



Canadian Women's Foundation

# Written Statement on Quebec's Bill 21, An Act Respecting the Laicity of the State

Presented May 16, 2019

The Canadian Women's Foundation is Canada's national public foundation for women and girls, one of the ten largest women's foundations in the world and a leader in the movement for gender equality in Canada.

The Canadian Women's Foundation has decades of experience addressing discrimination and violence against women and girls. Through our support for community programs, we empower women and girls to move themselves out of poverty, out of violence and into confidence and leadership. We have raised more than \$90 million since our founding in 1991 and funded over 1,900 programs serving women and girls across the country.

This statement reflects the Foundation's knowledge acquired through this work, including learnings about the nature of the differential effects of legislation on women and girls as they strive to gain full access to their political, economic, social and cultural rights.

In Quebec, the Foundation has been directly funding programs and developing capacity building initiatives since 1991. The Foundation was a supporter of the World March of Women from its inception at the Federation des femmes du Quebec. More recently, we have led specific regional programs with Quebec staff on the ground, such as a three-year program to address girls' sexual exploitation and a five-year program to build capacity of organizations to deliver healthy relationships programs related to comprehensive sexuality education in the Quebec curriculum. Our commitment to supporting the Quebec women's movement is further demonstrated by our partnership with the Network for Peace and Social Harmony, which led us to develop and promote a report with 12 recommendations to address violence against women and girls in Quebec, in collaboration with the Federation des maisons d'hébergement pour femmes, the Regroupement des maisons pour femmes victimes de violence and RQCLACS.

## **Introduction**

The Canadian Women's Foundation supports women in Quebec in all their diversity and believes that the rights of all women should be respected and publicly defended. We believe that diverse social, cultural and religious mores are a normal part of our society and should be not simply be tolerated but rather celebrated as part of the fabric of our schools and communities. In our understanding of Quebec as a pluralistic society, the Foundation supports the representation of this plurality in our public services. Fair representation, inclusion and diversity should make up part the social contract between the government and its citizens. Civil society and citizens employed by the state to provide services should reflect that diversity in order to be a vehicle to inclusion.

Seeking equity for women in particular in the context of diversity and inclusion includes openness to difference, as well as respect for basic universal rights as guaranteed in the Quebec Charter of Rights and Freedoms, and particularly sections 3, 9.1 and 10. For the Foundation, equity means that policies are enacted that bring all citizens into a sphere where they have equal footing, and that society is responsive to the differences presented by diversity and responds accordingly (Espinoza, 2007). We do not believe that the state will achieve the goal of maintaining secular and unbiased position by dictating the appearance of state employees and forcing them to remove their religious symbols. In pursuing this goal, the government may unfairly discriminate against certain groups. The Foundation believes that the National Assembly should consider this position on equity in the bill under consideration.

While we recognize that this bill impacts all genders, our expertise and experience lead us to focus on the differentiated effect it will have on women, and particularly those from minority groups.

## **Our Approach**

Through decades of work with organizations and with the women they serve, the Foundation has a deep understanding of the lived experience of diverse women. It is generally understood that many forms of discrimination hold women back economically in order to reach autonomy and equity, and special efforts need to be made. That is why we fund programs specifically targeted at women to address the gender gap in training, promotions and earnings. We bring this expertise on the barriers holding diverse women back to this statement on Bill 21, An Act Respecting Laicity of the State.

In addition to the direct experience of organizations and the women they serve, the Foundation uses feminist research and analysis to understand how women are differently affected by policies and programs. In particular, we present for the consideration of the committee the value of Standpoint Theory (Hill Collins, 1998; Delphy, 1984; and Smith, 1990). This feminist approach rejects the idea of a universal standpoint, that suggests that policies affect all people the same way. Bill 21 is being presented as legislation that will affect all people equally, that it does not single out a particular group. While this may be true in the intention of the bill, its effects will be quite different. The bill rests on a proposition that all Quebecers adhere to the idea that state secularism can and should be expressed through the appearance of certain public servants and teachers. The Foundation argues that this idea of a value-free, objective claim is actually derived from “a very precise social position: the position of dominance” (Delphy, 1984, p. 157). Presenting the bill in its current form places certain people, and in particular women who are identifiably Muslim, outside of Quebec society unless they conform to certain codified appearances. This

codification is developed by the dominant culture, and therefore does not take into account the viewpoint of the people most affected by the legislation.

Standpoint Theory encourages policy makers, social scientists and particularly feminists who support women's emancipation, to centre their debates and their research on the subordinated groups, not as an additive approach, but as a measure to learn from those who experience most severely the effects of discrimination and subordination. In presenting Bill 21 as affecting women and men equally, and that establishing laicity is a universal process, that can be applied without discrimination, the government has not reflected on the needs of those who are experiencing the greatest barriers to participating fully in our society.

Finally, the Foundation undertakes an intersectional (Crenshaw, 1994) examination of policies, consistent with Standpoint Theory. In the case of this bill, intersectionality is useful in order to examine if the proposed legislation discriminates more against women because of their religious identity, and how this intersects with their position as teachers, as women, and as women who can be considered autonomous or not.

### **Canadian Women's Foundation 's Position on Bill 21**

The Foundation believes without exception in women's rights to participate politically, socially, economically, and culturally in society. Employment in the school system, by the state and in public service is one of the most secure and dependable forms of employment for women. It offers protections, union membership, opportunities for advancement and a strong framework to advance women's rights. These conditions are rarely as fulsome in the private sector, or in the informal sector. The proportion of women employed is especially high at the elementary and preschool levels, where they make up 84% of the teaching staff (Statistics Canada, 2006). In contrast, women, especially racialized women, are more often found in precarious and part-time work, where they have little access to decent working conditions and supports (LCO / CDO 2008). The proposed law, in including teaching staff as part of the group that will be affected by this bill, as well as those who are considered to display religious symbols, necessarily targets women who are identifiably Muslim in this setting. This is the intersectional analysis that the Foundation brings to the proposed legislation. We believe this law would have a disproportionate effect on women who are identifiably Muslim.

This law, if passed, has the potential to exclude certain women from secure, stable work that guarantees their financial autonomy, their advancement and the full expression of their rights as women. This legislation will restrict the rights of certain minorities. There are broader social harms, beyond the individual effects, that will lead to women being forced out of public office and an increasing erasure of the contributions and value of minority groups to Quebec society. The Foundation

believes that government's role and the role of the Charter is actually to guarantee equality of access, equality of opportunity and commitment to inclusion.

The Quebec school curriculum teaches young people about the important contribution made to Quebec by its multicultural citizens. It teaches the value of diversity and it promotes an understanding of our society as welcoming and adaptable, constantly in evolution to respond to advances in knowledge and changes in attitudes. It also promotes the rights and liberties guaranteed by the Charter. It is essential to promote this form of diversity through school personnel and the inclusion of diverse bodies, voices, and appearances as actors of the state.

This legislation will have the consequence of excluding some groups whose religious convictions are visibly part of their identity. The proposed law focuses on the way their appearance affects perceptions of secularism, it does not actually guarantee laicity at all. The way people exercise their functions without bias, without having their convictions and their personal beliefs affect the way they carry out their duties is already guaranteed in the Charter under sections 9.1, 10.1 and by professional codes of conduct.

Finally, the Foundation believes that the proposed legislation affects women's right specifically because it attempts to legislate what a woman may wear. The Foundation firmly believes that agency is a central tenet for women's equity and that women must always have the freedom to make decisions over their lives, their bodies, their appearance and their beliefs. In this particular case, we believe that the proposed law challenges women's freedom to make a decision on her appearances, based on the judgements of others, not her own freedom of expression. The right to make decisions about what they wear is being taken out of their hands by the government and they are having conditions imposed upon them if they wish to work in certain public functions.

The Foundation believes that the debate in itself and particularly the atmosphere of anti-Islamic feeling that it engenders also has the potential to make women more vulnerable. Hatred towards women has been shown to increase physical acts of violence against women, just as inciting racial hate leads to an increase in racially-motivated violence. The intersection of these things makes it especially dangerous for identifiably Muslim women or women presumed to be Muslim. Islamophobia is an example of discrimination that is growing in Quebec. It makes Muslim women unsafe in public and online spaces. The Foundation would like to highlight and underline the significant fear, anxiety and repression that these types of attacks have on women exercising their rights and freedoms.

## Recommendations

The Foundation has two main recommendations for the National Assembly:

- 1) The government should undertake a full GBA+ (Gender-based analysis plus or ADS+) examination of the bill and its ramifications. This should include evidence-based research on the potential impact it will have on particular groups, especially women. In the case that the bill is passed without this analysis, then the Foundation further recommends that there be measurements put into place to understand the eventual impacts the bill may have on certain minority groups.
- 2) Instead of a government approach that creates barriers for and takes freedoms away from certain groups that are already “othered” and considered “outsiders”, the government should undertake a full and comprehensive examination of Quebec society, of the barriers experienced by women, especially those from minority groups. The government should establish education campaigns that highlight women’s rights, agency, and autonomy. The main focus of this campaign would be the feminist position: “Our Bodies, Our Choice”. The government should focus on a national plan to address gender equity with an intersectional analysis, with a plan on how to reach parity in politics and business, close the gender wage gap, address systemic sexism and racism, end gender-based violence and increase women’s leadership. These actions will guarantee the full exercise of women’s rights and freedoms, which are constantly under threat and can never be considered as taken for granted.

## Conclusion

We would like to take the opportunity to thank the committee for the opportunity to present this statement. We cannot support the bill in its current form as it discriminates against women. We would like to highlight the excellent work done by several groups that have testified before the committee, including the Ville de Montreal, the Federation des femmes du Quebec, the Organisme de communication pour l’ouverture et le rapprochement interculturel, among others.

## Bibliography

Ahmed, S. M. (2019). Islamophobic violence as a form of gender-based violence: a qualitative study with Muslim women in Canada. *Journal of Gender-Based Violence*, 3(1), 45-66.

Bakht, N. (2015). In Your Face: Piercing the Veil of Ignorance About Niqab-Wearing Women. *Social & Legal Studies*, 24(3), 419-441.  
<https://doi.org/10.1177/0964663914552214>

Collins, P.H. (1998). *Fighting Words: Black Women & The Search for Justice*. Minneapolis, MN: University of Minnesota Press.

Crenshaw, K. (1994). Mapping the margins: Intersectionality, identity politics and violence against women of colour. *Stanford Law Review* 43, 1241-99.

Delphy, C. (1984). *Close to Home: A Materialist Analysis of Women's Oppression*, edited and translated by Diana Leonard. Amherst, MA: University of Massachusetts Press.

Espinoza, O. (2007). Solving the equity-equality conceptual dilemmas: a new model for analysis of the education process. *Educational Research*, 49(4), 343-363.

Smith, D. E. (1990). *The Conceptual Practices of Power: A Feminist Sociology of Knowledge*. Boston, MA: Northeastern University Press.