encouraging abuses in the name of gender equality. So-called "positive" discrimination legitimizes not only anti-male sexism but also anti-white racism by favouring visible minorities and by segregating non-natives. It can also have undesirable impacts on the disabled. Équipe Autonomiste would like to see amendments to employment legislation, in particular Part III (Affirmative Action Programs) of Québec's Charter of Human Rights and Freedoms and the Act respecting equal access to employment in public bodies (we would amend this act to include men with the five designated groups) (4).

Accommodation requests

Tensions are rising over requests for accommodation and will continue to rise as immigrants swell the ranks of those groups that most often make such requests. Immigrants are also assimilating less and less, as their communities reach the critical mass that enables them to live outside their host society. They no longer need to look beyond their own communities to find friends, to build networks of mutual assistance, or to create social norms. In fact, they can increasingly impose their own norms. All of this is a foreseeable result of the sharp rise in immigration under the Charest government, which increased the net intake from around 20,000 per year to over 50,000. This high level is continuing under the Marois government (5). The Québec Immigration Plan for the year 2013, of the Department of Immigration and Cultural Communities, "aims for ... a relative stabilization of the volume of admissions during the period 2012-2015, so that by the end of the period, i.e., in 2015, the average annual intake will be 50,000 people. ... The Québec Immigration Plan for the year 2012 set a target of issuing 51,700 to 55,800 certificates of selection to candidates in categories that come under Québec's authority. According to the latest forecasts, 47,000 certificates of selection should be issued, this being less than the levels in the plan. This is notably due to the world political situation, particularly in certain African and Middle Eastern countries, which caused the postponement of selection missions to those countries and therefore prevented Québec from fully reaching its selection goals." (6) It takes around two generations to integrate immigrants, and Québec is no longer able to integrate the large numbers who are now coming. In relation to its population, Québec is now taking in twice as many immigrants as any other country in the world, including the United States and France. So it is no surprise that newcomers are taking longer to assimilate. Québec is trying to do what even much larger countries can no longer do. We could improve the situation by lowering the immigration intake to 20,000 and by replacing the policy that "aims to ... ensure that a majority of all immigrants know French" (6) with one of giving more preference to immigrants whose culture is similar to ours. Keep in mind that most people who know French come from France and North Africa and that one can more easily learn a new

language than a new culture. Now do the math: If 50,000 immigrants arrive annually over the next 10 years, we will have taken in 500,000 people, i.e., the whole population of the greater Québec City area. Will they ever integrate? At this rate, Québec will become one of the few places in the world to have voluntarily replaced its population with another. Équipe Autonomiste thus accepts the need for clear limits on requests for religious accommodation. In the current context, we also feel that the unlimited religious freedom of Québec's Charter of Human Rights and Freedoms is even becoming a source of trouble. It has been pointed out that many people around the world know they can use the Québec and Canadian charters to impose their ideologies and forms of religious fundamentalism (7).

To conclude the first question (for or against the Charter), Équipe Autonomiste thinks this charter, as proposed, is a placebo that will in no way fix the problems in our society. The whole approach strikes us as electioneering to manipulate public opinion for partisan goals, and we disapprove of a party using this problem as a means to get a majority government. We will nonetheless cooperate with this project to introduce a charter on State secularism, if cooperation is being sought. In our opinion, Québec's Charter of Human Rights and Freedoms is sufficient to defend gender equality, but we agree that the issue of accommodations does require legislation.

The articles of the Charter affirming the values of State secularism and religious neutrality of the State and of equality between women and men, and providing a framework for accommodation requests

First, Équipe Autonomiste wishes to remind everyone that the Charter will apply only to public bodies where secularism is by and large already the rule and that the impact will scarcely be noticeable for the public sector as a whole. In daily life, people will see few effects. There will still be turbans on the soccer field (8), but no baseball caps. There will still be kirpans in private schools (9), but no Boy Scout pocket knives. For this reason, we instead propose an amendment to Québec's Charter of Human Rights and Freedoms, i.e., an Article 9.2 to the effect that "religious freedom stops where the values of Québec society are being challenged," just as freedom of expression stops where defamation begins. This article would apply also to the private sector and provide recognition of the limits of multiculturalism while affirming our identity. It would thus be impossible for some people to impose their specific practices on other people.

We are concerned about the Charter's Article 1 and how it will impact religious neutrality and cultural heritage, especially because the article would apply, if we understand correctly, just as much to conservatories and museums as to hospitals. How would it apply to concerts or exhibits on religious themes or a chapel like the one at the Hôtel-Dieu de Québec? Will "heritage" be defined solely by the Department of Culture? We believe that more should be spelled out. Organizations affected by the Charter should be asked for their thoughts on possible amendments, and this exercise should be done before passage of the Charter and any possible loss of certain valuable assets, whether artistic or not.

Équipe Autonomiste would remove Article 5 from the Charter, with respect to the wearing of religious symbols. The court decision on the wearing of the "red square" has shown there is no need to enshrine this kind of article in law. A simple directive would be enough to regulate the wearing of conspicuous symbols by civil servants, who have an obligation to exercise reserve. In addition,

this article is too vaguely defined to be easily applied. Where does conspicuousness end and where does it begin? How big is a conspicuous object? Who will define religious affiliation? For a while, many girls used to wear a hand of Fatima as a good-luck charm, and many of them had no idea of its religious symbolism. Such objects are more offensive to those who are more easily offended. If need be, an employer can avoid opening this Pandora's Box by invoking Article 4: the employee has a duty to exercise reserve and this duty applies to clothes, tattoos, and body piercing. We are entering an area of labour relations where the manager should have a role to play. Remember, a charter will apply over the long term. If the sight of an Islamic veil bothers people today, they may be offended tomorrow by a Raelian's spiral or a student's red square.

Given the broad-based support for Chapter III and its provisions for keeping one's face uncovered, Équipe Autonomiste proposes generalizing articles 6 and 7 by moving them to Québec's Charter of Human Rights and Freedoms. This would settle problems that arise with photo ID cards in airports or buses and with demonstrations and so forth, while taking the context into account (winter scarves, masked balls, Halloween ...).

Équipe Autonomiste would add to Article 15: "that the accommodation does not lead to any additional cost for the community." It is unfair to make a citizen pay for an accommodation, even if only the cost of electricity for the use of a swimming pool. Paragraph 3 of this article speaks of the "costs involved" but in a context of "reasonableness." We would complete it by adding: "society does not have to pay for any costs due to an accommodation."

Équipe Autonomiste questions the need for Chapter VI. We see only paperwork at a time when we wish to see some real housecleaning by the government. When a law comes into effect, the affected organization, usually, sends its staff a notice or memo that sets out the new attitudes to be adopted. Why make the process more cumbersome with "an implementation policy"?

For Article 38, Équipe Autonomiste would add the National Assembly to the public bodies affected by the Charter. We even wonder whether government-subsidized bodies should not be subject to the Charter, since the money comes, at least in part, from the government, which does not want to be identified with any religion.

Équipe Autonomiste understands that a transition period may be necessary (articles 45 and 46) but disagrees with the idea of extending exemptions and thereby creating undue privileges.

In conclusion

Équipe Autonomiste is astonished to hear so many say: "The Charter would not survive the court challenges." We wish to point out that the government makes our laws and regulations, that each law and regulation is a limitation on our personal rights and freedoms, that laws and regulations are necessary to prevent social chaos, and that judges have a duty to apply these laws and regulations. We are surprised to hear the opposite being said in the media, as if our MNAs are at the mercy of the courts. MNAs are the ones who make laws and regulations, not the reverse.

As for the Supreme Court and federal legislation, Équipe Autonomiste is surprised by the reaction of the Parti Québécois and its concern about the Charter's constitutionality when Québec has not

even signed the constitution. Québec tacitly accepts the constitution while waiting for the rest of Canada to propose amendments that are convincing enough for the province to sign on. A contract is not binding on someone who has never signed. Otherwise, why would a signature be necessary? Unlike the so-called "sovereignist" party, Équipe Autonomiste proposes keeping Québec in Canada while promoting the idea of a real confederation, as the Fathers of Confederation had intended in 1864 before the politicians, for their own reasons, quietly replaced that option with a federation in 1867. A federation centralizes power whereas a confederation allows its independent members to share whichever powers they wish to share. Équipe Autonomiste is convinced that some provinces like Ontario and British Columbia might be interested in this alternative. The Québécois are fully aware that suitable proposals will never come from the rest of Canada.

(1) <http://equipeautonomiste.ca/?q=fr/node/393>

(2) <http://www.atfquebec.ca/atf/2013/03/une-mixite-en-chantier.html>

(3) Rules respecting the solemnization of civil marriages and civil unions (CCQ, r. 3); Regulation of the Court of Québec (C-25, r. 4), etc.

(4) <https://www.facebook.com/notes/st%C3%A9phan-pouleur/%C3%A9galit%C3%A9-homme-femme-au-qu%C3%A9bec-en-2011-l%C3%A9cart-se-creuse-version-no-2/272700589478788>

(5) <http://equipeautonomiste.ca/?q=fr/node/414>

(6) <http://www.micc.gouv.qc.ca/publications/fr/planification/plan-immigration-2013.pdf>

(7) <http://www.ledevoir.com/politique/quebec/392729/laicite-fatima-houda-pepin-se-vide-le-coeur-et-plaide-pour-limiter-les-droits>

(8) <http://www.radio-canada.ca/regions/ottawa/2013/03/07/010-port-voile-soccer.shtml>

(9) <http://www.ledevoir.com/societe/justice/103463/oui-au-kirpan-a-l-ecole>