



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 492

Charter of Secularism

Introduction

**Introduced by
Madam Nathalie Roy
Member for Montarville**

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EXPLANATORY NOTES

This bill establishes general principles and guidelines with respect to secularism.

Various persons, including judges, the Attorney General, the Director of Criminal and Penal Prosecutions, peace officers, teachers, principals, and public servants of the Administration who are employees and hold a position in which they wield authority over citizens in the name of the Québec State, are prohibited from wearing visible religious symbols in the exercise of their functions.

Personnel members of the Administration or an institution must have their face uncovered when providing services, as must persons to whom services are being provided by the Administration or the institution if it is necessary that their face be uncovered for identification or security reasons.

The Minister responsible for the administration of the Charter is required to develop and implement a cultural diversity management policy.

Lastly, it is specified that a person may only be granted a reasonable accommodation. The concept of accommodation is defined and several criteria to be complied with in order for an accommodation to be considered reasonable are set out.

Bill 492

CHARTER OF SECULARISM

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. The purpose of this Charter is to establish general principles and guidelines for the Administration with respect to secularism.

CHAPTER II

PRINCIPLES

2. Québec is a secular State.

3. The principle of secularism is paramount within the Québec State and its institutions while guaranteeing freedom of conscience and religion.

4. The principle of Québec State secularism implies that Québec State institutions are neutral as regards different religious confessions.

5. The principle of Québec State secularism confirms the paramountcy of the right to equality between men and women. No departure from this right may be made.

6. The principle of Québec State secularism is predominant, but must be applied with due regard for Québec's historical material culture, including its religious heritage.

CHAPTER III

SCOPE

7. For the purposes of this Charter, the Administration comprises

(1) the departments of the Government;

(2) all budget-funded bodies, namely, all bodies all or part of the expenditures of which are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) all bodies whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(4) all bodies a majority of the members or directors of which are appointed by the Government or by a minister and at least half of the expenditures of which are borne directly or indirectly by the Consolidated Revenue Fund;

(5) all bodies whose capital stock forms part of the domain of the State; and

(6) all government agencies listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

The Lieutenant-Governor, the National Assembly, persons designated by the National Assembly to exercise a function under its authority, and bodies to which the National Assembly or any of its committees appoints the majority of the members are considered to be part of the Administration. Persons appointed or designated by the Government or a minister in the exercise of the functions assigned to them by law, the Government or the Minister are also considered to be part of the Administration.

8. The following are institutions within the meaning of this Charter:

(1) school boards, the Comité de gestion de la taxe scolaire de l'île de Montréal, institutions accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1), institutions whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), general and vocational colleges and the university institutions mentioned in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(2) health and social services agencies and public institutions and private institutions under agreement governed by the Act respecting health services and social services (chapter S-4.2), intermediate resources, family-type resources and private nursing homes governed by that Act, legal persons and joint procurement groups referred to in section 383 of that Act, and the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5);

(3) childcare centres, day care centres, home childcare coordinating offices and recognized home childcare providers subsidized under the Educational Childcare Act (chapter S-4.1.1).

9. This Charter, except section 10, applies to municipalities.

CHAPTER IV

MEASURES RELATING TO QUÉBEC STATE SECULARISM

10. The following persons may not wear visible religious symbols in the exercise of their functions:

(1) judges;

(2) the Attorney General, the Director of Criminal and Penal Prosecutions or a person either of them has authorized to institute proceedings in their name;

(3) peace officers;

(4) the teachers and principals of a school governed by Chapter III of the Education Act (chapter I-13.3);

(5) public servants of the Administration who are employees within the meaning of the Labour Code (chapter C-27) and hold a position in which they wield authority over citizens in the name of the Québec State.

11. The practice whereby personnel members of the Administration or an institution have their face uncovered when providing services is a general practice.

The same applies to persons to whom services are being provided by the Administration or the institution if it is necessary that their face be uncovered for identification or security reasons.

12. This Charter does not deny the importance of Québec's cultural and religious heritage, which is expressed, among other ways, by the presence of religious elements in certain public places.

Traditional symbols form an integral part of Québec's material culture.

CHAPTER V

CULTURAL DIVERSITY MANAGEMENT POLICY

13. The Minister responsible for the administration of this Charter develops and proposes to the Government a cultural diversity management policy.

The policy must foster the implementation of a concerted and overall approach to cultural diversity management by the Administration.

The Minister coordinates the implementation of the policy.

CHAPTER VI
ACCOMMODATION

- 14.** A person may only be granted a reasonable accommodation.
- 15.** An adaptation of a norm or general practice, dictated by the right to equality, in order to grant different treatment to a person who would otherwise be adversely affected by the application of that norm or practice constitutes an accommodation.
- 16.** An accommodation is reasonable if
- (1) it is in compliance with this Charter;
 - (2) it is in compliance with the law;
 - (3) it does not disrupt the operation of a body of the Administration or an institution; and
 - (4) it fosters the integration of the person requesting it.

CHAPTER VII
FINAL PROVISIONS

- 17.** This Charter has precedence over any provision to the contrary in any Act, regulation, order in council, order, directive, agreement or other act or document.
- 18.** The Government designates the Minister responsible for the administration of this Charter.
- 19.** This Charter comes into force on (*insert the date of assent to this Charter*).

