

Bill 62

**An Act to foster adherence to State
religious neutrality and, in particular, to
provide a framework for religious
accommodation requests in certain
bodies**

Section 1

AMENDMENT:

Replace by:

1. This Act affirms the religious neutrality of the State in order to ensure that all are treated with proper regard for their recognized rights and freedoms, including freedom of religion for personnel members of public bodies.

Sam I

A further purpose of the Act is to recognize the importance of having one's face uncovered when public services are provided and received so as to ensure quality communication between persons and allow their identity to be verified, and for security purposes.

The Act also sets out criteria to be taken into consideration when dealing with requests for accommodations on religious grounds resulting from the application of the Charter of human rights and freedoms (chapter C-12).

*adopté
tel qu'amendé*

SAM 1
AM 1
s. 1

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Section 1

AMENDMENT:

Add at the end of the first paragraph of section 1, as amended:

To that end, the Act imposes a duty of religious neutrality, in particular on
personnel members of public bodies in the exercise of the functions of office.

*adopté
CF*

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Section 2

AMENDMENT:

1. Strike out “, and the Caisse de dépôt et placement du Québec” in subparagraph 2 of the first paragraph.

Sam I

2. Insert after subparagraph 4 of the first paragraph:

(4.1) municipalities, metropolitan communities, intermunicipal boards and municipal housing bureaus, with the exception of municipalities governed by the Cree Villages and the Naskapi Village Act (chapter V-5.1) or the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

(4.2) public transit authorities, the Autorité régionale de transport métropolitain and any other operator of a shared transportation system;

3. Strike out “, except elected persons,” in the second paragraph.

*adopté
tel qu'amendé*

SAM 1
AM 2
s. 2

Bill 62

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Section 2

AMENDMENT:

Insert “, except elected persons,” after “paragraph” in the second paragraph.

*adopted
C. Paquette*

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Section 4

AMENDMENT:

Replace by:

4. Adherence to the principle of State religious neutrality includes, in particular, the duty for personnel members of public bodies to act, in the exercise of their functions, so as to neither favour nor hinder a person because of the person's religious affiliation or non-affiliation or because of their own religious convictions or beliefs or those of a person in authority.

*adopté
C. Paquette*

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Section 5

AMENDMENT:

1. Replace "who provide" in the first paragraph by "while they are providing".
2. Replace "in charge of providing" in the second paragraph by "while they are providing".

*adopted
C. Ragwitz*

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Section 6

AMENDMENT:

Replace by:

6. Despite the duty of religious neutrality, health professionals may refuse to recommend or provide professional services because of their personal convictions, as permitted by law.

*adopted
C.P.*

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Section 9

AMENDMENT:

Replace by:

9. Personnel members of a body must exercise their functions with their face uncovered.

Similarly, persons who request a service from a personnel member of a body governed by this chapter must have their face uncovered when the service is provided.

*adopted
E.P.*

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Heading of Division III of Chapter III

AMENDMENT:

Replace by:

ACCOMMODATIONS ON RELIGIOUS GROUNDS

*adopted
C.P.*

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Section 10

AMENDMENT:

Replace by:

10. When dealing with a request for an accommodation on religious grounds resulting from the application of section 10 of the Charter of human rights and freedoms, the body must make sure that

same

- (1) the request is serious;
- (2) the accommodation requested is consistent with the right to equality of women and men;
- (3) the accommodation requested is consistent with the principle of State religious neutrality; and
- (4) the accommodation is reasonable in that it does not impose undue hardship with regard to, among other considerations, the rights of others, public health and safety, the proper operation of the body, and the costs involved.

An accommodation may be granted only if the person making the request has cooperated in seeking a solution that meets the criterion of reasonableness.

*adopté
l'él
qui amende
C.P.*

SAM 1
AM 8
s. 10

Bill 62

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Section 10

AMENDMENT:

Add at the end of subparagraph 2 of the first paragraph: "and the right of every person to be treated without discrimination".

*adopted
C.P.*

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Section 10.1

AMENDMENT:

Insert after section 10:

10.1. The Minister must establish guidelines for dealing with requests for accommodations on religious grounds in order to support bodies in their application of section 10.

The guidelines must be published on the website of the Ministère de la Justice.

*adopté
C.F.*

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Section 14.1

AMENDMENT:

Insert after section 14:

14.1. The first guidelines established by the Minister in accordance with section 10.1 must be examined by the competent committee of the National Assembly within 30 days of their publication.

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*adopte
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quamendit
C.P.*

SAM 1
AM 10
s. 14.1

Bill 62

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Section 14.1

AMENDMENT:

Replace "30" by "60".

adopted - C.P.

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Section 12

AMENDMENT:

Add the following paragraph after the first paragraph:

This section also applies to institutions accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1), except such institutions that provide college instruction services, with the necessary modifications.

*Adopted
C.P.*

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Section 12.1

AMENDMENT:

Insert after section 12:

**DIVISION IV
CONTRACTUAL MEASURES**

12.1. A public body to which the first paragraph of section 2 or subparagraphs 1 to 3 of the first paragraph of section 8 apply may require, of any person or partnership with whom it has entered into a service contract or subsidy agreement, that the person or partnership's personnel members exercise their functions with their face uncovered if the contract or agreement relates to the provision of services that are inherent in the body's mission or that are performed in its personnel's place of work. The same applies to any person in authority referred to in any of paragraphs 2 to 4 of section 3.

*adopted
C. Paquet*

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Section 14

AMENDMENT:

Replace by:

14. It is incumbent on the person exercising the highest administrative authority over the personnel members referred to in Chapters II and III to take the necessary measures to ensure compliance with the measures set out in those chapters. For that purpose, the person must designate an accommodation officer within the personnel.

The functions of the officer are to consist in advising the person and the personnel members of the body regarding accommodation matters, and making recommendations or giving opinions to assist them in dealing with any requests received.

*Adopte
C.F.*

Bill 62

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Section 8.1

AMENDMENT:

Insert after section 8:

8.1. Section 9 applies, with the necessary modifications, to

- (1) Members of the National Assembly;
- (2) elected municipal officers, except the officers of municipalities governed by the Cree Villages and the Naskapi Village Act or the Act respecting Northern villages; and
- (3) commissioners of school boards established under the Education Act.

*Adopted
C.P.*

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Preamble

Sam 1

Insert before “THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS.”:

AS Québec is a democratic, pluralistic and inclusive society that fosters harmonious intercultural relations;

AS the Québec State and its institutions are the reflection of Québec’s history;

AS the Québec State and its institutions are founded, among other things, on the principles of the rule of law, separation between the State and religious institutions, and the State’s religious neutrality;

AS the Charter of human rights and freedoms provides that every person is the possessor of the fundamental freedoms, including freedom of conscience, religion, opinion and expression, which includes the freedom to manifest one’s religion and beliefs, alone or in community with others, both publicly and privately, by teaching, practices, worship and the performance of rites;

AS the rights and freedoms of the person are inseparable from the rights and freedoms of others and from the common well-being;

AS the State’s religious neutrality is necessary to ensure that all are treated without discrimination based on religion, and as such neutrality is demonstrated, in particular, by the conduct of its personnel in the exercise of their functions;

*adopté
le
qu’amendé*

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Preamble

1. Replace “le principe” in the third AS in the French text by “les principes”.
2. Insert the following AS after the fourth AS:

AS the Charter of human rights and freedoms recognizes the equality of men and women;

*adopté
C.F.*

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Section 18

Replace by:

18. The provisions of this Act come into force on the date of assent, except sections 10, 11, 12, 16 and 17, which come into force on the date or dates to be set by the Government or not later than 1 July 2018.

*adopted
c.p.*

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Title

AMENDMENT:

Replace “religious accommodation requests” by “requests for accommodations on
religious grounds”.

*adopted
C.P.*