

SUMMARY

**BRIEF TO THE NATIONAL ASSEMBLY
COMMISSION ON INSTITUTIONS**

BILL 60,
*CHARTER AFFIRMING THE VALUES OF STATE SECULARISM AND RELIGIOUS
NEUTRALITY AND OF EQUALITY BETWEEN WOMEN AND MEN, AND PROVIDING A
FRAMEWORK FOR ACCOMMODATION REQUESTS*

February 2014

Written by:

Jean-Sébastien Imbeault, Researcher
Research, Education-Cooperation and Communications Department

In collaboration with:

Meissoon Azzaria, Information Officer
Evelyne Pedneault, Legal Counsel
Research, Education-Cooperation and Communications Department

Word processing:

Chantal Légaré
Research, Education-Cooperation and Communications Department

TABLE OF CONTENTS

INTRODUCTION	1
1 PROPOSED AMENDMENTS TO THE <i>QUÉBEC CHARTER OF HUMAN RIGHTS AND FREEDOMS</i>	2
2 INTRODUCING A SECULAR CHARTER	8
CONCLUSION.....	17

INTRODUCTION

On November 7, 2013, the Government tabled Bill 60: *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*.

The Commission des droits de la personne et des droits de la jeunesse (the Commission), in accordance with its mandate, analyzed this bill and noted provisions contrary to principles set out in the Québec *Charter of Human Rights and Freedoms*. The Commission's analysis and recommendations stemming from it were submitted in a brief to the National Assembly on December 20, 2013, which was made public on January 17, 2014.

The first part of this brief covers the amendments proposed by Bill 60 to the *Charter of Human Rights and Freedoms*, while the second part focuses more specifically on the Secular Charter that the bill intends to establish.

The Commission's conclusions and recommendations pertain firstly to the *Charter of Human Rights and Freedoms* and then to the provisions under the Secular Charter. The Commission is particularly concerned that the proposed bill's aim is to restrict the scope of rights and freedoms for the first time since the *Charter of Human Rights and Freedoms* was adopted. As we will see, these proposed amendments are contrary to the Charter and the Commission recommends not adopting them.

Other recommendations by the Commission relate to several provisions of the Secular Charter that would complicate the social, legal and judicial implementation of rights and freedoms, and would have a major social impact. The Commission also recommends that certain provisions related to the Secular Charter not be adopted, whereas others should be amended or interpreted so as to comply with the Québec *Charter of Human Rights and Freedoms*.

1 PROPOSED AMENDMENTS TO THE QUÉBEC CHARTER OF HUMAN RIGHTS AND FREEDOMS

Bill 60 seeks to amend the *Charter of Human Rights and Freedoms* in three places: amendments to the preamble (Section 40) and to Section 9.1 (Section 41), as well as adding a new Section 20.2, outlining reasonable accommodation and certain guidelines (Section 42).

For the first time since it was adopted in 1975, proposed changes to the *Charter of Human Rights and Freedoms* do not seek to broaden rights, but rather to limit them.

Background, purpose and scope of the Charter of Human Rights and Freedoms

International human rights law – including the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* – had a profound influence on the content and structure of Québec's *Charter of Human Rights and Freedoms*.

Like them, its purpose is to affirm and protect rights and freedoms, and to ensure respect for human dignity and equality. The *Charter of Human Rights and Freedoms* is a tool to counter all forms of discrimination. It is built on principles of democracy, the rule of law and respect for minorities.

The rights and freedoms it protects are interdependent. No single right is absolute or more important than another right. In this sense, any attempt to create a hierarchy of rights must be rejected. In cases where there is tension or conflict between two rights, a balance between the two must be struck.

The *Charter of Human Rights and Freedoms* has a broad scope. It applies to all of Québec society, and includes both the public and private sector. It also has a quasi-constitutional status; in other words, it prevails over all other Québec laws. All laws must therefore respect the principles set forth in the Charter, under penalty of being declared invalid.

The Commission analyzed the proposed amendments to the *Charter of Human Rights and Freedoms* in light of these principles.

Amendments to the preamble to the Charter of Human Rights and Freedoms

Section 40 of the proposed bill introduces a second reference to “equality between women and men” in the preamble to the *Charter of Human Rights and Freedoms*, in addition to adding a reference to the "primacy of the French language" as well as to the "separation of religions and State and the religious neutrality and secular nature of the State".

All of these elements are presented as "fundamental values of the Québec nation". In the Commission's opinion, these "fundamental values of the Québec nation" are not on the same level as the universal values cited in the preamble of the *Charter of Human Rights and Freedoms*. The Commission is concerned about the potential impact of introducing a national framework governing the interpretation of the rights and freedoms that are embodied in the Charter.

a) Equality between women and men

The right to equality between women and men is already an intrinsic part of the *Charter of Human Rights and Freedoms*. Nevertheless, the Commission wonders about the risks associated with inserting an additional reference to "equality between women and men" in its preamble. Does this form the basis for an interpretation that differs from the one which is already extended by equality between women and men, understood as a basis for justice and peace, and which is written in the third paragraph of the current preamble and interpretive Section 50.1 of the *Charter of Human Rights and Freedoms*? The Commission believes that this addition could create contradictions that may in fact weaken protection of the right to substantive equality between women and men in the exercise of rights and freedoms already guaranteed under Section 10 of the *Charter of Human Rights and Freedoms*.

b) Primacy of the French language

With regard to including the "primacy of the French language" in the preamble of the *Charter of Human Rights and Freedoms*, the Commission points out that the official status of a language or its primacy does not have the same purpose than the Charter and is not an underlying principle of human rights and freedoms. The Commission also underlines the risk involved with

introducing the notion of "primacy", which would lead to a type of rights and freedoms hierarchy that is contrary to the structure and purpose of the *Charter of Human Rights and Freedoms*.

The Commission also wonders about reconciling this potential "primacy of the French language" with the right to equality based on language. Adding such a reference would undoubtedly run the risk of diminishing the scope of rights guaranteed by the *Charter of Human Rights and Freedoms*.

c) Separation of religions and State and the religious neutrality and secular nature of the State

In regards to "separation of religions and State and the religious neutrality and secular nature of the State", the Commission points out that secularism is not a value, but rather a political construct whose main purpose is to ensure the true exercise of freedom of conscience and religion, as well as equality. Religious neutrality is designed notably to protect people against the will of the majority or a State to impose what is right or true.

The Commission notes that several other provisions in Bill 60 limit the exercise of basic rights and undermine the right to equality. It questions the objective of this addition to the preamble, which is unlikely to better define and interpret the rights and freedoms protected by the *Charter of Human Rights and Freedoms*.

Recommendation 1:

For all of these reasons, the Commission recommends that Section 40 of Bill 60, which amends the preamble of the *Charter of Human Rights and Freedoms*, not be adopted.

Amendments to Section 9.1 of the Charter of Human Rights and Freedoms

The Commission then analyzes the amendments suggested in Bill 60 to Section 9.1 of the *Charter of Human Rights and Freedoms*.

The Commission points out that under certain conditions and using an approach well defined by the courts, Section 9.1 allows the State to establish a framework for the exercise of fundamental freedoms and rights. This provision constitutes one of the key pivotal elements by which the

rights and freedoms protected by the Québec Charter are balanced with collective interests. Great caution must be exercised when any amendment to Section 9.1 is being considered, given the potential impact on the substantive exercise of fundamental freedoms and rights protected under Sections 1 to 9 of the *Charter of Human Rights and Freedoms*.

Bill 60 includes adding a paragraph to Section 9.1 of the *Charter of Human Rights and Freedoms*. It lists three values: "equality between women and men", the "primacy of the French language" and "separation of religions and State and the religious neutrality and secular nature of the State".

a) Equality between women and men

With respect to adding the notion of "equality between women and men" to Section 9.1 of the *Charter of Human Rights and Freedoms*, the Commission points out that the right to equality between women and men is already guaranteed under equality rights as set out in Section 10, but also under interpretive clause 50.1. Furthermore, there is no doubt that the criteria listed in the current wording of Section 9.1 already include the right to equality between women and men.

Thus, according to the court's interpretation of this section, rights and freedoms protected by the Charter may be limited in situations where exercising them is detrimental to the rights of others. Introducing an additional statement on equality between women and men would in effect create an imbalance that would be contrary to the *Charter of Human Rights and Freedoms*.

b) Primacy of the French language

As to adding the "primacy of the French language" to Section 9.1 of the *Charter of Human Rights and Freedoms*, the Commission emphasizes that this runs counter to the balance specified in this section. Thus, adding a criterion such as this would dramatically reduce the scope of freedom of expression in Section 3 of the Québec Charter, which includes the freedom to speak in the language of one's choice.

c) Separation of religions and State and the religious neutrality and secular nature of the State

Regarding enshrining "separation of religions and State and the religious neutrality and secular nature of the State" in Section 9.1 of the *Charter of Human Rights and Freedoms*, the Commission underscores that religious neutrality is directly derived from the right to freedom of conscience and religion and the right to equality protected under the Québec Charter.

Bill 60 therefore distorts the meaning of the concepts of the secular State, separation of religions and State, and religious neutrality. These concepts are misused to diminish the scope of freedom of conscience and religion, whereas they should be used to guarantee the free exercise of both.

Some might believe that adding such references in Section 9.1 means that the conceptual framework of the Secular Charter will be included in the *Charter of Human Rights and Freedoms*. This change would ultimately reduce the scope of freedom of conscience and religion as it has been interpreted for decades.

Given the organization, structure and precedence of the *Charter of Human Rights and Freedoms*, the Commission believes, however, that the prevailing interpretation of these concepts in Québec, Canadian and international law should continue to apply, even if they are eventually included in Section 9.1.

In addition to these three values, the proposed bill adds a reference to "the emblematic and toponymic elements of Québec's cultural heritage that testify to its history" which, in the Commission's opinion, does not belong in the *Charter of Human Rights and Freedoms*.

Recommendation 2:

For all of these reasons, the Commission recommends that Section 41 of Bill 60, which proposes amending Section 9.1 of the *Charter of Human Rights and Freedoms*, not be adopted.

Adding Section 20.2: The duty to accommodate and its guidelines

Bill 60 adds a new Section 20.2 to the *Charter of Human Rights and Freedoms* to define the duty to accommodate and provide a number of guidelines. The Commission first points out that it is important to respect the purpose of this legal obligation; otherwise, we risk reducing its scope and in so doing, the protections under the right to substantive equality.

In this regard, the second and fourth paragraphs of Section 20.2 deviate from the current status of the law in this area. Their inclusion would unduly limit the duty to accommodate for all 13 prohibited grounds of discrimination.

a) Equality between women and men as a guideline for accommodation

The second paragraph of Section 20.2 introduces "equality between women and men" as a primary criterion of undue hardship. In its analysis, the Commission first notes that this criterion has been separated from the criterion of infringement on the right of others, a criterion which already includes the right to equality between women and men. Existing tools thus make it possible to reject any request for accommodation that would undermine the right to equality between women and men.

In addition, by placing emphasis on this criterion, equality between women and men becomes a *sine qua non* for any accommodation. We move away from the requirement for balance that is sought when determining whether an accommodation request is reasonable. This clause would reintroduce a formal concept of equality that could have a negative impact on the right to substantive equality, including equality for women, in relation to the 13 prohibited grounds of discrimination.

Recommendation 3:

The Commission recommends that Section 42 of Bill 60 be amended so that the second paragraph of Section 20.2 of the *Charter of Human Rights and Freedoms* is not adopted.

b) Separation of religions and State and the religious neutrality and secular nature of the State

The fourth paragraph of Section 20.2 introduces "separation of religions and State and the religious neutrality and secular nature of the State" as a final criterion in the test of undue hardship. The addition of this criterion to the *Charter of Human Rights and Freedoms* would introduce an exception to the current legal system that would reduce the scope of the duty to accommodate. Consequently, limits are placed on guarantees provided under equality rights, including equality between women and men.

The Commission reiterates that the separation of religions and State and the religious neutrality and secular nature of the State do not limit the right to equality. They are, on the contrary, obligations under which it is incumbent upon the State to guarantee that rights and freedoms are exercised equally by all. Restricting human rights and freedoms on this basis would contravene the Québec Charter. The Commission is also concerned about the halo effect on the other prohibited grounds of discrimination.

Recommendation 4:

The Commission recommends that Section 42 of Bill 60 be amended so that the fourth paragraph of Section 20.2 of the *Charter of Human Rights and Freedoms* is not adopted.

2 INTRODUCING A SECULAR CHARTER

In the second part of its brief, the Commission analyzes the extent to which the provisions contained in Bill 60 with respect to the following objectives are consistent with the *Charter of Human Rights and Freedoms*:

- To require employees of public bodies to maintain religious neutrality and exercise reserve with regard to expressing their religious beliefs while carrying out their duties;
- To prohibit employees of public bodies and others covered by the Bill from wearing symbols "which, by their conspicuous nature, overtly indicate a religious affiliation" while carrying out their duties;
- To require that employees of public bodies carry out their duties with their face uncovered, unless they need to because of their working conditions or because of occupational or task-related requirements;

- To decree that persons “must ordinarily have their face uncovered when receiving services from employees of public bodies”;
- To set out rules governing accommodation requests;
- To ensure that public bodies subject to the Bill adopt policies to implement the provisions of this Charter that are “consistent with [their] own mission and characteristics”.

These provisions cover a wide spectrum of Québec society since all public bodies or those considered as such under the law, as well as contractors doing business with the State and organizations which are subsidized by the State, such as non-profit organizations, are included.

Religious neutrality and the secular nature of public bodies

Given the importance in Bill 60 of the concepts of secularism, religious neutrality and separation of religions and State, and the fact that these terms have been distorted, the Commission first finds it necessary to clarify these concepts.

The Commission’s goal is to bring the focus back on Québec’s system protecting rights and freedoms. The Commission wishes to ensure that Bill 60 is consistent with the *Charter of Human Rights and Freedoms*. To this effect, it recommends that the preamble to Bill 60 make explicit reference to the *Charter of Human Rights and Freedoms*.

Recommendation 5:

The Commission recommends that the phrase “as guaranteed by the *Charter of Human Rights and Freedoms*” be added to the end of the fifth paragraph of the preamble to Bill 60 so that it reads as follows: “The National Assembly reaffirms the importance it places on human rights and freedoms as guaranteed by the *Charter of Human Rights and Freedoms*”.

a) Aim of State secularism and religious neutrality

The Commission points out the origins of the concept of secularism. Secularism employs two means – religious neutrality and the separation of Church and State – to achieve two objectives: protection of freedom of conscience and religion, and the principle of equality. In this sense, all the elements of actual secularism – of its institutions and not individuals – are to be found in Québec society. Secularism cannot be a way of eliminating individual expression of religious

affiliation in the public realm. Indeed, affirming secularism in a legislative text should guarantee the exercise of rights and freedoms.

Several interpretations of the courts have shed light the purpose of the State's obligation of religious neutrality. It is intended to guarantee freedom of conscience and religion to all persons by protecting them from having a certain belief imposed upon them by the majority or by the State.

Religious neutrality of the State is the corollary of freedom of conscience and religion, which includes the right to openly express one's beliefs and the right not to be compelled to act in a manner contrary to these beliefs. While it is possible to establish a framework for exercising freedom of religion, the Commission reiterates that it is necessary to provide substantial justification for doing so, as is the case with all the fundamental freedoms and rights.

In Bill 60, however, the notion of religious neutrality of the State is used without nuance and aims to unduly limit the exercise of fundamental rights. Moreover, Bill 60 does not fulfill one of the objectives inherent to religious neutrality of the State, which is ensuring that institutions remain inclusive.

b) Regulatory powers contravening religious neutrality of the State

Section 36 of Bill 60 contravenes the obligation of religious neutrality inasmuch as the State plans to determine the cases, conditions and circumstances when a symbol indicates a religious affiliation. The State oversteps its boundaries and compromises its position of neutrality, paradoxically in the very name of religious neutrality.

The State must remain neutral and should not become the arbitrator or interpreter of religious dogma, nor should it define what constitutes a religious symbol. This exercise is extremely risky because religious symbols can have several different interpretations.

Recommendation 6:

The Commission recommends that Section 36 of Bill 60 be amended so that the regulatory powers it sets out do not include allowing the government to determine whether an object is religious in nature or not.

Duties of neutrality and reserve by employees of public bodies

With regard to the requirement under Sections 3 and 4 of Bill 60 that employees of public bodies remain neutral and exercise reserve, the Commission reiterates that religious neutrality is first and foremost an obligation that applies to the State and its institutions. The Commission explains what is meant by impartiality, duty of reserve and a ban on proselytizing, and the ensuing obligations.

Impartiality in public services is intended to maintain a competent work force that is exempt from any kind of partisanship. Impartiality is not primarily linked with a person's appearance, but rather refers to a frame of mind, an attitude and an intellectual process.

Similarly, the duty of reserve refers to employees' behaviour when they carry out their duties, which must be accomplished objectively and without consideration of their personal opinions.

The Commission rejects the idea that wearing a religious symbol is incompatible with these requirements. We cannot presume the partiality of a service based on a staff member's appearance. By placing too great an importance on perceptions, the State risks imposing additional obligations on its staff and unduly limiting their rights.

Prohibition on wearing conspicuous religious symbols

Section 5 of Bill 60 restricts the wearing of religious symbols by employees of public bodies, including all organizations doing business with the State. The Commission believes that this measure contravenes the *Charter of Human Rights and Freedoms* and that such a prohibition is not justified in law.

a) The test of Section 9.1

This bill misconstrues the obligations stemming from the concept of religious neutrality of the State. Rather than guaranteeing the free exercise of freedom of religion, Bill 60 is an attempt to restrict the scope of this right. This restriction does not include the requisite justifications, as demonstrated when the justification test is applied to this provision under Section 9.1 of the *Charter of Human Rights and Freedoms*:

- Lack of demonstration of real and urgent objectives;

- Lack of a rational link between the objective and the means put in place to achieve it;
- Lack of proof that the measure is necessary and reasonable;
- Lack of a balance between the positive benefits of the restriction and the negative impact with respect to the exercise of rights and freedoms.

b) Discriminatory nature of the prohibition on wearing religious symbols

Furthermore, the restriction on wearing religious symbols infringes on the right to equality on the grounds of religion and gender. As set out in Section 14 of Bill 60, the individuals subject to the Bill, will be faced with a choice which is contrary to the right to substantive equality: either disobey their religion, or risk being fired.

Similarly, people will be refused employment because they wear symbols that “overtly indicate a religious affiliation”. Bill 60 will therefore have a significant discriminatory effect on women seeking employment who are part of religious minorities.

c) Contradictions with equal access to employment programs

The Commission also points out the contradictions between the measures set out in this bill and the implementation of equal access to employment programs under the *Act respecting equal access to employment in public bodies*.

Improving levels of representation of targeted groups – including women and members of visible or ethnic minorities – in public bodies or the many organizations that do business with the State is undermined by Bill 60. The very people included in the range of equal access to employment programs will face further obstacles to employment, which is contrary to the very objectives of these programs.

d) Anticipated impacts on the community sector

The Commission also raises concerns about the impact of Section 10 of Bill 60, which stipulates that a public body may require that any person or partnership with whom it has entered into a service contract or subsidy agreement fulfill one or more of the duties and obligations set out in Sections 3, 4 and 5.

Consequently, many people employed in Québec's community and not-for-profit sector, who work day in and day out to defend and promote the effective exercise of human rights and freedoms, may be forced to fulfill the obligations set out in this bill and to adopt measures that are, in some cases, contrary to their very missions.

Recommendation 7:

The Commission recommends that Sections 5 and 14 of Bill 60 not be adopted and, consequently, that the provisions of the bill which make reference to these sections be amended so they no longer refer to restrictions on wearing religious symbols.

Recommendation 8:

The Commission recommends that Section 10 of Bill 60 not be adopted.

Having one's face uncovered while providing and receiving services

Sections 6 and 7 of Bill 60 require that all persons giving or receiving a service provided by a public body do so with their face uncovered. The proposed bill sets out rules on reasonable accommodation that would apply only in cases of people receiving State services. Given the pre-eminence of the *Charter of Human Rights and Freedoms*, the Commission wishes to underline that these rules should also apply when services are provided.

In addition, the Commission suggests that the three criteria listed for receiving a service (Section 7) should also be explicitly mentioned for providing a service (Section 6). That is, mention of security and identification purposes, as well as the level of communication required, should be included in both sections of the bill.

Reasonable accommodation

Sections 15, 16, 17 and 18 of Bill 60 set out several provisions related to reasonable accommodation. The Commission reiterates that there is no legal void in this area for any of the 13 prohibited grounds of discrimination.

The Commission cautions the legislator against placing too much importance on guidelines governing reasonable accommodation, as this would run counter to the individualized and contextualized approach that should prevail in this matter.

a) Section 15

Section 15 of Bill 60 sets out separate framework for accommodation based on religion. The Commission has several concerns with this approach, among them the effect this formalization would have on the 12 other grounds of discrimination. This framework would diminish the scope of protections provided under equality rights, and would open the door to interpretations that are contrary to those currently being applied.

Consequently, the second paragraph of Section 15 does not comply with the state of law with respect to rights and freedoms, primarily because it does not make reference to the criteria established by jurisprudence. There is a risk that isolating “equality between women and men” from the criterion of the “rights of others” may be understood as a hierarchy of rights. In so doing, a formal vision of equality might be reintroduced, which would harm the right to equality between women and men.

The fourth paragraph of Section 15 is also problematic. In it, “the separation of religions and State [and] the religious neutrality and secular nature of the State” are considered limits to “religious accommodation”. In fact, these concepts ought to be understood as guarantees of freedom of conscience and religion.

Recommendation 9:

The Commission recommends that Section 15 of Bill 60 be amended so that the second and fourth paragraphs be removed.

b) Section 16

Section 16 of Bill 60 is intended to set out guidelines for requests for religious leave by employees of public bodies. The Commission reiterates a number of points, particularly regarding parties’ responsibilities in processing requests to ensure they are treated in accordance with the established criteria.

The Commission also points out that the criterion of “fairness with regard to the employment conditions of other employees” set out in this provision is unclear and could be used as an excuse for imposing identical treatment on someone when an accommodation would be required to ensure the right to equality. This criterion would also move away from the principle of substantive equality, which underpins the concept of the duty to accommodate.

Recommendation 10:

The Commission recommends that the fifth paragraph of Section 16 of Bill 60 not be adopted.

c) Section 17

Section 17 of Bill 60 sets out guidelines governing accommodation requests based on religious grounds by students attending public educational institutions. The Commission underscores first of all that an accommodation framework must be consistent with compulsory school attendance, as well as respect for basic school regulations and the school’s educational project.

Moreover, regarding a school’s mission to foster socialization among its students, the Commission emphasizes that, in the context of diversity, schools need to inculcate the notion of religious tolerance and foster the learning of difference to all students.

d) Section 18

Section 18 of Bill 60 prohibits anyone from making an accommodation request having to do with Sections 3 to 6, which were analyzed above. The Commission points out that by setting aside the duty to accommodate, this provision infringes on the right to equality.

Recommendation 11:

The Commission recommends that Section 18 of Bill 60 not be adopted.

Requirements of invoking the derogatory clause

The Commission reiterates that Sections 1 to 38 of the *Charter of Human Rights and Freedoms* prevail over any other law, unless the legislator invokes a specific derogatory clause. Any law

that unjustifiably infringes upon rights and freedoms will be deemed invalid, unless a derogation is clearly stated respecting strict established conditions, in both substance and form.

The legislator has opted not to use the derogatory clause in Bill 60. The Commission reiterates that Sections 1, 3, 4, 6, 7, 15 and 17 of the proposed bill can only be interpreted as being incompatible with the *Charter of Human Rights and Freedoms*. The Commission also recommends that Sections 5, 10, 14, 16, 18 and 36 of the proposed bill not be enacted or that they be substantially modified, because of their discriminatory nature.

Furthermore, the Commission questions the conformity of Section 13 of Bill 60 with the Charter. This section stipulates that Sections 3 to 6 are deemed to constitute an integral part of the employment conditions of the persons to whom they apply and that a stipulation contrary to any of these sections is without effect. The Commission points out that the *Charter of Human Rights and Freedoms* states that no one may in a juridical act stipulate a clause involving discrimination and that such a clause is without effect.

Recommendation 12:

The Commission recommends that Section 13 of Bill 60 not be adopted.

Implementation policies

The final section of the Commission's brief deals with the implementation policies included in chapters VI and VII of Bill 60. The Commission analyzes the effects that proliferation of these policies might have on the real exercise of rights and freedoms.

In requiring every public body to develop an implementation policy, there is a risk that we move further away from the objective of the bill, which is to make processing accommodation requests easier and to increase the predictability of the outcomes. Quite the contrary, the framework offers only a false legal security and creates confusion.

Moreover, given that the proposed bill includes many provisions that contravene the *Charter of Human Rights and Freedoms*, violations of rights as well as opportunities for conflict will become more frequent. There is a serious risk that the large number of policies will lead to an

increase of the application of rules that are both discriminatory and unjustified in law, resulting in upsurge of workplace conflicts.

CONCLUSION

Following an in-depth analysis of Bill 60, the Commission des droits de la personne et des droits de la jeunesse has concluded that the *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests* must be significantly amended to comply with the principles outlined in the Québec *Charter of Human Rights and Freedoms*, which prevails over all other laws.

In its present form, the bill could have important social consequences. Major advances founded on equality and dignity for all risk being undermined.

The Commission considers Bill 60 to be a clear setback for human rights and freedoms. For this reason, the Commission recommends that several sections of Bill 60 not be adopted.