

Brownstein: Optics of religious symbols inquiries should concern Legault

Quebec's premier knows how negative stories in the New York Times or London Times on any legislation would resonate with the business community.

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Under proposed legislation, religious symbols would be banned for public servants, but the giant crucifix in the National Assembly gets the CAQ seal of approval, because it has been deemed a cultural symbol. *JACQUES BOISSINOT / THE CANADIAN PRESS*

Really? The Legault government has been making phone calls to the courts, cops and school boards inquiring about how many public servants in these areas wear religious symbols on the job. The *raison d'être* for this action, of course, is that those who do sport kippahs, hijabs and turbans would lose their jobs under legislation the provincial government seeks to adopt.

The question is easy enough for the cops and courts to answer, because none of their people wear religious symbols on the job.

It's probably a different story for teachers in the province. But based on the reaction of the English Montreal School Board (EMSB) and the Commission scolaire de Montréal (CSDM), the government should be ready for a fight if it believes the boards will rat out its religious-symbol-wearing teachers. (The boards have other battles to deal with as well, such as the government's wish to abolish them and school elections.)

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As reported Tuesday in the Montreal Gazette (<https://montrealgazette.com/news/local-news/quebec-wants-schools-to-count-teachers-who-wear-religious-symbols-report>), CSDM chairperson Catherine Harel Bourdon described the request as “aberrant” and, in her view, a breach of the province’s charter of rights, while the EMSB’s Mike Cohen said his board doesn’t keep those kinds of stats and doesn’t treat employees differently because of the symbols they may wear.

One thing Premier Legault is conscious of is bad press — outside this province. And the optics of the proposed legislation and any subsequent phone inquiries are abysmal. All the more so, since Quebec would be the only jurisdiction in North America to impose such legislation. Newspapers and other media around the world would probably jump all over this and make unflattering comparisons to a couple of autocratic regimes from the last century to compile lists of some religious groups.

Legault, savvy money-man that he is, knows how stories in the New York Times, Washington Post or London Times would resonate with the international business community, particularly with would-be investors concerned about how their customers and shareholders might react to a perceived abrogation of human rights here.

Previous Quebec governments have been less than amused to see stories on the “bonjour/hi” issue (<https://www.nytimes.com/2017/12/05/world/canada/bonjour-hi-quebec.html?module=inline>), Pastagate and the surreal tale of the English-only-speaking parrot show up in the New York Times, among many other publications. But those stories far pale in comparison to teachers being sacked here for sporting religious symbols.

And if foreign journalists decided to do more digging, they could pile on with stories about the Legault team’s desire to cut back on immigration, the loss of the English-language emergency sign (<https://montrealgazette.com/news/local-news/quebec-wont-protect-bilingual-signs-in-lachute-hospital-legault>), at the Lachute hospital or the soon-to-be conversion of Riverdale High School (<https://montrealgazette.com/news/quebec/quebec-to-close-riverdale-high-school-building-will-go-to-francophone-system>) from an anglo to a franco institution. And add to that the fact that while religious symbols would be banned for public servants, the giant crucifix in the National

[Assembly gets the seal of approval \(https://montrealgazette.com/news/quebec/crucifix-will-stay-in-quebecs-national-assembly-caq-says\)](https://montrealgazette.com/news/quebec/crucifix-will-stay-in-quebecs-national-assembly-caq-says), because it's a cultural symbol. Right!

It would be fairly easy to frame a harsh and sensationalist story about aspects of life relating to racial issues in Quebec. Which would be most unfortunate.

That's because the reality is that life is pretty good for most here. Anglos and allophones have long learned to live with Bill 101. Our governments are trying to fight the good fight on environmental issues and on the jobs front. Why blow all that on legislation that probably wouldn't hold up in court anyway? To appeal to party supporters, many of whom have never even encountered teachers adorned in religious symbols?

Human-rights lawyer Julius Grey is left bewildered by these developments.

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"This is one of those absurdities here," Grey says. "I don't think it's illegal to make the inquiries. ... I do think it's idiotic to be preoccupied with that issue.

"But why would they ask that question? All the school boards are within their rights to say they don't give that sort of report and they're not in a position to do it."

Grey believes he knows why the government would conduct this campaign by phone rather than by mail. "They don't want to put it into writing, which would be much simpler, but which they know wouldn't go over well."

What Grey finds so frustrating is that, since 2013, every government in Quebec has been obsessed with this issue, when there are so many others in education that should be the subject of inquiry.

But Grey feels that banning of religious symbols in schools would be defeated in Superior Court, unless the government invoked the notwithstanding clause. In that eventuality, Grey would take the case to the United Nations' Human Rights Committee, which criticized Quebec's use of the clause regarding Bill 178 (relating to the posting of commercial signs in languages other than French) in 1993 and which then resulted in the Bourassa government re-writing that law. (Grey was involved in that case.)

"There are some places in Europe, but this would be the only jurisdiction in North America with such a ban. There is absolutely no need for it and it's such a totally unacceptable thing to do. If you look at recent immigrants here, they often work in education and health, so you would be making it harder for people to integrate. It's so counter-productive.

"Why someone would want to do this to please a vociferous lobby is beyond me. It's a terrible mistake."

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