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Quebec

Quebec will appeal Bill 21 court ruling exempting school boards

"I think we cannot divide Quebec in two. We need one Quebec, with one set of common values," Premier François Legault says.

Philip Authier • Montreal Gazette

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"Quebec is a nation. Certain people want to divide us, but Quebec stays united. It is essential the laws that govern us be in tune with our profound values.," said Justice Minister Simon Jolin-Barrette, who blasted the Bill 21 judgment. PHOTO BY JACQUES BOISSINOT /The Canadian Press

QUEBEC — Premier François Legault has described a Superior Court judgment Tuesday exempting the province's English school boards and MNAs from Quebec's state secularism law as illogical.

Commenting on the ruling shortly after Justice Minister Simon Jolin-Barrette announced Quebec plans to appeal it, Legault said he doesn't see the link the judge does between Section 23 of the constitution protecting minority language rights and secularism.



"I am disappointed in this ruling," Legault said during a news conference on the COVID-19 pandemic. "I find it illogical. It's as if secularism and values can be applied differently to anglophones than francophones.

"I don't understand why the judge said anglophones in English school boards can have different values

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Legault made the comments in response to a 242-page decision handed down Tuesday by Justice Marc-André Blanchard.

Blanchard ruled Quebec's secularism law, Bill 21, does not apply to the English Montreal School Board, which had challenged the bill and welcomed the ruling.

He declared several sections of the bill are "inoperative" because they would violate Charter protections of minority language educational rights. The bill would therefore be inoperative to other English school boards.

He also struck down a section of the law stating sitting MNAs must perform their duties with their faces visible and without religious symbols on display.

Overall, however, the judge ruled the law is valid including the ban on religious symbols for public workers in positions of authority, because it is covered by the notwithstanding clause of the constitution which Quebec invoked in adopting the law in June 2019 in order to override certain fundamental rights.

In that sense, the judge has "validated, in large part," Quebec state secularism law as is currently written, Jolin-Barrette said his own news conference.

"It is a significant victory for Quebecers," Jolin-Barrette said.

Where he disagrees with the judge, however, is his decision to differentiate rights between English and French-speaking Quebecers by exempting the English school boards.

"Quebec's laws have to apply to everyone on Quebec's territory," Jolin-Barrette said. "There are not two Quebecs, there is only one."

He said Quebec will appeal the judgment. In the meantime, the existing law continues to apply.

Jolin-Barrette then ripped into the ruling, describing it as an affront to the Quebec nation.

"It is up to the National Assembly to determine the way it wants to organize relations between the state and religion," he said. "It is our duty, as elected representatives, to defend our distinct character, our specificities and values and to ensure our collective choices are respected.

"Quebec is a nation. Certain people want to divide us, but Quebec stays united. It is essential the laws that govern us be in tune with our profound values. The Quebec nation has chosen secularism and the government will defend this choice right to the end."

He argued that Section 23 of the constitution was not intended to cover religious symbols and the judge erred in thinking that.

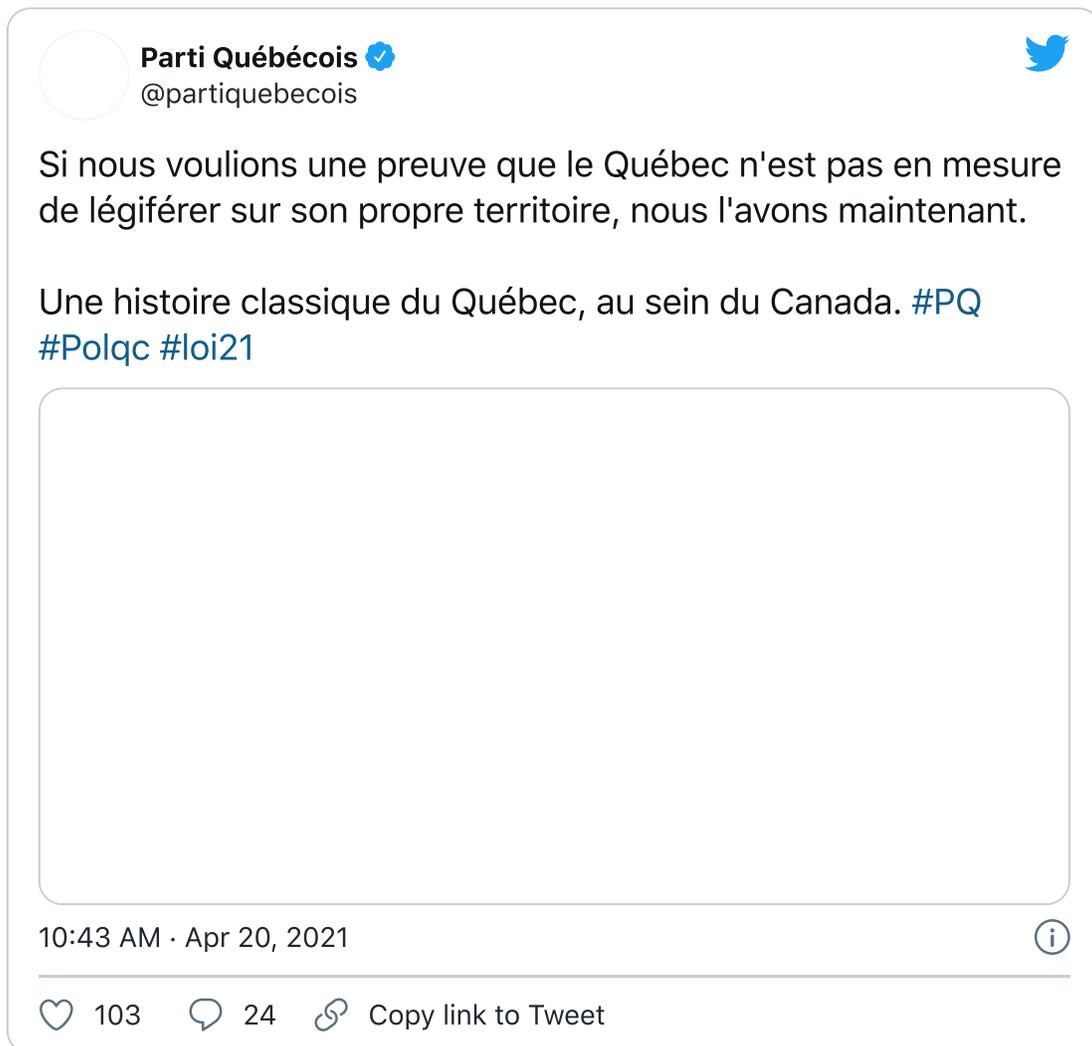
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The opposition parties remained divided on the issue, as they were when the bill was adopted.

“We are in favour of the secularism of the Quebec state,” said Liberal Leader Dominique Anglade. “I don’t think I am wrong in saying today is a step in a judicial process that could certainly wind up in the Supreme Court, but we will respect judicial institutions.”

Manon Massé, co-spokesperson for Québec solidaire, which opposed the law along with the Liberals, said rules being applied differently in the francophone and anglophone school systems will create two classes of citizens.

But Paul St-Pierre Plamondon, the leader of the Parti Québécois, which voted in favour of Bill 21, said the ruling shows as long as Quebec is in Canada it is not free to legislate freely on its own territory.



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