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EMSB files second court challenge against Bill 21, citing gender bias



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In a second court challenge against Quebec's secularism law, the English Montreal School Board claims it is being forced to promote gender bias.

The English Montreal School Board filed the court challenge on Thursday, alleging, among other issues, that the Act Respecting the Laicity of the State violates gender equality because it disproportionately targets Muslim women.

Formerly known as Bill 21, the law came into effect in July and prohibits the wearing of religious symbols by certain civil employees while in the line of duty, including police officers, Crown prosecutors and prison guards – as well as teachers in public elementary and high schools.

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In the lawsuit, the EMSB stated that in the middle of a teaching shortage, at least three teachers that would normally be working in their schools could not be hired because they wear a hijab.

Education Minister Jean-Francois Roberge said Quebecers are in favour of the law.

"It's not racist, it's not sexism, it's just the way Quebecers want to have people with authority," said Roberge. "We don't want people with authority of the state, of the government, to wear religious symbols. It's as simple as that and it applies to men and women."

The lawsuit also argues that the grandfather clause that allows teachers who already wore religious symbols before the law came into effect is discriminatory, because it restricts the board in promoting teachers to principal and vice-principal positions, which it said are typically difficult to fill.

When asked if he thought it disproportionately affected Muslim women, Roberge said it didn't.

"I don't think that this has been proven," he said.

In addition to gender equality, the school board is arguing that the legislation contravenes Section 23 of the Canadian Charter of Rights and Freedoms, which protects the right to education in the minority language, in this case Anglophones in Quebec.

"Section 23 of the Canadian Charter of Rights of Freedoms has evolved through the years and successive decisions of the Supreme Court of Canada include an exclusive right of management and control accorded to linguistic minority communities across Canada for the operations of their public school systems," the EMSB said in a statement.

Read the court filing here:

[Application for Judicial Review](#)

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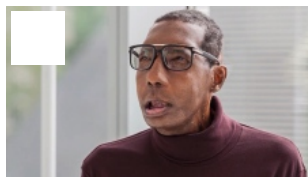
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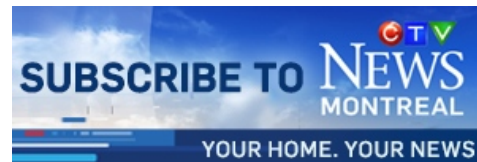


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