

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: January 17, 2022

SUBJECT: Implications of HRM Opposing Quebec's Bill 21

ORIGIN

January 11, 2022 Regional Council motion (Item 15.8.2):

MOVED by Councillor Mancini, seconded by Councillor Blackburn

THAT Halifax Regional Council direct the Chief Administrative Officer to provide a staff report on the implications of the HRM:

1. Opposing the Province of Quebec's Bill 21, An Act respecting the principals of the State ("Bill 21") and confirm our commitment to upholding the freedoms set out in the Canadian Charter of Rights and Freedoms; supporting the current legal challenge against Bill 21;

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

The *Halifax Regional Municipality Charter*, S.N.S. 2008, c. 39, clauses 2(c), 7A(a), and section 11A provide::

2 The purpose of this Act is to
(c) recognize the purposes of the Municipality set out in Section 7A.

7A The purposes of the Municipality are to
(a) provide good government;

11A The powers conferred on the Municipality and its Council by this Act must be interpreted broadly in accordance with the purpose of this Act as set out in Section 2 and in accordance with the purposes of the Municipality as set out in Section 7A.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the Resolution as set out in Attachment 1 of this report.

BACKGROUND

On June 16, 2019 the Province of Quebec passed *An Act respecting the laicity of the State* (commonly called "Bill 21"). Bill 21 prohibits public service employees in positions of authority in Quebec, such as teachers, lawyers, police officers, from wearing religious symbols in the exercise of their functions. The Bill exempts some public workers as long as they continue to hold the same job within the same organization.

Bill 21 also introduces a requirement that an individual's face be uncovered when that person provides or receives services from certain bodies, such as municipalities and public transit authorities. This requirement does not apply to persons whose face is covered for health reasons, a disability, or requirements tied to the performance of their job.

Proponents argue that Bill 21 supports the separation of church and state principle and treats all religions on an egalitarian basis. Opponents argue that it demonstrates intolerance towards religious groups who wear religious clothing in accordance with their practice.

Bill 21 has faced several legal challenges, including a joint legal challenge filed by The National Council of Canadian Muslims, the World Sikh Organization of Canada, and the Canadian Civil Liberties Association.

On January 11, 2022 Council voted separately on items 2 and 3 of the original motion and defeated them. Items 2 and 3 were as follows:

That Halifax Regional Council direct the Chief Administrative Officer to provide a staff report on the implications of the HRM:

2. Providing a one-time 2021/22 non-profit grant of \$50,000 to the joint legal challenges of Bill 21 by the National Council of Canadian Muslims, the World Sikh Organization of Canada, and the Canadian Civil Liberties Association, to be accommodated from available funding within the 2021/22 Operating Budget (M310-8004); and
3. Calling on all other Canadian municipalities to affirm their opposition to Bill 21 and provide financial contributions to support the legal challenge.

This report responds to the passed motion of Council set out in the Origin section of this report.

DISCUSSION

A jurisdictional scan was conducted on 18 Canadian cities¹ reaction to Bill 21, including the 15 largest Canadian municipalities by population (excluding Halifax) and 4 additional capital cities.

- No public record was found to confirm the following three cities' position towards the bill: Regina, St. John's and Fredericton. Requests for information have not yet been returned.

¹ Toronto, Montreal, Calgary, Ottawa, Edmonton, Mississauga, Winnipeg, Vancouver, Brampton, Hamilton, Quebec, Surrey, Laval, London, Regina, St. John's, Victoria, Fredericton.

- Three out of the 18 cities are in Québec, namely Montréal, City of Québec and Laval. Both Montréal and City of Québec stated they are uncomfortable that other Canadian cities are financing groups to challenge a law under the jurisdiction of the Province of Québec². No public record was found to confirm the position of the City of Laval and a request for information has not yet been returned.
- Among the remaining 12 cities outside of Québec, all but the City of Mississauga³ have passed motion(s) to publicly affirm opposition to Bill 21 and/or support for the joint legal challenge. Five cities have agreed to provide financial support to the joint legal challenge, namely Brampton (\$100,000⁴), Toronto (\$100,000⁵), Winnipeg (\$100,000⁶), London (\$100,000⁷), Victoria (\$9,500⁸). The City of Vancouver will debate the question of whether to contribute financially at the Council meeting on January 25, 2022. The City of Hamilton has directed staff to look at all means available to provide support to the legal challenge and will discuss the question at the Council meeting on January 19, 2022.
- Three of five cities that have committed to financial support, also did the following:
 - the City of Brampton sent a copy of their resolution to the Canadian Big City Mayors, the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario, the Region of Peel, the City of Mississauga, the Town of Caledon requesting support;
 - the City of Toronto called on all other Canadian municipalities to affirm their opposition to Bill 21 and provide financial contributions to support the legal challenge; and
 - the City of Victoria sent a copy of their resolution to the Union of British Columbia Municipalities, the FCM and the Association of Vancouver Island and Coastal Communities, the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia requesting support.
- Other ways municipalities showed their support for the legal challenge include: sending a copy of the resolution to the Premier of Québec (Ottawa) and convening a task force to engage local and religious communities to work with the City to identify how expertise and resources can be best used to support the legal challenge (Calgary).

Based upon the research above, staff have found that the most common approach that municipalities have taken to oppose Bill 21 is to pass a resolution of Council.

² <https://www.lapresse.ca/actualites/politique/2021-12-16/loi-21/trois-grandes-villes-canadiennes-veulent-aider-a-la-contestation.php>

³ The City of Surrey passed a motion on November 18, 2019 to publicly denounce Bill 21 but did not state support for the joint legal challenge. The City of Mississauga will discuss on January 19, 2022 a motion which includes endorsing the legal challenge, sending letters to Prime Minister and all federal parties requesting support for the legal challenge, as well as encouraging community to support the legal challenge. The motion does not include financial contribution.

⁴ The motion was passed unanimously (7-0 with 4 absences) on December 15, 2021

⁵ The motion was passed unanimously on December 16, 2021.

⁶ The motion was put forwarded on December 16, 2021 and was referred to the executive policy committee meeting on January 19, 2022.

⁷ The motion was passed on December 21, 2021. Councillors voted unanimously to officially express opposition to the bill and voted 13-2 to contribute \$100,000 to assist in the legal challenge.

⁸ The motion was passed on January 6, 2022. The amount was determined based on 10 cents per capita.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of the information in this report.

RISK CONSIDERATION

The level of risk is low. The subject of the resolution (Bill 21) has received several comments from residents and there is some potential of reputational impacts to the Municipality. Considering that secularism/laicity represents a fundamental element of the identity of the modern Québec society and the public opinion regarding Bill 21 is divided across Canada⁹, publicly opposing Bill 21 could create some division among the residents and alienate some members of the Acadian and Francophone community in Halifax. However, the resolution will not impact municipal services, infrastructure, or funding.

COMMUNITY ENGAGEMENT

No community engagement was required.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Regional Council may choose not to issue a resolution or issue a modified resolution.

ATTACHMENT

1. Attachment 1 – Draft Resolution

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Ziyan Yang, French Services Advisor, Diversity & Inclusion, CAO's Office 902-233-6930

⁹ According to a survey conducted by *La Presse* in April 2019, 48% of Canadians surveyed (including respondents from Québec) supported Bill 21 and 42% opposed to it. In the Atlantic provinces, 41% were in favor of the bill and 50% were against. (<https://www.lapresse.ca/actualites/national/2019-04-29/laicite-plusieurs-canadiens-appuient-le-projet-de-loi-du-quebec-dit-un-sondage>) A recent poll suggests that support for Bill 21 may have dropped from 66% to 55% in Quebec. (<https://montreal.ctvnews.ca/poll-suggests-support-for-bill-21-provision-may-have-dropped-in-quebec-55-in-favour-1.5741952>)

ATTACHMENT 1
(Draft Resolution)

RESOLUTION RESPECTING BILL 21

WHEREAS on June 16, 2019 the Province of Quebec enacted *An Act Respecting the Laicity of the State* (Bill 21) which prohibits certain public servants from wearing religious symbols, and prohibits a person's face from being covered when the person provides or receives services;

AND WHEREAS the *Canadian Charter of Rights and Freedoms* guarantees that everyone has fundamental freedoms, including the freedom of religion; and the freedom of thought, belief, opinion, and expression;

AND WHEREAS the *Canadian Charter of Rights and Freedoms* guarantees that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination;

AND WHEREAS the Halifax Regional Municipality firmly supports the rights and freedoms protected under the *Canadian Charter of Rights and Freedoms*;

AND WHEREAS the Halifax Regional Municipality is a welcoming, multicultural, diverse, and inclusive Municipality that respects different faiths, religions, genders, languages, and cultures;

NOW THEREFORE BE IT RESOLVED that Halifax Regional Council:

1. affirm its continuing support for the rights and freedoms granted and guaranteed under the *Canadian Charter of Rights and Freedoms*; and
2. continue to support building a welcoming Municipality for everyone; and
3. oppose any legislation that restricts or prohibits these rights and freedoms, including Bill 21.