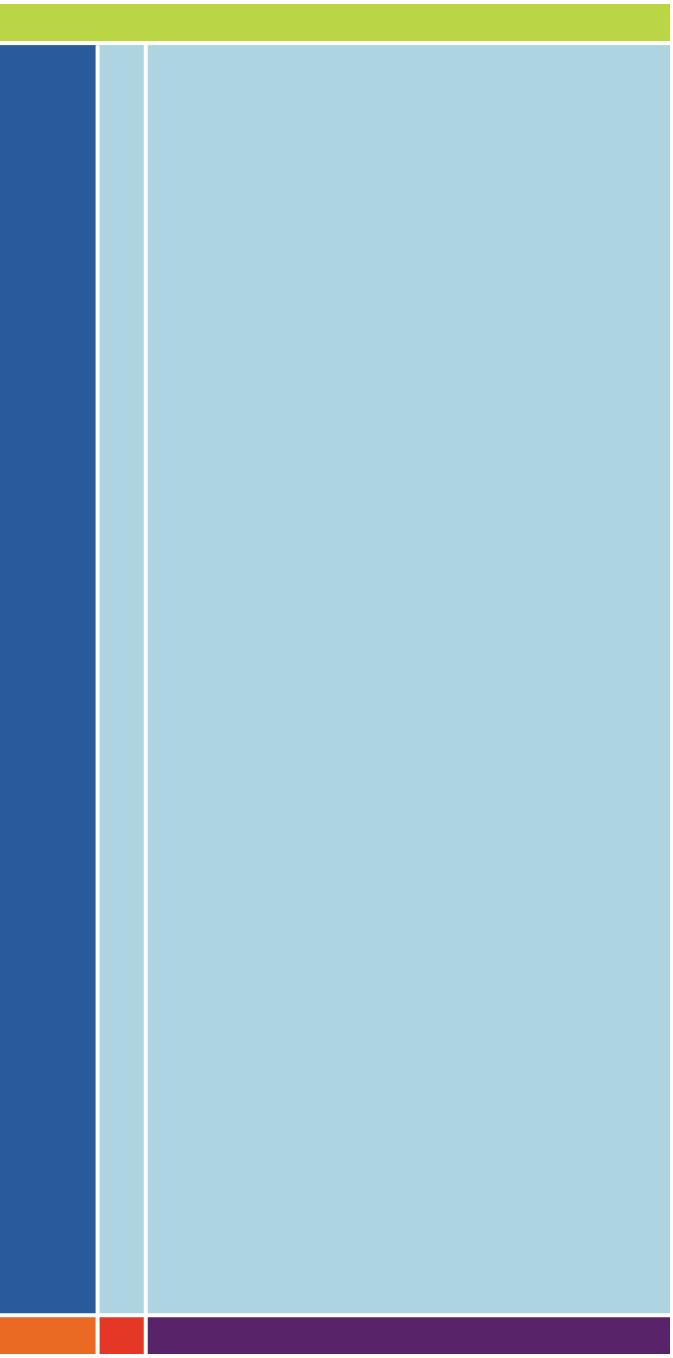
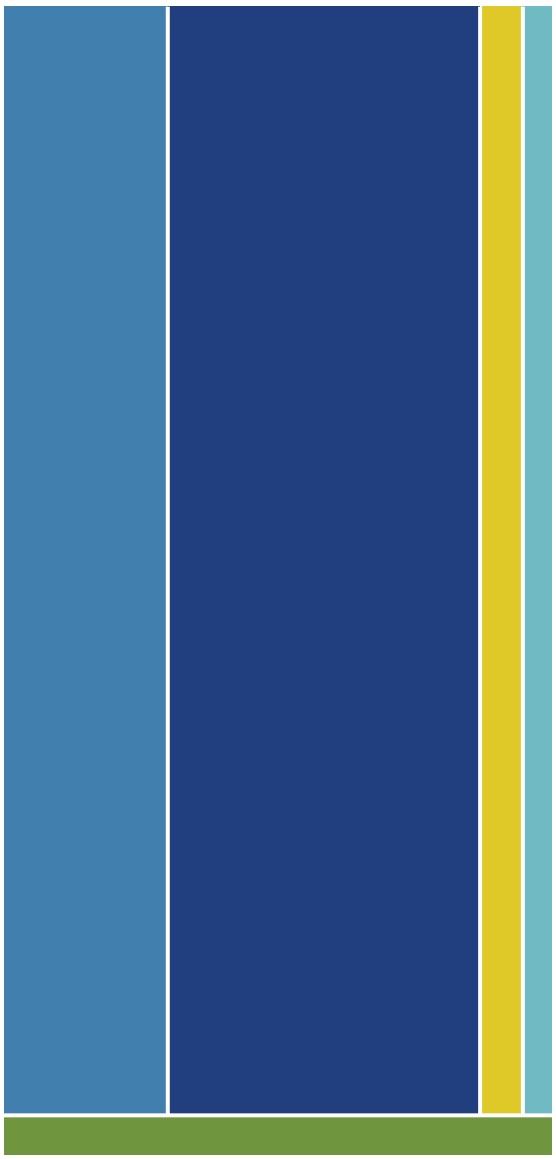
BUILDING THE FUTURE
A Time for Reconciliation

REPORT

Gérard Bouchard
Charles Taylor





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COMMISSION DE CONSULTATION SUR
LES PRATIQUES D'ACCOMMODEMENT
RELIÉES AUX DIFFÉRENCES CULTURELLES

Québec

BUILDING THE FUTURE

A Time for Reconciliation

REPORT

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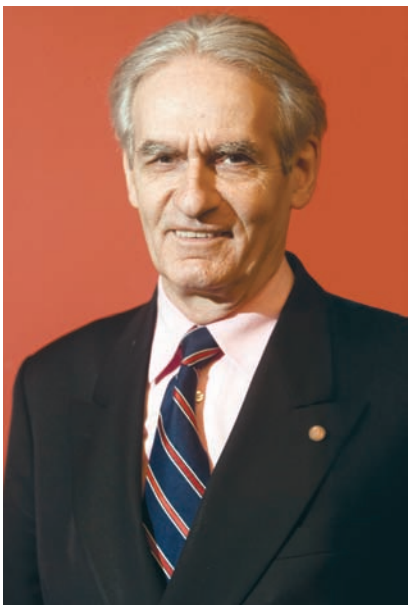

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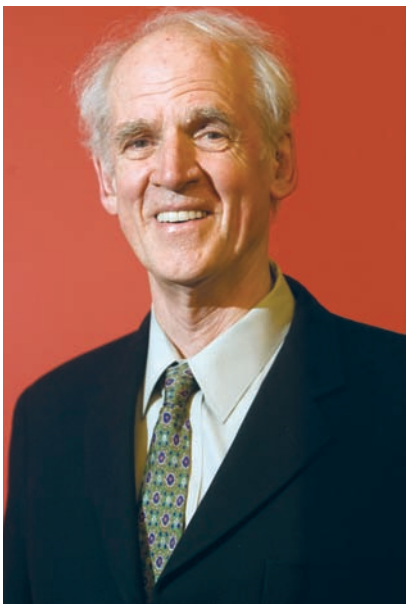

Charles Taylor

INTRODUCTORY NOTES

In the interests of stylistic clarity, the masculine form of pronouns has been used throughout this report and includes without discrimination both women and men.

All translations of quoted material in this report are our translations unless the source is indicated.

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SUMMARY
OF THE FULL REPORT

MANDATE AND INVESTIGATION

A. MANDATE

On February 8, 2007, Québec Premier Jean Charest announced the establishment of the Consultation Commission on Accommodation Practices Related to Cultural Differences in response to public discontent concerning reasonable accommodation. The Order in Council establishing the Commission stipulated that it had a mandate to: *a*) take stock of accommodation practices in Québec; *b*) analyse the attendant issues bearing in mind the experience of other societies; *c*) conduct an extensive consultation on this topic; and *d*) formulate recommendations to the government to ensure that accommodation practices conform to Québec's values as a pluralistic, democratic, egalitarian society.

We could have broached the Commission's mandate in two ways, i.e. in a broad sense or in a narrow sense. The narrower sense would consist in confining the Commission's investigation to the strictly legal dimension of reasonable accommodation. The second approach would be to perceive the debate on reasonable accommodation as the symptom of a more basic problem concerning the sociocultural integration model established in Québec since the 1970s. This perspective called for a review of interculturalism, immigration, secularism and the theme of Québec identity. We decided to follow the second course in order to grasp the problem at its source and from all angles, with particular emphasis on its economic and social dimensions. The school-to-work transition and professional recognition, access to decent living conditions and the fight against discrimination are indeed essential conditions for ensuring the cultural integration of all citizens into Québec society.

B. OUR INVESTIGATION

The Commission had at its disposal a budget of $5 million, which enabled it to carry out a number of activities. We commissioned 13 research projects carried out by specialists from Québec universities. A number of research instruments were developed, including a typology designed to classify the arguments in the briefs submitted and the e-mails that we analysed. We organized 31 focus groups with individuals from different milieus in Montréal and the regions. We held 59 meetings with experts and representatives of sociocultural organizations. We also set up an advisory committee comprising 15 specialists from various disciplines.

As for the public consultations, we commissioned four province-wide forums, organized by the Institut du Nouveau Monde, in which over 800 people participated. The Commission held sessions in 15 regions, in addition to Montréal, for a total of 31 days of hearings. The public responded very generously to our appeal by submitting more than 900 briefs. We read all of these texts and discussed them with their authors during 328 hearings, during which we heard testimony from 241 individuals. In the centres where hearings were held, we organized 22 evening citizens' forums open without restriction to the public and broadcast live or pre-recorded by a number of television networks, which attracted a total of 3 423 participants. Each forum, which lasted for nearly three hours, afforded, on average, 40 participants from all social backgrounds to take the floor and express their opinions. Between August 2007 and January 2008, the Commission also operated a Website that afforded the public opportunities to engage in exchanges (over 400,000 visits).

Between January and March 2008, we drafted our report with a view to *a*) producing our analyses and recommendations in keeping with the path that Québec has followed; *b*) emphasizing the search for balance and compromise; *c*) highlighting citizen action and heightening awareness among individual and community interveners of their responsibility; *d*) taking into account Quebecers' basic choices in recent decades; e) allowing for the expression of differences in public space; and *f*) putting the theme of integration in equality and reciprocity at the forefront of our reflections.

II SOURCES OF THE ACCOMMODATION CRISIS

A. A CRISIS OF PERCEPTION

After a year of research and consultation, we have come to the conclusion that the foundations of collective life in Québec are not in a critical situation. Our investigation did not reveal to us a striking or sudden increase in the adjustments or accommodation that public institutions allow, nor did we observe that the normal operation of our institutions would have been disrupted by such requests, which is eloquently confirmed by the very small number of accommodation cases that ends up before the courts.

We also observed a certain discrepancy between practices in the field, especially in the education and health sectors, and the feeling of discontent that has arisen among Quebecers. An analysis of debate on the question of accommodation in Québec reveals that 55% of the cases noted over the past 22 years, i.e. 40 cases out of 73, were brought to the public's attention during the period March 2006 to June 2007 alone. The investigation of the cases that received the most widespread media attention during this period of turmoil reveals that, in 15 of 21 cases, there were striking distortions between general public perceptions and the actual facts as we were able to reconstitute them. In other words, the negative perception of reasonable accommodation that spread in the public often centred on an erroneous or partial perception of practices in the field. Our report describes several cases that confirm this conclusion.

B. ANXIETY OVER IDENTITY

Sudden media enthusiasm and rumours contributed to the crisis of perception, although they alone cannot explain the current of dissatisfaction that spread among a large portion of the population. The so-called wave of accommodation clearly touched a number of emotional chords among French-Canadian Quebecers in such a way that requests for religious adjustments have spawned fears about the most valuable heritage of the Quiet Revolution, in particular gender equality and secularism. The result has been an identity counter-reaction movement that has expressed itself through the rejection of harmonization practices. Among some Quebecers, this counter-reaction targets immigrants, who have become, to some extent, scapegoats. What has just happened in Québec gives the impression of a face-off between two minority groups, each of which is asking the other to accommodate it. The members of the ethnocultural majority are afraid of being swamped by fragile minorities that are worried about their future. The conjunction of these two anxieties is obviously not likely to foster integration in a spirit of equality and reciprocity.

We can conclude that Quebecers of French-Canadian ancestry are still not at ease with their twofold status as a majority in Québec and a minority in Canada and North America. However, we should also point out that a number of Western nations are experiencing malaises that resemble those expressed during debate on accommodation. A comparison of the situation in Québec with that in several European countries reveals that a number of fears that may be warranted elsewhere are not necessarily justified here.

II SOCIAL NORMS

One of the key sources of anxiety mentioned during our consultations concerns the putative absence of guidelines to handle accommodation or adjustment requests. However, over the years, Québec society has adopted an array of norms and guidelines that form the basis of a "common public culture." In our report, we allude to these reference points that must guide the process of evaluating requests, with particular emphasis on the social norms that would benefit from clarification, more specifically as regards integration, intercultural relations and open secularism.

A. REASONABLE ACCOMMODATION AND CONCERTED ADJUSTMENT

The field of harmonization practices is complex and there is more than one way to define and delineate it. Among the criteria, we have decided to give priority to the framework for handling requests, which leads us to distinguish between the legal route and the citizen route. Under the legal route, requests must conform to formal codified procedures that the parties bring against each other and that ultimately decree a winner and a loser. Indeed, the courts impose decisions most of the time. The legal route is that of reasonable accommodation. Requests follow a much different route under the second path, which is less formal and relies on negotiation and the search for a compromise. Its objective is to find a solution that satisfies both parties and it corresponds to concerted adjustment.

Generally speaking, we strongly favour recourse to the citizen route and concerted adjustment, for several reasons: *a*) it is good for citizens to learn to manage their differences and disagreements; *b*) this path avoids congesting the courts; and *c*) the values underlying the citizen route (exchanges, negotiation, reciprocity, and so on) are the same ones that underpin the Québec integration model. In quantitative terms, we have noted, moreover, that most requests follow the citizen route and only a small number rely on the courts.

Moreover, our investigation revealed that, in the case of both the citizen route and the legal route, the fear of a domino effect is unfounded. Indeed, several criteria allow us to evaluate accommodation or adjustment requests. Such requests may be rejected if they lead to what jurists call undue hardship, i.e. an unreasonable cost, a disruption of the organization's or the establishment's operations, the infringement of other people's rights or the undermining of security or public order. A number of public institutions have already sought inspiration in the legal guideline of undue hardship to define evaluation methods that take into account their distinctive features. We also observed that many milieus have acquired solid expertise in the realm of intercultural relations and harmonization practices.

B. INTERCULTURALISM

Often mentioned in academic papers, interculturalism as an integration policy has never been fully, officially defined by the Québec government, although its underlying principles were formulated long ago. This shortcoming should be overcome, all the more so as the Canadian multiculturalism model does not appear to be well adapted to conditions in Québec.

Generally speaking, it is in the interests of any community to maintain a minimum of cohesion. It is subject to that condition that a community can adopt common orientations, ensure participation by citizens in public debate, create the feeling of solidarity required for an egalitarian society to function smoothly, mobilize the population in the event of a crisis, and take advantage of the enrichment that stems from ethnocultural diversity. For a small nation such as Québec, constantly concerned about its future as a cultural minority, integration also represents a condition for its development, or perhaps for its survival.

That is why the integrative dimension is a key component of Québec interculturalism. According to the descriptions provided in scientific documentation, interculturalism seeks to reconcile ethnocultural diversity with the continuity of the French-speaking core and the preservation of the social link. It thus affords security to Quebecers of French-Canadian origin and to ethnocultural minorities and protects the rights of all in keeping with the liberal tradition. By instituting French as the common public language, it

establishes a framework in society for communication and exchanges. It has the virtue of being flexible and receptive to negotiation, adaptation and innovation.

C. OPEN SECULARISM

Liberal democracies, including Québec, all adhere to the principle of secularism, which can nonetheless be embodied in different systems. Any secular system achieves some form of balance between the following four principles: 1. the moral equality of persons; 2. freedom of conscience and religion; 3. the separation of Church and State; and 4. State neutrality in respect of religious and deep-seated secular convictions.

Certain systems impose fairly strict limits on freedom of religious expression. For example, France recently adopted restrictive legislation governing the wearing of religious signs in public schools. There are three reasons why we believe that this type of restrictive secularism is not appropriate for Québec: *a*) it does not truly link institutional structures to the outcomes of secularism; *b*) the attribution to the school of an emancipatory mission directed against religion is not compatible with the principle of State neutrality in respect of religion and non-religion; *c*) the integration process in a diversified society is achieved through exchanges between citizens, who thus learn to get to know each other (that is the philosophy of Québec interculturalism), and not by relegating identities to the background.

Open secularism, which we are advocating, seeks to develop the essential outcomes of secularism (first and second principles) by defining institutional structures (third and fourth principles) in light of this objective. This is the path that Québec has followed historically, as witnessed by the Proulx report, which also promotes open secularism.

In light of the social norms that we delineate in our report, we are proposing a number of general key directions aimed at guiding the interveners and individual Quebecers concerned by harmonization practices. However, it is important to note that adjustment requests must be evaluated on a case-by-case basis and that there may be exceptions to general rules.

1. Pursuant to the norms and guidelines that we are formulating, adjustment requests that infringe gender equality would have little chance of being granted, since such equality is a core value in our society. In the health care sector as in all public services, this value disqualifies, in principle, all requests that have the effect of granting a woman inferior status to that of a man.

2. Coeducation is an important value in Québec society but it is not as fundamental as gender equality. As a general guideline, coeducation should, however, prevail everywhere possible, for example when students are divided into classes, in swimming classes, and so on.

3. As for prayer rooms in public establishments, our position reflects the opinion that the Commission des droits de la personne et des droits de la jeunesse adopted on February 3, 2006. The opinion states that educational establishments are not obliged to set up permanent prayer rooms. However, it is entirely in keeping with the spirit of adjustments to authorize for the purpose of prayer the use of rooms that are temporarily unoccupied. Certain exceptions are made in the case of penitentiaries, hospitals or airports since the individuals who must remain there are not free to visit a church if they so desire.

4. Still in keeping with the notion of the separation of Church and State, we believe that the crucifix must be removed from the wall of the National Assembly, which, indeed, is the very place that symbolizes the constitutional state (a reasonable alternative would be to display it in a room devoted to the history of Parliament). For the same reason, the saying of prayers at municipal council meetings should be abandoned in the many municipalities where this ritual is still practised. On the other hand, the installation of an erub does not infringe the neutrality of the State and thus may be authorized provided that it does not inconvenience other people.

5. The same reasoning leads to respect for dietary prohibitions and to allow in class the wearing of an Islamic headscarf, a kippah or a turban. The same is true of the wearing of the headscarf in sports competitions if it does not jeopardize the individual's safety. It should be noted that all of these authorizations promote integration into our society.

6. Applicants who are intransigent, reject negotiation and go against the rule of reciprocity will seriously compromise their approach, e.g. this would be true of a student who refused any compromise concerning dress to participate in a swimming class.

7. Requests must seek to protect or restore a right. Thus, we believe that non-Christian religious holidays are legitimate since they rectify an inequality. Conversely, requests must not infringe other people's rights. This criterion forbids the exclusion of certain scientific works in a classroom library or opposition by a parent to a blood transfusion necessary for his child's survival.

8. In keeping with the aim of the education system, students must not be exempted from compulsory courses. However, a student may be authorized to abandon a music course for another equivalent course in the case of an optional activity.

Regardless of the choices that our society makes to meld cultural differences and contemplate a common future, such choices will be largely doomed to failure if several conditions are not present.

1. Our society must combat underemployment, poverty, inequality, intolerable living conditions and various forms of discrimination.

2. French-speaking Québec must not succumb to fear, the temptation to withdraw and reject, nor don the mantle of a victim. It must reject the scenario of inevitable disappearance, which has no future.

3. Another mistake would be to conceive the future of pluriethnicity as so many juxtaposed separate groups perceived as individual islets, which would mean replicating in Québec what is the most severely criticized in multiculturalism.

4. French-Canadian Quebecers have unpleasant memories of the period when the clergy wielded excessive power over institutions and individuals. It would be unfair that this situation leads them to direct at all religions the painful feeling inherited from their Catholic past.

5. Quebecers of French-Canadian origin must also be more aware of the repercussions on minority groups of their anxieties. Minority groups have undoubtedly been alerted recently by the image of an ethnocultural majority that is apparently unsure of itself and subject to outbursts of temper.

VI PRIORITY RECOMMENDATIONS

However, several factors seem to bode well for the edification of a promising future. The upcoming generations are displaying considerable openness in their way of perceiving and experiencing intercultural relations. A number of recent surveys have not revealed a clear rift between Montréal and the regions from the standpoint of perceptions of accommodation. Reliable studies reveal that, contrary to certain perceptions, the Montréal area is not ghettoized. We believe that the process of edifying a common identity is firmly under way in numerous areas that must be emphasized, i.e. the use of French, the sharing of common values, the promotion of a Québec collective memory, intercommunity initiatives, civic participation, artistic and literary creation, and the adoption of collective symbols. In keeping with the rule of law and the imperatives of pluralism, the identity that we are edifying must be able to develop as a citizen culture, and all Quebecers must be able to invest in it, recognize themselves in it and develop in it.

To conclude, our recommendations focus on five key themes:

1. First of all, they call for a definition of new policies or programs pertaining to interculturalism (legislation, a declaration or a policy statement) and secularism (a proposed white paper).

2. Several recommendations are linked to the central theme of integration and focus primarily on: *a*) recognition of immigrants' skills and diplomas; *b*) francization programs; *c*) the need for more sustained efforts to regionalize immigration; and *d*) the need for enhanced coordination between government departments.

3. From the standpoint of intercultural practices and mutual understanding, our recommendations highlight: *a*) the need for broader training of all government agents in public institutions, starting with the schools, because of the role they play in socialization and *b*) the need to further encourage community and intercommunity action projects.

4. In keeping with the harmonization policy formulated in our report, our recommendations are intended to foster the accountability of interveners in the citizen sphere (public and private agencies) by ensuring that they have received adequate training. We are asking the government to ensure that the practical knowledge acquired in institutions be recorded, promoted and disseminated in all of the milieus concerned.

5. Another priority field is the fight against inequality and discrimination. Our recommendations in this respect focus primarily on: *a*) the under-representation of ethnic minorities in the government; *b*) the urgency of combating the numerous forms of discrimination, Islamophobia, anti-Semitism and the racism to which racialized groups, especially Blacks, are subject; *c*) the support to be offered immigrant women; *d*) the need to increase the resources of the Commission des droits de la personne et des droits de la jeunesse; and e) the strengthening of economic and social rights in the Québec Charter.

GENERAL INTRODUCTION

As was readily apparent in the fall of 2007, Quebecers are divided. This is the very first observation arising from the public and private consultations that we conducted. It is also apparent from the findings of surveys conducted in recent years. Quebecers are divided over accommodation but also over most of the questions pertaining to it. Only language and gender equality appear to truly achieve a consensus. As for secularism, which everyone proclaims or demands, it proves to be highly controversial as soon as an attempt is made to clarify the terms of the desired system. As we have also seen, emotion has entered the picture, creating tensions that we must now resolve.

This is the key objective that we set for ourselves. Having discussed at great length what separates us, it is now time to explore the other facet of what we are and what we can become. This other facet comprises deep-seated values, the aspirations that we share and that we would like to express in policy directions, programs and projects that draw us closer together. Having emphasized what sets us apart, let us now examine what unites us.

When we examine this other facet of ourselves, we discover that it is vast and promising. We cannot overemphasize what our consultations have revealed, beyond well-known hitches, i.e. openness to the Other. The vast majority of the briefs submitted and the testimony heard confirm this point. Both in the regions and in Montréal, among newcomers and everyone else, we observed a wealth of good faith and willingness. This is the foundation on which we must rely to pursue the edification of an integrated Québec that respects its diversity.

In short, we might say that **the time has come for reconciliation.** This is the meaning of this report, entirely inspired by a search for balance and fairness, in a spirit of compromise and clarification. The task was not an easy one. We often had to carefully chart a narrow course between contradictory positions or between competing values and ideals. We also wanted to tackle head-on very complex situations and sensitive, difficult topics. We are not certain that we always attained our objective and well know that not everyone will agree with our conclusions, but we have constantly striven to clarify and rephrase the terms of the debate. Throughout this undertaking, the heavy responsibility placed on us was always uppermost in our minds, bearing in mind the hopes and expectations that our commission aroused among a number of Quebecers.

To foster the widest possible dissemination of our analyses and conclusions, we have decided to publish our report in two forms, i.e. this full version of the report, and an abridged version that summarizes its key points.[1]

In the first part of the report, we briefly present the Commission's mandate and investigation and also formulate the key directions that underpin our analyses and proposals (Chapter I). In the second part, which is essentially empirical, we review and accurately reconstitute the facts that served as a backdrop to the accommodation crisis (Chapter II). This chronological and descriptive background serves as a reference throughout the report. Next, in Chapter III, we compare the stereotyped version of accommodation-related events (perceptions that are widespread among Quebecers) with the version documented by the Commission's researchers. We show in this manner that there was indeed a crisis but not really as regards actual accommodation practices, but above all in Quebecers' minds and perceptions. We examine the role that the media and rumours played.

This second part concludes with an overview of harmonization practices adopted in institutions, in particular in the education and health care sectors, and a discussion of the more transverse question of religious holidays in the workplace (Chapter IV). Our mandate called, among other things, for us to accurately take stock of accommodation practices related to cultural differences. Here, we show, in particular, that accommodation or adjustment requests are highly varied but that they are relatively rare. This leads us to conclude that, overall, there are certainly significant difficulties to be overcome, e.g. ethical, legal and other problems, but that, in general, the situation is under control.

1. Both the abridged and full versions of the report are available from the Commission Secretariat or on the Commission's Website (www.accommodements.qc.ca.).

The report confines itself to stating these difficulties in the conclusion to Chapter IV and notes that they can only be resolved by a series of norms or guidelines in the form of a frame of reference. We have, therefore, put them aside for the time being. Three chapters in the third part of the report, devoted to the major reference points that govern life in our society, focus on this frame of reference. From this array of norms we deduce the guidelines in light of which accommodation or harmonization requests can be handled. The three chapters deal, respectively, with rights and norms (Chapter V), the integration and interculturalism model (Chapter VI), and the system of secularism to be promoted in our society (Chapter VII). We draw one key conclusion from this third part: while there is ultimately little to change in the key directions and norms that have governed us for several decades, significant clarification is nonetheless warranted.

We return to accommodation practices in the fourth part in order to re-examine the questions that we left unresolved in Chapter IV. By way of a response to these questions and based on the frame of reference discussed in the preceding part, we propose facets of an accommodation policy (Chapter VIII). It is here that we present our proposal on harmonization practices overall (their legal and sociological justification and a discussion of questions such as the subjective conception of religion, dejudicialization, the handling of conflicts pertaining to norms, and so on). To conclude, we re-examine for purposes of illustration a series of accommodation cases.

In the same part we endeavour to analyse the roots of the accommodation crisis, almost all of them linked in one way or another to anxiety over identity stemming from diversification, especially in the majority ethnocultural group (Chapter IX). We then propose a comparative overview of the latter theme. The objective is to put into perspective the situation in Québec to show what is original about it but also what is similar to what has been observed elsewhere in the West.

In the fifth and final part, our analysis will turn to the future to explore the perspectives, issues, priorities and urgent situations on which our society must focus. We take stock of the sociocultural situation in Québec and draw attention to facets of the integration model that are not working and facets that require improvement, first from a cultural standpoint, then from a socioeconomic and civic perspective. In this spirit, we examine the real or imagined cultural rifts and tensions that might affect Québec's development, including the relationship between Montréal and the regions, ethnic concentrations, and opposition between Us and Them (Chapter X). We then examine the sources of insecurity specific to different components of Québec society. We wish to show that certain anxieties are only partially founded and that others can be overcome.

This part concludes with the fight against inequality and discrimination (Chapter XI). We conduct a cursory examination of factors and mechanisms that impede the social and economic integration of immigrants and members of the ethnic minorities, with particular emphasis on different forms of discrimination and the condition of immigrant women.

Among the documents appended to this report, let us mention, in particular, a dialogue with Quebecers (Appendix B) in which we review the objections commonly raised to accommodation during our consultations, in e-mails, letters to newspapers, and so on. We

attempt to show that, in various cases, these arguments are unfounded or stem from erroneous information. Appendices H and I present, respectively, a Web bibliography of sites related to harmonization practices and a list of the acronyms and initialisms that appear in the report.

We wish to draw to the reader's attention that our recommendations are grouped together by theme at the end of the report.

We conclude by warmly thanking all of the Quebecers who appeared before the Commission to express their viewpoints, convictions and concerns. We have benefited greatly from their comments. We are also grateful to everyone who contributed in one way or another to the execution of our mandate, in particular *a*) the members of the advisory committee who made available to us their time and valuable expertise throughout our investigation; *b*) the individuals who agreed to read in whole or in part and comment on the report; *c*) Louise Langevin, holder of the Chaire d'étude Claire-Bonenfant sur la condition des femmes at Université Laval, for her valuable advice; *d*) the staff of the Commission des droits de la personne et des droits de la jeunesse and that of the Conseil des relations interculturelles; *e*) all of the collaborators who contributed to the organization of the focus groups and other meetings with consultants, research professionals and the representatives of numerous organizations; *f*) the Direction générale de l'administration in the ministère du Conseil exécutif for its greatly appreciated administrative support, and the Secrétariat à la communication gouvernementale, in particular the services of staff responsible for the organization of the public consultations and linguistic revision; and g) the team of the Commission Secretariat[2] (managerial staff, analysts, technicians and professionals, communications managers, administrative assistants and the registrar) whose availability, skill and considerable generosity are noteworthy. A special word of thanks is in order to Madeleine Poulin, who lent to our forums her tact and professionalism.

2. See Appendix G.

PART I
THE COMMISSION

CHAPTER I

THE COMMISSION'S MANDATE, INVESTIGATION AND ORIENTATIONS

A THE COMMISSION'S MANDATE AND OBJECTIVES

The Order in Council establishing our Commission (see the excerpt in Appendix A) instructed the Co-Chairs to take stock of accommodation practices*[1] related to cultural differences, analyse the attendant issues bearing in mind the experience of other societies, conduct an extensive consultation on this topic, and formulate recommendations aimed at ensuring that accommodation practices conform to Québec's core values. Some observers would have liked for us to confine ourselves to a restricted interpretation of this mandate, i.e. a somewhat technical analysis of the workings of reasonable accommodation* and the social use of such accommodation (criteria, guidelines,* rights arbitration, decision-making, and so on). We quickly saw that we must go much further. The analysis of accommodation practices related to culture, including religious life, and of related questions led us to directly question our society's most fundamental sociocultural dimensions.

OUR INTERPRETATION OF OUR MANDATE

Our initial meetings with focus groups held in the spring of 2007 convinced us of the relevance of this choice, subsequently reinforced by extensive comments from Quebecers who participated in our public consultations in their briefs and testimony and during the forums. Most of the individuals questioned on accommodation[2] spontaneously invoked secularism, gender equality, immigration, integration, provisions in the charters, court judgments, diversity, intercultural relations* and the Québec identity, in particular the future of the French-language tradition in the case of Quebecers of French-Canadian origin.[3]

Our research confirmed the relevance of these sociocultural references. Thus, the handling of accommodation requests for religious reasons, which is the crux of the recent crisis, called directly into question the place of religion* in public institutions. Must we provide prayer rooms? Should the wearing of the Muslim headscarf be curtailed? May government employees display religious signs in the workplace? Abusive recourse to the charters combined with the benevolence of the courts was perceived as the root of a good part of the problem. The Supreme Court, in particular, was accused of promoting multiculturalism* in Québec. Immigrants,* with their differing traditions and beliefs and also their demands, were spontaneously singled out as the main seekers of accommodation. Where would it all end? As a result, intercultural relations and the learning of diversity also entered debate, along with anxiety over identity-related balance and Québec society's integration* capacity. Are we accepting too many immigrants? Are they badly welcomed and poorly distributed?

Finally, were not all accommodation requests endangering the very legacy of the Quiet Revolution, in particular the rights that women won after a hard fight? In the course of our investigation, more specifically starting in September during hearings in Gatineau, the fate of the French language invaded debate. Our mandate was very clearly twofold: *a)* accommodation practices as such; *b)* the sociocultural motivation that deeply sustained the collective feeling that culminated in 2006-2007. In other words, there are two debates and the first one often overshadows the second one.

Moreover, we believed it was necessary to pay specific attention to the economic and social dimensions of the problem. The school-to-work transition and professional recognition, access to decent living conditions and the fight against discrimination are evidently essential conditions for ensuring the cultural integration (not to be confused with assimilation*) of the immigrant population into Québec society.

That being the case, given the range and complexity of the questions to be analysed, we decided to concentrate our efforts on the question of accommodation in public institutions, where most of the problem cases arose that fuelled the crisis. Consequently, we will focus to a limited extent on businesses, despite the difficulties that they are experiencing, as in any other pluricultural milieu.[4] We must also point out that the business community,

1. Words followed by an asterisk are defined in the glossary in Appendix C.
2. For the time being, we are using the very general meaning of this term and will clarify this question at the beginning of Chapter III.
3. According to R. Azdouz (2007b, page 59), the shift in debate on accommodation towards the question of identity apparently occurred in the 1990s. Note: Appendix D contains all of the bibliographic references cited in this report.
4. We will nonetheless occasionally refer to it, in particular with regard to certain accommodation cases that call into question religion, e.g. leave for religious holidays, or incidents that occurred in commercial establishments.

which submitted only one brief and hardly expressed itself during the public debate, had little contact with the Commission. We will thus have to closely scrutinize harmonization practices* in the health sector and the educational milieu. In so doing, we will benefit greatly from research already conducted, in particularly the study carried out by the Fleury Committee, which submitted in November 2007 to the ministère de l'Éducation, du Loisir et du Sport[5] an important report on accommodation.

It is with regret that we had to remove from out mandate the aboriginal question. Since this decision was criticized, it is important to review the reasons that justified it. First, we feared that we would compromise our mandate by appending to it such a vast, complex question. We also wished to avoid needlessly overlapping the deliberations under way in conjunction with tripartite negotiations between Québec, Ottawa and the aboriginal peoples. Another reason is that aboriginal affairs must be discussed "nation to nation," pursuant to two resolutions adopted by the National Assembly of Québec in 1985 and 1989.[6] Finally, for us to have assumed this responsibility, we would have had to receive a proper mandate from the Québec government and the First Nations and Inuit. From the standpoint of Québec's culture and identity, we will ensure that the situation of the aboriginal peoples occupies its rightful place. For this reason, we sought on several occasions to invite representatives from the communities in question to express themselves during our public consultations.

Let us add two other remarks pertaining to the Commission's mandate. The first remark concerns the English-speaking minority. This community, which is part of what is called the host society, is fully experiencing Québec's ethnocultural diversity* and is thus closely concerned by the Commission's mandate. Moreover, it has lengthy experience of pluriethnicity* in its institutions and we have learned a great deal from the consultations we carried out with managers and interveners in these institutions. To avoid any ambiguity, we wish to specify that, even if we focused in the course of our investigation on the integration model in Québec society, there is no need to call into question the special status of this minority in Québec. Their protected rights and prerogatives must be respected[7]. Besides, the National Assembly has already recognized that "there exists a Québec English-speaking community that enjoys long-established rights."[8]

Second, we decided to conduct our reflection and, in particular, the search for solutions to the problems that we will shed light on, within the limits of the existing constitutional framework. To have called into question this framework in any way whatsoever would have introduced into our approach ideological if not biased choices, which have no place in the approach.

OUR OBJECTIVES

From its inception, our Commission aroused varied, somewhat contradictory expectations. Some people believed that there was simply nothing to expect of it. It stemmed from political withdrawal by a government that refused to assume its responsibilities. It would fail to make up for a general leadership deficit in our society and, in any case, the Commission had been given an impossible mission in light of the depth of the dissension noted in public opinion in Québec. Other people thought that the Commission was the surest way to resolve the problem or to put things in order once and for all. An array of positions was expressed between these two extremes, often tinged with doubt or scepticism.

5. The Advisory Committee on Integration and Reasonable Accommodation in the Schools, chaired by Bergman Fleury, established by the department in the fall of 2006 (see B. Fleury, 2007).
6. The resolution of March 20, 1985 concerning recognition of the rights of the aboriginal peoples and the resolution of May 30, 1989 concerning recognition of the Malecite Nation.
7. In particular by the Canadian Constitution, the *Charter of the French language* and the *Act respecting health services and social services*.
8. Preamble to the *Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State*, R.S.Q., c. E-20.2, adopted by the National Assembly in December 2000.

As for us, we invested ourselves fully in the undertaking and spared no effort to ensure its success. From the outset of our investigation, our expectations remained modest and realistic, first and foremost because of the difficulty of the questions raised. When the theme of a debate concerns ethnicity, the question of identity and the symbolic, there is always a risk of veering towards emotionalism or even the irrational. Furthermore, the direction that the course of events takes from now on depends on numerous largely unpredictable interveners and factors. The choices that Quebecers make will be decisive. Our report will obviously not end debate, which must continue in several directions. However, given the resources at our disposal and the scope of the contributions that have enriched this document,[9] we hope that it will, for a time, serve as the key reference in future debate.

Consequently, we have set as our objectives to: *a)* provide clarifications that dissipate the confusion that prevails in current perceptions of accommodation; *b)* propose a collective frame of reference from which can be deduced reference points in the search for concrete solutions to the problems reported to us on all sides in respect of the handling of accommodation requests; *c)* formulate precise questions to guide future reflection; and *d)* from the standpoint of actual accommodation, to suggest to the managers of public institutions principles and guidelines geared to decision-making. Beyond these outcomes, we would also like to mitigate the varied concerns of numerous Quebecers of all origins and to dissipate the attendant misunderstandings and tensions. There is, indeed, an urgent need to counter the rifts that have appeared recently in our society with regard to identity-related concerns and, more broadly speaking, ethnocultural relations.

The Commission had at its disposal a budget of $5 million, which enabled it to carry out a number of activities. We present them here very briefly.[10]

RESEARCH AND CONSULTATIONS

To support our reflection, we commissioned 13 research projects carried out by specialists from Québec universities (see Appendix E for a list of the research topics and the specialists responsible). A number of research instruments were developed, e.g. a typology designed to classify the arguments in the briefs submitted and the e-mails that we analysed. We organized 31 focus groups with individuals from different milieus in Montréal and the regions. We held 59 meetings with experts and 23 meetings with representatives of sociocultural organizations. We also set up an advisory committee comprising 15 specialists from various disciplines.[11] As for the public consultations, we sponsored four province-wide forums in Montréal, organized by the Institut du Nouveau Monde, in which over 800 people participated. The Commission held sessions in 15 regions, in addition to Montréal, for a total of 31 days of hearings. The public responded very generously to our appeal by submitting more than 900 briefs. We read all of these texts and were able to discuss them with their authors at 328 sessions, during which 241 individuals presented testimony.[12] Between August 2007 and January 2008, the Commission also operated a Website that afforded the public opportunities to engage in exchanges (over 400 000 visits).

Our investigation also led to the production of research reports, documents and memos (see Appendix E).

In the centres where hearings were held, we organized 22 evening citizens' forums open without restriction to the public and broadcast live or pre-recorded by a number of television networks,

9. We are referring here to all of the expertise contributed by specialists in a number of fields and extensive participation by Quebecers in the Commission's private and public consultations.
10. For a more detailed account, see the *Rapport d'activités de la Commission Bouchard-Taylor, Document nº 21* produced by the Commission.
11. Appendix F lists the members. It should be noted that they have not signed this report and are not responsible for its contents.
12. We added this section to our public consultations for individuals who were unable to draft a brief. The 10-minute undertaking consisted in the participants' recounting a personal experience, presenting an idea or an opinion, or drawing the commissioners' attention to a given topic.

which attracted a total of 3 423 participants. Each forum, which lasted for over two hours, afforded, on average, 40 participants from all social backgrounds to take the floor and express their opinions (the meetings were designed to allow Quebecers from all walks of life to speak out).[13] The forums aroused considerable interest and gave rise to criticism and praise in equal measure. Since this experience has few precedents in Québec and in Canada, it is worth dwelling on the matter.

DEBATE ON OUR FORUMS

Let us point out that the forums were open to all Quebecers, who could participate without restriction in them. From the very outset to the end, a part of public opinion condemned our forums because they only gave rise to an exercise in collective emotional release ("a torrent of insults," "an unhealthy outlet," and so on). The "people," above all in the regions, were accused of taking advantage of a golden opportunity to flaunt their xenophobia* and racism. All told, it was said, these performances put Québec to shame and sullied its international image. However, the majority of individuals who attended these meetings (observers, reporters[14] and ourselves) did not share this viewpoint. We observed that a warm, cordial atmosphere and obvious pleasure in engaging in debate prevailed at almost all of these gatherings. With the exception of two or three forums, we had the impression of witnessing, overall, a democratic exercise of great value and of sound quality, where respectful, articulate comments by far outweighed offensive remarks. The statistical reports prepared by external researchers at our request confirmed this impression.[15]

These reports reveal, in particular, that negative, offensive interventions accounted for roughly 15% of the total.[16] Moreover, they show that, contrary to a common perception, this proportion was of the same order of magnitude at the Montréal forums and the regional forums.

As for the offensive remarks and all of the things that we would have preferred not to hear during these forums, we would be mistaken to treat them lightly even though, once again, such incidents were a minority and were more a reflection of a lack of information than genuine malice. Their sociological scope perhaps exceeds their strictly statistical weight. Let us add that media coverage gave them strong overtones. As a result, they offended many Quebecers, starting, of course, with the individuals targeted, mainly Muslims, who, it must be emphasized, defended themselves admirably, always speaking with dignity and respect without ever raising their voices, which often earned them applause from the audience. We deeply regret the harm that was thus caused,[17] but it turned out that this was, unfortunately, the price to be paid for public debate, which, we believe, has become essential.

It is indeed important to emphasize that, in a positive light, these forums have helped reduce deep-seated discontent among Quebecers who felt a keen need to express their opinions on the key questions raised by our mandate. During one of the Montréal forums, a grateful Quebecer summarized publicly this widespread feeling: "This is an opportunity to speak for ourselves instead of having someone speak for us." We observed among numerous interveners the conviction that important, decisive orientations had been adopted that committed the future of Québec without Quebecers' really having their say, which does not necessarily mean that they were opposed to these orientations, e.g. the choice of immigration, secularism and interculturalism.* In this matter, it is likely that the forums "cleared the air before matters got worse," as several commentators noted.

For most of the interveners, the opportunity to take the floor allowed them to assert or reassert their deep-seated attachment to the legacy of the Quiet Revolution, in particular French as the common language, gender equality and secularism.[18]

13. With regard to the impending consultations, we announced in August 207 that, to accurately assess the situation, we would visit every corner of Québec, which, it might be said, we did both literally and figuratively speaking.
14. At least those who expressed opinions on the topic in their newspaper or in another medium.
15. Consult *Documents n^os 18* and *19* produced by the Commission in respect of the foregoing.
16. This figure must be considered solely as an order of magnitude given the rather unrefined methodology used in the reports.
17. See Chapter XI.
18. They are also attached to René Lévesque, who, for a number of participants, appears to embody this heritage.

This message was so strongly, unanimously hammered out that it promptly entered political discourse and was expressed in programs or draft legislation.

The forums also enabled participants to express very deep concerns or, indeed, anxieties, linked for some of them to the future of Québec's core values and, for others, to their situation as a minority in a society that is itself a minority in North America. In the context of contemporary Québec, would it have been preferable to stifle and repress these expressions of discontent and anxiety? These very open forums reflect a desire, apparent the world over today, to counter the democratic deficit by fostering public debate and citizen participation.

The forums broke with political correctness and gobbledygook and often spurned taboos. They also allowed us to sound out Quebecers or at least a broad sampling of the population. We noted that behind most of the interventions, even the clumsiest among them, there was a truth, a message to be decoded. What we learned enriched our thinking and will be mentioned in this report. Conversely, the participants themselves and the general public learned a great deal about immigrants' living conditions, differences between cultures, accommodation, the complexity of secularism, the threat that prejudices and stereotypes pose, the importance of information, xenophobia and discrimination, the nature and essential role of the charters, and so on. Numerous indicators and extensive testimony confirm that the forums played an important educational role by initiating a transformation process that we must now sustain.[19]

At another level, how can we forget the pride that the interveners, regardless of origin, ethnic group or allegiance, felt in experiencing democracy live and exercising the highest possible civic responsibility, i.e. to attempt through debate to influence the course of events with the conviction of contributing to history in the making, as an intervener stated at the second forum held in Québec City?[20]

THE HEARINGS

During the actual hearings, the testimony of several participants was most informative, especially that of immigrants who recounted their own experience or summarized their life histories. We are particularly delighted to have welcomed Quebecers from various social and ethnocultural backgrounds, occupations and professions. The briefs broached essentially the same themes as the testimony and the comments heard during the forums but in a more articulate, detailed manner, often based on new, very valuable data. A number of organizations submitted well-documented, in-depth studies, of which we made extensive use. Individual briefs, of a more modest nature, also revealed a number of very pleasant surprises.

All told, these public consultations proved to be useful by revealing to all Quebecers the conditions in which immigrants live. Immigrants very often experience precarious circumstances and wish to integrate (those who have not already done so). They share with the host society many values, ideals and aspirations. What was also revealed (through extensive television retransmission that attracted a large audience throughout the fall of 2007) was the diversity of the immigrant population, which contradicts well-known stereotypes, and, from the standpoint of reception, the generosity of many Quebecers. We will discuss all of these questions later.

One of the merits of the public consultations was to afford the immigrant population and members of the ethnic minorities an opportunity to speak out.

19. On this topic see, in particular, the comment made by M. Potvin (2007).

20. "I am so pleased to participate in this historic moment in Québec" (Québec City forum, October 30, 2007).

Before we examine the question of accommodation and its sociocultural ramifications, we must first dispel a number of misunderstandings.

THE QUESTION OF ACCOMMODATION

Based on statistics provided by the Commission des droits de la personne et des droits de la jeunesse du Québec, certain commentators concluded that there was no accommodation problem ("a tempest in a teapot"). We must emphasize that these figures solely concern requests made through the legal route. As for the other requests handled by managers in their institutions through informal negotiations involving the concerned parties, for the time being we have at our disposal only very partial statistics that probably underestimate the number of cases. Other observers have asserted that the media invented the whole problem. We do not think so. It was certainly amplified by media coverage, but we cannot explain solely in this way the astonishing reaction observed in the public, especially among French-speaking Quebecers, who examined and questioned themselves perhaps as never before since the Quiet Revolution. From this we must infer that favourable conditions existed and that the situation was riven with insecurity, lack of understanding and even exasperation. In other words, considerable tension already existed.[21] Before we made any public intervention, our initial meetings with focus groups in March and April 2007 enabled us to hear extensive testimony concerning both the prevailing insecurity and frustration. Our analysis of recent e-mails[22] has confirmed these findings.[23]

According to some testimony,[24] it is our Commission itself that apparently created the problem, which overlooks the context in which it was established. Criticism was voiced in all quarters of government inaction in response to the crisis, which explains the very positive reception of the initiative announced on February 8, 2007 concerning the establishment of this Consultation Commission. The claim also overlooks everything that happened prior to the launching of our investigation, in particular the anger that the Supreme Court judgment on the kirpan* sparked in March 2006, not to mention Hérouxville, the frosted windows at the YMCA or the incident at the sugarhouse in Mont-Saint-Grégoire (see Chapters II and III[25]). Everyone remembers how the wave of popular discontent weighed on the vote in the March 2007 provincial election, to which we might add that the establishment of the Commission somewhat calmed things down, as we saw, above all from the outset of our public consultations.

A study conducted by Influence Communication reveals an important change in Québec between 2005 and 2006 in the type of news dealing with the immigrant population. In 2006, among the 10 Canadian provinces, it is in Québec that the highest proportion (77%) of texts was noted dealing with the topic from the angle of controversy.[26] The same study notes (page 24) that it was in January 2007, thus even before our Commission was created, that media coverage of accommodation and interethnic relations was the most intense. These data coincide with the chronology of events that we reconstituted and that we examine in the next chapter. The number of accommodation cases subject to extensive media coverage soared spectacularly between March 2006 and May 2007, to 40 or so, compared with 20-odd cases noted in the two preceding decades.

As we noted earlier, at the heart of the tensions that our society experienced, two trends clearly overlapped and fed off each other, which explains the impossibility of examining them separately. On the one hand was the legal obligation (reasonable accommodation*) whose use went beyond its first field of application, i.e. labour relations, to extend to State institutions, which are deemed to be secular. On the other hand was a society undergoing rapid change under the impetus of economic and cultural globalization, which suggested a new threat to the future of French-speaking Québec. In addition, within Québec society, the growing diversification of the ethnocultural landscape demanded a difficult process of identity readjustment. For this reason, we decided to analyse both trends.

21. On this point, we share the opinion of various media professionals.

22. See in this respect *Documents nos 11, 12* and *13* produced by the Commission.

23. Starting in 2002, with the beginning of the kirpan crisis, *La Presse* received hundreds of protest e-mails (Pierre-Paul Gagné, "Encore les accommodements," *La Presse*, September 9, 2007, page A21).

24. In particular, testimony by the Mayor of Saint-Georges-de-Beauce, where our Commission held regional hearings on November 1, 2007: "You started the fire, I hope that you have the means to extinguish it."

25. In a May 13, 2006 editorial, André Pratte noted in the population a deep-seated, exacerbated anxiety. The Commission des droits de la personne et des droits de la jeunesse mentioned tensions that rendered urgent a "broad, responsible public discussion."

26. Influence Communication (2007). In addition, between 2003 and 2007, the space that the Québec media overall devoted to the cultural communities increased elevenfold (up 1142%).

Let us digress to formulate a warning. It is certain that, in what appeared to be the accommodation crisis, the majority of French-Canadian origin played a key role. However, it would be wrong to reduce the analysis to oversimple dichotomies, e.g. between Quebecers of immigrant origin and Quebecers of French-Canadian origin. As we will see, the situation is more complex as the two groups share many anxieties and aspirations. We will thus have to pay close attention to the diversity of our society and ensure that we highlight the distinctive nature of each of its components.

OUR ORIENTATIONS

The general orientations indicated below underlie the analyses and conclusions of our report.

1. We will not propose either breaks or radical shifts. Our reflections and proposals concerning each of the key themes broached will pursue what we are calling **the path that Québec has followed**, i.e. the development in Québec in recent decades of intercultural relations and the pluralist philosophy that has inspired it. Indeed, a high degree of coherence has marked many of the collective choices made over the years in the realms of education, the protection of rights, secularism*, integration and intercultural relations. Broadly speaking, we hope to extend this path and advance it in several directions by adapting it to contemporary requirements and priorities.

   The reason for this orientation is simple. Having taken stock of everything that we learned and understood over the past year, we have concluded that the foundations of collective life in Québec are far from being in a critical situation. On the one hand, uncertainty, insecurity and anxiety over identity that are partly artificially stirred up do indeed exist. On the other hand, we have noted difficulties, shortcomings and questions pertaining to the handling of accommodation requests. Moreover, ideological or theoretical disagreement has inevitably arisen. However, the crisis diagnosis does not genuinely apply to any of these spheres. What we are facing, instead, is the need to adapt. There is perhaps good reason to speak of an accommodation crisis if we are referring to the agitation that has gripped a good part of the population over the past two years. In other words, the crisis appears to have existed more in perceptions than in real life.

   Another reason makes a good case for continuity. Our society is sufficiently divided at present and we must seek to reduce splits and tensions instead of accentuating them. **The time has come for compromise, negotiation and balance.** There will undoubtedly not be complete agreement on this orientation, but we believe that it reflects the mood of most Quebecers. It will, therefore, inspire our entire approach.

   Let us specify, if it is useful to do so, that this orientation is not synonymous with the *status quo*. Despite the breadth of Québec's collective development in recent decades, much remains to be done from the standpoint of adjustment and adaptation. Rather paradoxically, we still do not have in Québec a clear or official definition of such basic notions as interculturalism[27] or secularism (see Chapters VI and VII). In the first instance, the concept evokes, above all, a rejection of Canadian multiculturalism and a call for interaction and integration. In the second instance, a consensus prevails concerning the separation of the State and the churches and the autonomy of both spheres. However, opinions differ about the way to express these principles with regard to institutional arrangements and the establishment of concrete norms.

   In addition, there is considerable confusion about the Québec identity: is there one "We" or several? What place can the French-Canadian tradition occupy in this identity? How can it blend into the Québec identity enriched by diversity? To what extent should the past take precedence? Similarly, there is a serious information (or misinformation?) problem in respect of accommodation, the immigrant population and integration. Data are also lacking on existing forms of discrimination towards ethnocultural minorities, especially racialized groups*, and so on.

27. Even though the model's constituent components have been spelled out.

2. We will conduct our analyses and elaborate our recommendations in respect of Québec overall rather than the Greater Montréal area alone, although 86.9% of the immigrant population is concentrated there.[28] Indeed, the immigrant fact affects Québec as a whole. In the Greater Montréal area, newcomers and other Quebecers share the same physical territory. In the regions, they share, above all, the same collective imagination: it is primarily in collective representations that the immigrant takes shape, based on the images disseminated by the media, phone-in programs, conversations in the workplace or the schools, and rumours. We know that these two types of cohabitation are not without conflict, which explains the need for a common approach and discourse. The immigrant fact outside Montréal is growing and this trend is likely to continue in the coming years, thus reducing the gap between Montréal and the regions. Be that as it may, it would be unrealistic to implement policies and norms governing collective life, e.g. the system of secularism, the model for intercultural relations, the charter of rights, and so on, that are not the same for our society overall, bearing in mind, of course, the flexibility that diversity demands. If, as has been confirmed, Québec is a political community under the control of a State, it cannot be conceived (or governed) in a strictly sectoral fashion.

3. From the standpoint of accommodation, we will emphasize as much as possible individual initiatives and the responsibility of individual and community interveners to encourage deliberation, free initiative and creativity in the analysis and handling of problems. Almost without exception, we will give priority to this type of solution rather than external solutions in the form of new legislation or new organizations. As a result of this orientation, we will, for example, emphasize in the handling of accommodation requests the dejudicialization and decentralization of the process.

4. The reader must bear in mind that the scope of our reflection is delineated by the basic collective choices that Quebecers have made in recent decades and that they seem disinclined to radically call into question in the near future. We are thinking here, principally, of the establishment of a law-based society, (*Charter of human rights and freedoms*, legal institutions), which thus respects cultural plurality.* Similarly, Quebecers opted simultaneously for a very low birthrate, demographic and economic growth and the maintenance of their standard of living, which has significantly affected policies that favour immigration. They also abandoned in very large numbers and in a very short time religious observance, thereby exposing themselves to the weakening of what is symbolic* in their lives. At the same time, they massively embarked upon an identity transition that widened the gap in relation to the French-Canadian identity for the benefit of the new Québec identity. They have also decided (until further notice) to belong to Canada and, consequently, to come under the jurisdiction of its institutions, in particular the *Canadian Charter of Rights and Freedoms* and the Supreme Court. They have undertaken the shift to globalization and, as the common expression would have it, "openness to the world."[29] As we will see, all of these choices imply significant corollaries, consequences that are often demanding and occasionally contradictory, but ineluctable, which take the form of compromises and readjustments.

5. We will also pay close attention to the suggestions and proposals that Quebecers made during our private and public consultations. However, it stands to reason that we cannot follow up on all of the suggestions and proposals, mainly because of their often incompatible nature. Indeed, there is deep disagreement on many topics related to our mandate. Besides, certain positions are themselves contradictory, e.g. to promote radical secularism* but demand that Catholic signs be maintained in State institutions, or to reject all accommodation requests for religious reasons from Muslims while advocating their integration into public institutions, and so on.

28. Let us dispel a misunderstanding. This sentence may suggest that immigrants make requests for accommodation, which is certainly the case, but it would be wrong to draw any other conclusion whatsoever. At present, no statistical datum allows us to establish with certainty the profile of applicants for accommodation, i.e. natives* or otherwise, ethnic origin, religious affiliation, sex, age bracket, and so on. Chapter VI examines this topic.

29. We must qualify the latter statement. Many Quebecers are opposed to the social and cultural impact of globalization. The fact remains that a majority of leaders in our society, including Parti Québécois governments, have decided to play the globalization card instead of ignoring it.

6. In response to a wish frequently expressed during our consultations, we will examine all forms of old or recent dichotomies or rifts that divide our society, in particular to show the artificial and often deleterious nature of different forms of polarity or dichotomy, such as the arbitrary hardening of certain relations between Them and Us that become a source of exclusion.

7. In the realm of ethnocultural diversity, we will adopt a train of thought and proposals designed to allow for the public expression of differences such that they can be assimilated and accepted, instead of concealing or suppressing them.

8. Integration will serve as the unifying theme of our analyses and proposals. This concern imbues, explicitly or otherwise, the entire debate on accommodation and all of the questions stemming from it. This notion also inspires public reflection in Québec, as everyday vocabulary attests: we speak of "unifying" ideas, formulas for "rapprochement," "collective projects," what we might do "together," what "unites" us, the virtues of "cooperation" and "dialogue," we preach "solidarity," we strive for ideals that "seek the middle ground" and are "inclusive," we advocate a "common public culture" and, in recent years, the affirmation of "common values," and so on.

   We could show that in reality the need or the dream of a closely integrated society has for a long time inhabited Quebecers' collective imagination. This is hardly surprising: what could be more normal than for a minority nation[30] that is constantly worried about its future if not its survival to fear disintegration, division, marginalization and ghettoization?* We will take note of it, in particular in the proposals that we are submitting with respect to the handling of accommodation requests, the system of secularism, ethnocultural relations and the profile of a specifically Québec identity.

   However, this theme contains (at least implicitly) another one, that of justice, fairness and solidarity. We will thus speak of **integration in equality**. This value, which is very much present in the collective imagination or imaginations of Quebecers, is in keeping with the continuity of their history. Think of the egalitarianism that imbues the tradition of Quebecers of French-Canadian origin, a legacy from the time of settlement and the struggles for emancipation. Think of the English-speaking minority and its culture centred on liberal law. Think of the immigrants and members of the ethnic minorities, many of whom came here to flee iniquitous social regimes and who are also thus very sensitive to egalitarian values. Think of the practices of sharing and the ancient community traditions of the aboriginal peoples.

   The latter orientation will lead us, in particular, to accord priority to the value of gender equality. It will also bring us to affirm the multidimensional nature of the integration process, with its cultural, social, economic and legal dimensions, and the need to consider the interdependent nature of its dimensions.

30. It comprises 7.5 million inhabitants, 79% with French as their mother tongue.

CONCLUSION

For several decades, Québec has engaged in a period of transition spurred by the desire to integrate diversity into social norms and behaviour. It is important to point out that this experience is not specific to our society. It encompasses the West and extends beyond. Among the most obvious cases, let us mention Great Britain, the Netherlands, Denmark, Norway, France, Germany, Belgium, Austria, Australia, the United States and, evidently, Canada outside Québec. With unequal success, all of these nations are exploring forms of reconciliation between old, destabilized identities and ethnocultural diversity that intends to assert its rights.[31] In most of these societies, we have recently observed some degree of withdrawal, fuelled by and large by the fear of Islamist* terrorism as it has appeared for several years in different parts of the world. National cultures are afraid of being destabilized and some countries are going so far as to call into question their immigration policies, a backlash that is apparent the world over.[32]

This means that this period of transition is demanding. In short, it is a question of revising or adapting deeply rooted codes of collective life in order to adapt ethnocultural differences in a spirit of democracy. Each nation is doing so in its own way by endeavouring to implement a solution that is in keeping with its history, institutions and values

In this regard, as we will see, Québec is in a rather good position on the strength of the choices, key directions and policies that it has implemented in the past. In particular, it can be proud of its past history in the realm of interethnic relations, even though much remains to be done. Furthermore, the Montréal region, in which 86.9% of the immigrants living in Québec are concentrated, is not highly polarized in ethnic terms, unlike a number of European urban centres. That being the case, the turbulence that our society has experienced in recent years is a reminder to one and all how fragile the balance is between groups of citizens of different cultures and calls for constant vigilance (think of the violence that various European States have been facing for some time). The reader must keep this in mind when reading our report.

31. Certain of these countries have undertaken initiatives similar to the creation of our Commission, e.g. the Commission Stasi (2003) in France; the Crick Advisory Group (2003), the Commission on Integration and Cohesion (2006) and the Lord Goldsmith Citizenship Review (2007) in the United Kingdom; and the Süssmuth Kommission (2000) in Germany.

32. See R. Hewitt (2005).

PART II
IS THERE AN ACCOMMODATION "CRISIS"?

CHAPTER II
CHRONOLOGY OF A CRISIS

Chapters II, III and IV cover the portion of our mandate devoted to accurately taking stock of accommodation practices in Québec. Chapter II seeks, more specifically, to reconstitute the chronology of numerous cases or affairs that fuelled public debate on this question. Chapter III provides a more detailed description of certain cases that received extensive media coverage, in particular to compare certain common perceptions with the actual situation that our investigation enabled us to reconstitute. Chapter IV focuses primarily on harmonization practices in Québec public institutions, especially in the education and health sectors.

The chronology presented in this chapter takes as its starting point the first judgments handed down in 1985 by Canadian courts in the realm of reasonable accommodation and ends with the conclusion of the Commission's investigation. It thus spans a period of roughly 22 years, from December 1985 to April 2008. Since its purpose is to retrace the course of events that led to the accommodation crisis,[1] it covers, by and large, the affairs or cases that the media reported and discussed, some of which aroused considerable controversy while others did not do so. We have not included in the chronology cases of discrimination against immigrants or the members of ethnocultural minorities that received extensive media coverage and will examine this question in Chapter XI. Moreover, we have added certain cases that occurred outside Québec inasmuch as they attracted the attention of Quebecers and the Québec media. One final clarification: a number of the cases noted do not concern accommodation. However, we have included them in the chronology as they often played a decisive role in shaping the crisis.

The cases that we have listed can be divided into four periods:

A. Antecedents (from December 1985 to April 2002)

B. The intensification of controversy (from May 2002 to February 2006)

C. A time of turmoil (from March 2006 to June 2007)

D. A period of calm (from July 2007 to April 2008)

1. We will tentatively use the concept of accommodation in a very general sense. We examine this question and the notion of a crisis in Chapter III.

ANTECEDENTS (FROM DECEMBER 1985 TO APRIL 2002)

During this period, we noted 13 accommodation cases reported in the media. Our first observation is that all of the cases, with two exceptions, involved reasonable accommodation in the literal sense. In each case, legal or quasi-legal bodies were involved, i.e. the Commission des droits de la personne et des droits de la jeunesse, the Québec Human Rights Tribunal, the Montréal Municipal Court, the Superior Court of Québec, the Federal Court of Appeal, and the Supreme Court of Canada. Generally speaking, public opinion discovered during this period the new legal obligations stemming from changes in jurisprudence and the coming into force of the charters, without any striking controversy arising over the validity of accommodation practices.

1. Religious holidays

- On December 17, 1985, the Supreme Court handed down its decision in Ontario Human Rights Commission and O'Malley *v.* Simpsons-Sears Ltd. Theresa O'Malley, a Seventh-day Adventist, should not have been terminated by her employer because she refused to work Friday evening and Saturday morning to observe the Sabbath.

- On February 10, 1993, the Québec Human Rights Tribunal handed down a decision in Smart *c.* T. Eaton Ltée confirming that a Catholic employee of the Eaton store could refuse to work on Sunday.

- On June 23, 1994, the Supreme Court handed down a decision in Commission scolaire régionale de Chambly *v.* Bergevin: the Court ordered the school board to reimburse three Jewish teachers for the day of leave that they took to celebrate Yom Kippur.

2. The erub* in Outremont

- In response to a request from the rabbinate and the members of the Erub Committee of the Hasidic community in Outremont, in 1990 municipal officials signed a proclamation allowing for the establishment of an erub (whose installation had been tolerated since 1989) in an area bounded by Stuart, Van Horne, Hutchison and Saint-Joseph streets. Under Jewish religious law, the erub is a real or symbolic alteration of a boundary aimed at facilitating observance of the rule that prohibits Orthodox Jews from leaving their homes with certain objects on the Shabbat, e.g. a stroller, a wheelchair or medication, by extending the private domain (the house or dwelling) to the entire area that the erub circumscribes. In the case under study, the erub is a simple transparent fishing line attached at a height of 4.5 m to poles and the buildings of consenting owners.

- On September 25, 2000, following complaints from residents, the Outremont municipal council opined that the city did not have jurisdiction to authorize the occupation of the public domain for religious purposes and municipal employees dismantled the erubs.

- On October 13, 2000, five members of the Orthodox Jewish community filed in Québec Superior Court a motion for a declaratory judgment invoking freedom of religion and the duty* of reasonable accommodation.

- On June 21, 2001, the Superior Court granted the Orthodox Jewish plaintiffs the right to erect an erub in Outremont. The city decided not to appeal the decision.

3. The wearing of religious signs

- On March 15, 1990, in response to a request from a Royal Canadian Mounted Police (RCMP) officer, the federal government amended the regulation respecting RCMP officers' uniform to allow Sikh officers to wear a turban. On July 8, 1994, the Trial Division of the Federal Court of Canada denied a request from two RCMP retirees who challenged this amendment to the regulation. On May 31, 1995, the Appeal Division of the

Federal Court of Appeal upheld the decision of the Trial Division. The plaintiffs then decided to approach the Supreme Court, which denied their request to appeal.

- In September 1994, a Québec student who had converted to Islam* was expelled from the École Louis-Riel because the wearing of a headscarf contravened the dress code, which prohibited all head coverings. In February 1995, the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) handed down an opinion that approved the wearing of the headscarf in public schools.

- In September 1994, a Montréal daily reported that it was compulsory for women teachers in Muslim schools in Montréal to wear the Islamic headscarf, regardless of religious conviction. In the opinion it handed down in February 1995, the CDPDJ asserted that the requirement could apply to Muslim staff but not to non-Muslim staff.

- In 1998, a recently baptized Sikh student wore a kirpan to the Polyvalente Lucien-Pagé in the Commission scolaire de Montréal. The school administration and the parents negotiated an arrangement to allow the boy to wear a kirpan-shaped pendant.[2]

- In December 2001, the administration of the École Sainte-Catherine-Labouré in the Commission scolaire Marguerite-Bourgeoys (CSMB[3]) and the parents of Gurbaj Singh Multani, a young Sikh student, reached agreement on the conditions that allowed the child to wear a kirpan to school in a stitched sheath under his clothing. In February 2002, the governing board of the school rejected the agreement and prohibited the student from wearing the kirpan. In March, the school board's council of commissioners proposed that the kirpan be replaced by a pendant. This solution did not suit the student's parents, who decided to bring their case before the court.

4. The cultural and religious argument as a mitigating factor

   - In January 1994, the chief judge of the Municipal Court of Montréal handed down a decision in the case of a man accused of assaulting his stepdaughter, a minor: Judge Verreault cited as a mitigating factor the aggressor's decision to sodomize the victim in order to preserve her virginity. The announcement of the judgment triggered a heated polemic.

5. Sukkahs* in Outremont

   - On June 5, 1998, the Superior Court of Québec ordered the Orthodox Jewish co-owners of an Outremont apartment complex to abstain from erecting sukkahs on their balconies. The decision was brought before the Court of Appeal of Québec. The sukkah is a temporary wood or canvas booth or shelter built for the Sukkoth festival celebrated for seven to nine days in September and October. Practising Jews must normally live in the sukkah during this period, which commemorates the liberation of Egypt and the 40 years that the Jewish people spent wandering in the desert. Given climatic conditions in Montréal, compulsory religious practice consists instead in eating supper in the sukkah on the first evening and three meals on the second day. This obligation is eased on the subsequent days.

   - On April 12, 2002, the Court of Appeal unanimously upheld the decision of the Superior Court prohibiting Orthodox Jewish co-owners from erecting sukkahs on their balconies. The co-owners decided to bring their case before the Supreme Court of Canada.

6. A synagogue in Outremont

   - In July 1999, Outremont residents won their case before the Superior Court of Québec, which ordered the closing of a synagogue on rue Lajoie. The synagogue opened in 1988 and contravened municipal zoning by-laws.

2. This case received little media coverage and was settled in the school. We nonetheless mention it because of its interest in light of the subsequent controversy. We will return to it later in the report.

3. An observation must be made in this respect. Some school board members at the time deny that there was an agreement or that the school board was a party to the initial agreement.

7. Prayers at municipal council meetings

- On November 5, 1999, in response to a complaint from residents, the Commission des droits de la personne et des droits de la jeunesse produced an opinion in which it ordered the Ville d'Outremont and the Communauté urbaine de Montréal (CUM) to halt the reciting of prayers at public meetings of the municipal council.

- On October 10, 2000, the Ville d'Outremont adopted a resolution to replace the reciting of a prayer by a secular invocation.

- The CUM was abolished in the wake of the municipal amalgamations in 2001 and did not have to rule on the reciting of prayers at the beginning of its meetings.

This second period marks a turning point in debate on accommodation. It began with the announcement of the Superior Court of Québec judgment concerning the wearing of the kirpan, which had a significant impact on public opinion. Debate surrounding the application of sharia, especially in Ontario, also largely fuelled the controversy. The events of September 11, 2001 were still very much on people's minds: a social context permeated by suspicion and insecurity established itself. Certain accommodation cases led to legal escalation: the decisions of lower courts were appealed, occasionally before the Supreme Court. What began as local cases became veritable "affairs" whose legal developments society monitored closely. Another novelty was the emergence of topics of dispute such as debate on Christmas trees and Jewish buses, which are not a form of reasonable accommodation and which were not named as such (it was only later that the abusive extension of the concept arose). It should be noted that two cases, i.e. the two ambulance attendants and debate on the Christmas tree, are not related to requests from religious minorities but involve Quebecers of French-Canadian origin demanding their own rights.

1. The kirpan or the "Multani affair"

- On May 17, 2002, the Superior Court declared invalid the decision of the council of commissioners of the Commission scolaire Marguerite-Bourgeoys handed down on March 19, 2002, thus allowing Gurbaj Singh Multani, a young student, to wear his kirpan to school under certain conditions (which the parents and the school administration had negotiated in December 2001).

- On July 31, 2002, the school board appealed the judgment.

- On March 4, 2004, the Court of Appeal of Québec reversed the decision of the Superior Court, thus prohibiting the wearing of the kirpan.

2. The Christmas tree at Montréal City Hall

   - On November 29, 2002, a radio program revealed that in 2001, the Bourque administration had renamed the Christmas tree in the square adjacent to Montréal City Hall the "tree of life." In 2002, the Tremblay administration decided not to reinstall the Christmas tree but reversed its decision in response to protests.

3. The bus service for Hasidic Jews in Outremont

   - In December 2002, Outremont residents and bus companies denounced the Tov Travel bus that operated without a permit and offered Hasidic Jews weekly trips between Montréal and New York and parked its vehicles on residential streets in Outremont.

4. Prayer rooms at the École de technologie supérieure (ÉTS)

   - In April 2003, a group of Muslim students at the ÉTS filed a complaint for Islamophobic discrimination with the Commission des droits de la personne et des droits de la jeunesse against the institution and its director, who refused to grant them a prayer room.

   - On February 3, 2006, the Commission adopted a resolution that agreed with the educational institution but enjoined it to "propose to the complaining party some form of accommodation that would allow Muslim students attending the ÉTS to engage in regular prayer under conditions that respect their right to the safeguarding of their dignity."

   - On August 2, 2006, the Commission deemed the measures adopted by the ÉTS to be satisfactory and closed the case file.

5. The expulsion of a student wearing a headscarf

   - In September 2003, a student at the Collège Charlemagne, a private school in Pierrefonds, was expelled because she refused to remove her hidjab.* Her parents filed a complaint with the Commission des droits de la personne et des droits de la jeunesse. The parties negotiated an agreement and the Commission did not hand down a decision in this case.

   - In June 2005, the Commission issued an opinion in which it noted that private denominational establishments were bound to accommodate students of other religious faiths, for example by allowing the wearing of a headscarf, unless they could show that the confessional status of these establishments demands certain exclusions or preferences.

6. Islamic courts and sharia

   - In October 2003, retired lawyer Seyd Muntaz Ali founded the Islamic Institute of Civil Justice (IICJ) in Ontario, an agency dedicated to offering family arbitration services according to Muslim law. To this end, the IICJ planned to recruit, appoint and train qualified arbitrators in the realm of Muslim and Canadian law.

   - On June 25, 2004, the Ontario government gave NDP MLA and former Attorney General Marion Boyd a mandate to examine the question of religious family arbitration.

   - The Boyd report, made public on December 20, 2004, recommended that religious family arbitration continue to be allowed and that a series of measures be adopted to protect vulnerable individuals.

   - On May 26, 2005, the National Assembly of Québec unanimously adopted a motion stipulating its opposition to the establishment in Québec and in Canada of Islamic courts.

- On September 12, 2005, Ontario Premier Dalton McGuinty announced his intention to abolish all forms of enforceable family-related religious arbitration, regardless of the denomination.

- On November 15, 2005, the Ontario government tabled Bill 27 to implement the September 12 decision and to allow for the appeal of arbitration awards already handed down.

7. The sukkah affair in Outremont

   - On June 30, 2004, in a 5-4 ruling, the Supreme Court reversed the Court of Appeal of Québec judgment, thus ruling in favour of the Jewish co-owners.

8. Government subsidies to Jewish and Greek private schools

   - On January 13, 2005, a Montréal daily revealed that the Québec government had decided to fully fund certain private Jewish schools to enable them to foster intercultural learning among young people in the schools.

   - On January 19, 2005, the Premier announced that the government had abandoned this measure.

   - On January 26, 2005, a Montréal daily reported that Greek private schools had been fully funded since 1991.

   - In February 2005, the ministère de l'Éducation and the three school boards concerned launched a review of these agreements with the Greek schools (some of the agreements ended in June 2007 and others will end in June 2008).

9. The expulsion of two ambulance attendants from a café in the Jewish General Hospital

   - On February 17, 2005, two ambulance attendants were asked to leave the Café de l'Atrium at the Jewish General Hospital, where they were about to eat their lunch. They could not consume the meals that they had prepared since they had not bought them in the café and the area where they were sitting was deemed to be kosher.

   - In late February 2005, the two ambulance attendants filed a complaint with the Commission des droits de la personne et des droits de la jeunesse.

10. The proposed multi-faith chapel at Université Laval

    - On August 2, 2005, a Québec City daily reported a controversy surrounding the proposal to transform the Chapelle Marie-Guyart at Université Laval to allow Muslim students to say their Friday prayers there.

11. The synagogue in Val-Morin

    - On September 14, 2005, the Superior Court ordered an Orthodox Jewish community in Val-Morin to cease using a school and a synagogue built in a residential district. The Jewish community brought its case before the Court of Appeal.

12. A prayer room at McGill University

    - In December 2005, in the wake of McGill's refusal to grant Muslim students a permanent prayer room, the Muslim Students Association and the Canadian Council on American-Islamic Relations filed a complaint with the Commission des droits de la personne et des droits de la jeunesse.

    - The Commission has yet to hand down its decision.

C A TIME OF TURMOIL (FROM MARCH 2006 TO JUNE 2007)

This third period is noteworthy for the proliferation of cases or affairs reported in the media. During this 15-month period alone, we noted roughly 40 cases, compared with 13 and 12 cases during the two preceding periods, which lasted 17 years and 4 years. These figures reflect the much more active role that the media began to play in respect of the accommodation question. The term accommodation entered public discourse and from then on became a hackneyed expression. Another phenomenon is noteworthy: topics of controversy previously focused essentially on the problem of religion's place in public space and the accommodation of minority religious practices. From that point onward, debate encompassed the much broader question of the integration of the immigrant population and minorities.

As was true of the preceding period, the start of this third period can be linked to a new development in the kirpan affair and several accommodation requests made for religious reasons. A phenomenon that had begun to emerge during the preceding period now became fully apparent: part of the population reacted to accommodation requests as though it felt wronged by what it perceived to be "privileges" or an attack on Québec's core values. A feeling of crisis took hold of the population. On February 8, 2007, the Québec Premier announced the establishment of the Consultation Commission on Accommodation Practices Related to Cultural Differences. This announcement did not appear to have an immediate impact. Perhaps because of the impending provincial election, the accommodation crisis peaked in March 2007: accommodation had become a social issue on which politicians expressed their opinions almost daily.

1. The kirpan and the "Multani affair"

   - On March 2, 2006, the Supreme Court reversed the decision of the Court of Appeal and ruled that the Superior Court judgment authorizing Gurbaj Singh Multani to wear his kirpan in school allowed for the reconciliation of the boy's religious freedom and the safety of other students. This decision was widely debated in the Québec media.

2. The controversy over the frosted windows in a YMCA

   - In March 2006, the management of the YMCA du Parc in Montréal decided to replace in one of its exercise rooms the regular glass in four windows equipped with blinds with frosted glass. The decision stemmed in part from a request from the Yetev Lev Orthodox Jewish congregation, which assumed the cost of purchasing and installing the windows.

   - Between October 1 and November 15, 2006, members of the YMCA circulated a petition demanding that management remove the frosted glass.

   - On November 7, 2006, a Montréal daily published on the front page the first article on this affair.

   - On March 19, 2007, the management of the YMCA du Parc announced at a press conference that it would replace the frosted glass with regular glass equipped with blinds.

3. The wearing of a turban in the Port of Montréal

   - On March 9, 2006, a Montréal daily reported that, in order to accommodate Sikh truck drivers, the Maritime Employers Association was prepared to revise its rules concerning the wearing of a hard hat in the Port of Montréal.

4. Separate swimming sessions

   - On May 10, 2006, a Montréal daily revealed that several days earlier the administration of the École secondaire Antoine-Brossard, on the South Shore of Montréal, had allowed three Muslim students to take the final exam in their swimming class under special conditions. Female staff supervised the exam and tables were used to cover the windows of the swimming pool to ensure that no man might see the girls in their bathing suits.

   - On December 13, 2006, a Montréal daily reported that men who were attending their children's exams in a swimming class at the YWCA in downtown Montréal were asked to leave the pool area to avoid indisposing Muslim women who were taking a swimming class in the pool at the same time.

5. Requests for health care provided by female physicians

   - In July 2006, the Centre hospitalier de l'Université de Montréal (CHUM) decided to have pregnant women who visited its establishments sign a declaration stipulating that the centre could not guarantee that they would be treated by a female physician.

   - This topic appeared sporadically in the media between September and November 2006.

6. Prayers at municipal council meetings

   - On September 22, 2006, the Québec Human Rights Tribunal ordered Ville de Laval to halt the practice of reciting a prayer at public meetings of the municipal council. The Mouvement laïque québécois had filed the initial complaint with the Commission des droits de la personne et des droits de la jeunesse on behalf of an individual in 2001. It should be noted that other similar requests have been submitted since then.

7. The "directive" issued by the Service de police de la Ville de Montréal

   - On October 30, 2006, *L'heure juste*, the internal monthly newsletter of the Service de police de la Ville de Montréal, published a cultural factsheet that proposed to its female police officers to ask their male colleagues to intervene when dealing with men from the Hasidic Jewish community.

   - On November 15, 2006, a Montréal daily published an article that included the contents of the factsheet.

8. The halal menu in a childcare centre

   - On November 7, 2006, a Montréal television network announced that the Commission des droits de la personne et des droits de la jeunesse was examining a complaint filed against the CPE Gros Bec by a Muslim father who demanded that his two sons not eat any dish containing non-halal meat.

   - On March 20, 2007, the Commission released an opinion asking the childcare centre "to apply the accommodation measure proposed by the complainer and to avoid serving non-halal meat to his children." It also enjoined the childcare centre to pay the complainer $4000 "in the form of moral damages for the breach of his rights."

   - The board of directors of the childcare centre decided not to carry out these measures and the Commission instituted legal action against the childcare centre before the Human Rights Tribunal.

9. The kosher refrigerator at the Hôpital Sainte-Justine

   - On November 14, 2006, a Montréal television network revealed that the Hôpital Sainte-Justine had allowed Hasidic Jews to install a refrigerator in which to store kosher food while waiting for medical attention. The authorization was granted when the snack bar was renovated in June 2002.

10. Prenatal classes at the CLSC de Parc-Extension

    - On November 16, 2006, a Montréal daily noted that a local community service centre (CLSC) in a multi-ethnic neighbourhood in Montréal was apparently prohibiting men from taking part in prenatal classes because of the religious beliefs of certain women clients.

11. The Jewish patient waiting in line in the CLSC

    - On November 18, 2006, a Montréal daily reported that an Orthodox Jewish patient was accorded a special favour at the walk-in emergency clinic at the CLSC Sainte-Rose de Laval. The patient, who had injured his hand, asked to be treated promptly so that he could return home before sundown and thus observe the beginning of the Shabbat. The staff decided on that occasion to treat him before several other patients.

12. The controversy surrounding Christmas decorations

    - On December 10, 2006, the *Seattle Times* reported that the management of Seattle-Tacoma International Airport had ordered the removal of 14 fir trees installed at main passageways. An Orthodox Jewish rabbi threatened to sue airport officials if they refused to install an electric menorah (a holy candelabrum with seven candlesticks) beside the biggest tree.

    - On December 11, 2006, the Ontario Court of Justice ordered the removal of the Christmas tree from the lobby of the Toronto court house and its installation in a more discrete passageway. On December 21, 2006, the Christmas tree reappeared in the lobby of the court house. It was once again placed in the rear passageway, then reinstalled in the lobby following intervention by the Attorney General of Ontario.

    - On December 14, 2006, the session of the National Assembly of Québec ended with a polemic concerning the wishes expressed by the party leaders. Jean Charest and André Boisclair extended their wishes for "happy holidays" without uttering the word "Christmas." Mario Dumont said in the National Assembly: "You will allow me a reasonable accommodation to wish Quebecers a proper 'Merry Christmas.'"

    - On its Website, Transport Canada noted that, during the month of December, there are numerous opportunities to celebrate: the winter solstice, Christmas, Hanukkah (the Jewish festival of lights), and Aïd el-Fitr (the first day after Ramadan).

    - On December 15, 2006, a Montréal daily published the remarks of a Department of Canadian Heritage employee who denounced the decision by the department's managers to no longer encourage Canadians to celebrate Christmas but to participate in winter solstice celebrations.

13. Home health care services on the Shabbat

    - On December 15, 2006, a Montréal daily reported that the CSLC Thérèse-de-Blainville granted various forms of reasonable accommodation to patients from the Boisbriand Hasidic Jewish community. Nurses were apparently offering home health care services to patients who usually went to the clinic but were unable to do so during the Shabbat. They also apparently had to comply with a specific dress code when intervening in the community.

14. The police officer's song

    - In January 2007, the media reported that a Montréal police officer had composed and interpreted a xenophobic song entitled *Ça commence à faire, là !* The song was widely disseminated on the Internet through a Québec humour site.

15. The refusal by a Jehovah's Witness of a blood transfusion

    - On January 11, 2007, a Québec television network revealed that a 26-year-old male Jehovah's Witness had died two weeks earlier at the Hôpital Saint-François d'Assise after refusing a blood transfusion.

16. The survey on Quebecers' racism

    - On January 15, 2007, a Léger Marketing survey conducted on behalf of three Montréal media revealed that 59% of Quebecers say that they are racist.

17. Mario Dumont's open letter on accommodation

    - On January 16, 2007, Mario Dumont released an open letter in which he denounced political leaders' submission and collapse and the "old reflex of the minority" that encourages Quebecers to "give in" and "collectively fade into the background" when the time comes to assert their values.

18. The crucifix in the National Assembly

    - On January 19, 2007, a Montréal daily reported André Boisclair's remarks to the effect that the crucifix does not seem to belong in the National Assembly.

19. An exemption from music class

    - On January 23, 2007, a Montréal television network reported that Muslim students from the Commission scolaire Marguerite-Bourgeoys were exempted from compulsory music classes since, according to one interpretation of it, the Koran prohibits the practising of certain musical instruments.

20. Parking in Outremont

    - In January 2007, the Outremont borough council decided to prolong the lifting of the prohibition on parking in certain streets during Jewish religious holidays in order to accommodate members of the Hasidic community.

    - On June 26, 2007, a Montréal daily revealed that representatives of two Catholic parishes in Outremont had sent to the mayor of the borough a letter requesting the lifting of the prohibition on parking near two churches during Sunday services and other religious holidays.

21. Hérouxville's "life standards"

    - On January 26, 2007, a Montréal daily published the first article on Hérouxville's "life standards."

22. Religious holidays in the Commission scolaire de Montréal (CSDM)

    - On January 30, 2007, a Montréal daily reported that the decision to grant two or three additional leave days for religious holidays to Jewish and Muslim employees had aroused dissatisfaction among other school board employees, who regarded the situation as unfair.

23. The "directive" from the Société de l'assurance automobile du Québec (SAAQ)

    - On February 1, 2007, a Montréal daily published an article entitled "Les évaluatrices de la SAAQ sur la banquette arrière" ("SAAQ female driving examiners take a back seat"). The article revealed that the SAAQ had acquiesced to requests from certain members of the Hasidic Jewish community who asked to choose for religious regions a male or female driving examiner when taking their driving test.

24. A pork-free menu in CSDM daycare centres

    - On February 1, 2007, the media reported that seven CSDM daycare centres had decided for religious reasons to exclude pork on cafeteria menus.

25. The expulsion of two ambulance attendants from a café in the Jewish General Hospital

    - On February 2, 2007, the Commission des droits de la personne et des droits de la jeunesse issued an opinion in which it proposed to the Jewish General Hospital and to Le Café de l'Atrium, a non-profit organization, that they pay the complainer $10 000 for moral damages.

    - The parties reached an out-of-court settlement on April 12, 2007 and each of the ambulance attendants accepted $7500.

26. The prohibition on wearing the hidjab during a soccer tournament

    - On February 25, 2007, during an indoor soccer tournament in Laval, an 11-year-old female player on an Ottawa-area team refused to remove her hidjab to participate in the competition. The media reported the incident the same day.

27. Forced marriages

    - On March 7, 2007, a Montréal television network broadcast a report on forced marriages.

28. Police searches

    - On March 9, 2007, a Montréal daily revealed a dispute between the Fraternité des policiers et des policières and the management of the Service de police de la Ville de Montréal concerning policies to be adopted in respect of ethnic minorities, in particular searches of veiled women.

29. Muslim prayers in a sugarhouse

    - On March 11, 2007, 40-odd Muslims engaged in prayer in the dance hall of a sugarhouse in the Montérégie region, following the noon meal.

    - On March 19, 2007, a Montréal daily published an article entitled "Cabanes à sucre accommodantes. Soupe aux pois sans porc et prière dans la salle de danse" ("Accommodating sugarhouses. Pork-free pea soup and prayers in the dance hall") based on testimony from a customer who was shocked by this practice. The main Montréal, Québec and Toronto media broadcast the news.

30. The dismissal of a trainee female prison guard

    - On March 13, 2007, a Montréal television network revealed that Québec's correctional services had refused to allow a Muslim woman wearing a headscarf (deemed to be unsafe) to pursue her training to become a prison guard.

31. The Chief Electoral Officer of Québec and voting with the face completely covered

    - On March 22, 2007, a Montréal daily carried the following front-page headline: "Le DGE le confirme : Voter masqué, c'est legal" ("The Chief Electoral Officer of Québec has confirmed it: It's legal to vote with your face covered"). The article revealed that, in conjunction with training for polling station staff, a representative of the Chief Electoral Officer of Québec pointed out that the identification procedure stipulated in the *Election Act* allowed women whose faces were completely covered to vote on March 26, 2007.

32. A hotel reservation during Passover

    - On March 24, 2007, a daily reported that a Gatineau hotel had rented its 129 rooms to a group of 350 Orthodox Jews during Passover (April 2 to 10). Under the agreement negotiated, the group would have exclusive use of the hotel's fitness centre and pool for three days. The agreement aroused dissatisfaction among certain regular members of the Santé Spa club, who were unable to use the hotel's facilities on those three days.

33. Kosher food in a Jewish hospital

- On April 11, 2007, two Montréal media reported that the Jewish Rehabilitation Hospital in Laval had "strongly suggested to all of its beneficiaries that they fully respect the rules prescribed by Passover." For eight days, hospital patients were asked to avoid eating food containing yeast, even though 80% of them were not Jewish. Throughout the year, they were also prohibited from bringing non-Kosher food into their rooms.

- On April 12, the Minister of Health and Social Services asked the establishment to review its food policy.

34. The prohibition on wearing the hidjab during a tae kwan do tournament

- On April 15, 2007, during a tournament organized under the aegis of the Fédération québécoise de taekwondo, five girls between 8 and 14 years of age were unable to participate in the competitions as they refused to removed the headscarves they were wearing under their helmets. The news received extensive media coverage the same day.

35. Food and kosher certification

- On May 11, 2007, a Montréal television network broadcast a report on kosher certification in Québec.

- On October 22, 2007, an article appeared in a Montréal daily that asserted that certification did not engender any additional cost for consumers.

36. Jehovah's Witnesses and blood transfusions

- On May 18, 2007, a judge of the Superior Court of Québec authorized physicians at the Centre hospitalier universitaire de Québec to give a blood transfusion to premature twins despite the opposition of their parents, who are Jehovah's Witnesses.

37. Fratricide involving Muslims

- Starting on June 6, 2007, the media covered the trial of a man accused of stabbing his brother in October 2005. The defendant pleaded self-defence and justified his action by asserting that his brother did not respect the precepts of the Koran.

38. The use of elevators on the Shabbat

- On June 11, 2007, a Montréal daily expressed its astonishment at the illogical laws and bizarre rules of Orthodox Jews, including the prohibition on pressing an elevator button on the Shabbat.

- Radio forums at that time mentioned that elevators at the Jewish General Hospital are programmed on the Shabbat to stop at each floor to accommodate the Orthodox Jewish clientele.

39. An illegal fence in Saint-Adolphe-d'Howard

- In June 2007, Orthodox Jews purchased the Domaine Miramont-sur-le-Lac in Saint-Adolphe-d'Howard.

- On July 11, 2007, the municipality fined the owners $1000 for erecting a fence that violated municipal by-laws.

D A PERIOD OF CALM (FROM JULY 2007 TO APRIL 2008)

The onset of summer and the beginning of the Commission's investigation coincided with a marked change in the media coverage accorded accommodation. During this nine-month period, the media reported only eight cases or affairs, three of them outside Québec. Coverage of these cases was also much more reserved. The tragic story of the young Ontario Muslim girl, which might well have been expected to arouse passions, illustrates this restraint (like that surrounding the fratricide reported in June). The "accommodation hunt" having ended, public attention turned to the Commission's investigation and the content of its public consultations. It appears *a posteriori* that the establishment of the Commission calmed things down.

1. The Chief Electoral Officer of Canada

   - On September 6, 2007, Elections Canada confirmed that Muslim women wearing a veil covering their faces could vote by presenting photo ID or any other document proving their identity. Voters who did not possess these documents could have their identity confirmed by another voter registered in the same polling division.

   - On September 10, 2007, the Chief Electoral Officer of Canada refused to amend the *Canada Elections Act* despite the political pressure to which he was subject, claiming that it was the responsibility of elected representatives to do so. It was subsequently revealed that on two occasions he had recommended before a parliamentary committee that the legislation be clarified.

2. Construction of a model in a childcare centre

   - On September 26, 2007, a Montréal daily published a letter from a reader who denounced a childcare worker working in a childcare centre attended by her 4-year-old daughter who apparently prohibited the construction of a model representing Saint Joseph's Oratory, because the establishment advocated a secular philosophy.

3. The erection of a synagogue in a Val-Morin residential district

   - On September 26, 2007, the Court of Appeal of Québec heard the case involving an Orthodox Jewish community and the municipality of Val-Morin. On April 2, 2008, the Court of Appeal ruled in favour of the municipality. The Jewish community decided to bring its case before the Supreme Court.

4. The controversy surrounding Imam Saïd Jaziri

   - On October 6, 2007, Imam Saïd Jaziri participated in a television program on which other guests could not drink wine in his presence. He made controversial remarks on homosexuality.

   - He was accused of making a false declaration at the time of his admission to Canada and was arrested on Monday, October 15, 2007 in the offices of the Canada Border Services Agency and deported to Tunisia on October 22.

5. The sexualization of positions at the Jewish General Hospital

   - On October 26, 2007, the Human Rights Tribunal ordered the Jewish General Hospital in Montréal and the employees' union to pay $15 000 to two orderlies who, because of their sex, could not offer services to Orthodox Jewish patients. The tribunal recognized that the complainers had been harmed, in particular by the absence of promotion.

   - On December 14, 2007, the hospital brought its case before the Court of Appeal of Québec.

6. An adolescent Muslim girl killed by her father

   - On December 11, 2007, an Ontario daily revealed that a 16-year-old girl living in Mississauga was killed by her father, a very devout Muslim who wanted his daughter to adhere more closely to the teachings of the Koran.

7. The establishment in Toronto of a school for Black students

   - In December 2007, in response to a request from the Black community, the Toronto District School Board held public consultations on the proposal to establish an Africentric Alternative School.

   - On January 29, 2008, the school board voted 11 to 9 to open in September 2009 a school in which teaching focuses on Afro-Canadian history and culture. It also announced the introduction of a pilot project through which courses centred on Black culture are to be offered in three other schools.

8. An exception to exempt a Sikh motorcyclist from wearing a helmet

   - On March 6, 2008, the Ontario Court of Justice refused to grant a Sikh motorcyclist an exemption from wearing a helmet while riding his motorcycle and thus respect his religious convictions that oblige him to wear a turban. Supported by the Ontario Human Rights Commission, Baljinder Badesha was contesting a ticket he received in September 2005 while riding his motorcycle without a helmet.

This chronology comprises 73 cases or affairs that contributed directly or indirectly to the reasonable accommodation crisis.[4] Of this number, 40 arose during the time of turmoil, which accounts, for the period from March 2006 to June 2007 alone, for roughly 55% of all of the cases noted (our chronology covers 22 years). Once again, this list does not claim to be completely exhaustive and for this reason, the reader should bear in mind that this figure provides only an order of magnitude. It nonetheless vividly reveals the exceptional nature of the media coverage given to reasonable accommodation during this period.

The other possible explanation, that the number of cases debated by the media appears to reflect the number of accommodations granted in the field, hardly seems convincing. This would assume that the number of accommodations granted increased exponentially and in a largely inexplicable way in the spring of 2006 and declined abruptly starting in June 2007. Besides, this hypothesis does not tally with the data and testimony that we will present in subsequent chapters.

As we noted earlier, this chapter is intended solely to establish the background events that fuelled the accommodation crisis. We felt that this exercise is essential to an understanding of the analyses presented later in the report.

4. It should be noted that several cases of the same type are sometimes grouped under a single heading (for this reason, the number of cases noted is higher than the number of items in the chronology).

CHAPTER III

PERCEPTIONS AND THE REALITY OF ACCOMMODATION

A THE NEED FOR DEFINITIONS

This chapter examines the general public's perception of the accommodation cases that have caused the most agitation. Our objective is to pinpoint the nature of the reactions that have fuelled the accommodation crisis and, by the same token, to specify the circumstances that led to the establishment of our Commission.

Before we proceed, we must take a moment to examine the notion of **reasonable accommodation** and the more comprehensive notion of harmonization practices. It is useful to introduce a number of reference points so that we can better navigate a field that is fraught with misunderstanding.

ACCOMMODATION AND DISCRIMINATION

If we were to cursorily define the notion of accommodation, we would have to speak of **equality in difference.** Indeed, the distinctive feature of accommodation is that it remedies by means of certain adjustments forms of discrimination that occasionally arise in the application of a norm* or an otherwise legitimate statute. Under certain circumstances, a statute or a norm can adversely affect an individual or a category of people who display a trait for which the statute or norm makes no provision. All societies tend to legislate for the majority and it follows that legislation is never truly neutral.

For example, a voter must enter a polling booth alone but a visually impaired individual may be accompanied. Similarly, tactile reference points in public buildings enable visually impaired individuals to find their way around. The management of a company will reorganize a disabled employee's workstation. On other occasions, it is an individual's religious beliefs or some other cultural trait that may be subject to discrimination and demand a remedial measure in the form of an *ad hoc* adjustment to the application of the statute or the norm. If, for example, a believer's religion prohibits him from working on Saturday, his employer must attempt to adapt his work schedule accordingly.[1]

This type of situation involves a duty of accommodation for all proprietors of businesses and all managers of public or private institutions. It is the peculiarity of genuine democracy to pinpoint all sources and forms of discrimination and to remedy them.

The duty of accommodation demands that discrimination be present, as determined by reference to the charters. Section 10 of the Québec *Charter of human rights and freedoms* lists 13 grounds for discrimination that may justify an accommodation request. These grounds are mainly circumstantial, such as pregnancy or marital status, or permanent traits such as sex, skin colour or a disability, or sociocultural traits such as religion, language, and so on. This condition (the existence of a form of discrimination linked to a ground recognized by the Charter) excludes from the realm of reasonable accommodation requests such as piercing in the school (no discriminatory ground prohibited by the Charter is at stake) or frosted windows in a private gymnasium (no right or freedom guaranteed by the Charter is affected).

Another highly restrictive limitation is both practical and legal in nature. The duty of accommodation is limited by the realism of the request, i.e. by the ability of the organization to accommodate. The notion of **undue hardship*** is decisive in this instance. Traditionally, under labour law, a request may be rejected if it leads to unreasonable costs, upsets the organization's operation, infringes on other people's rights, or hampers the maintenance of safety and public order. In other words, the duty of accommodation must be assessed in relation to the weight of inconvenience.[2]

In the broadest context, we will first speak of **harmonization practices,** by which we mean the search for or negotiation of adjustments aimed at resolving conflicts or the incompatibility of norms, values, beliefs, customs and traditions.[3] As we noted earlier, some types of incompatibility can lead to a form of discrimination.[4]

1. See P. Bosset (2007b) for a more detailed discussion of this topic.
2. An intervener in a focus group* in Montréal summarized the entire logic of reasonable accommodation as "what accommodates some people without inconveniencing other people."
3. Under our mandate, our field of investigation will be confined to adjustment cases stemming from cultural (including religious) grounds, which thus excludes cases linked to physical disabilities, and so on.
4. It should be noted that our Commission decided to focus its attention on conflicts or incompatibilities that arise in the public domain (in State institutions), which excludes the business sector, where incompatibilities do arise that lead to discrimination.

THE LEGAL SPHERE AND THE CITIZEN SPHERE

The field of harmonization practices is complex and there is more than one way to define or delineate it. We decided to adopt as the key criterion the framework for handling requests, a formula that leads us to distinguish between the legal route and the citizen route. Under the legal route, requests are managed by means of formal mechanisms through a highly codified, very rigid approach that pits one party against the other and ultimately determine a winner and a loser. This is the distinctive feature of court judgments, which usually **impose a solution.** Requests follow a much different procedure under the second route, which is less formalized and relies primarily on negotiation and the search for a compromise through an approach centred on good faith, mutual respect, flexibility and creativity. Its objective is to lead to a solution that satisfies both parties.

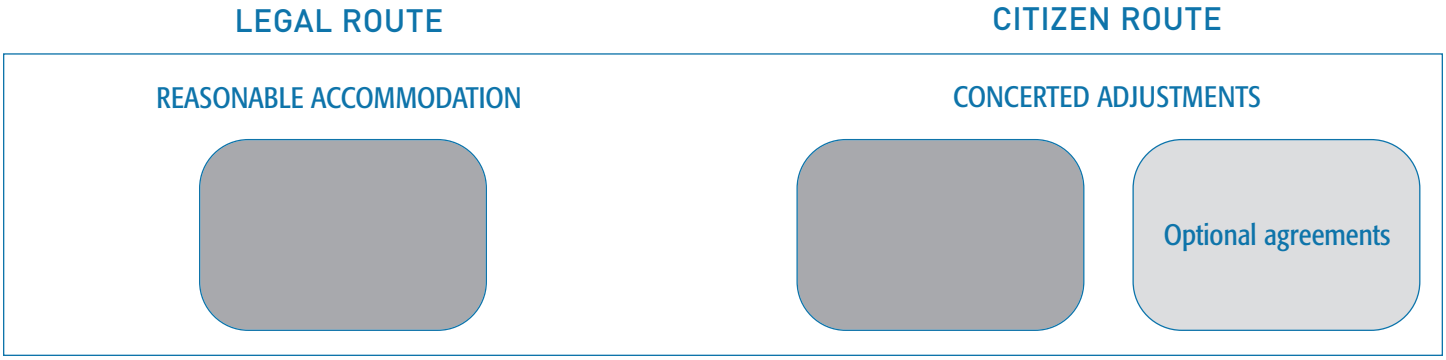
It is the citizen route that we wish to emphasize, for three reasons. First, in strictly quantitative terms, it carries much more weight than the legal route. Indeed, very few accommodation or adjustment requests go before the courts (it might even be said that they are rare). Most requests arise and are settled amicably in public and private institutions and organizations. They are resolved at the conclusion of negotiations between managers and front-line interveners, on the one hand, and the users, customers, students, patients, employees and other individuals making the requests, on the other hand.

The second reason for emphasizing the citizen sphere lies in the advantage or the necessity of encouraging citizens to resolve their own conflicts and reach compromises that satisfy both parties instead of divisive verdicts. In a society that is increasingly ethnoculturally diversified, individuals should learn to manage their differences (and disputes) otherwise than in conflict mode, motivated primarily by a fear of and the constraints imposed by the law and the courts. This implies a twofold advantage in that it: *a*) avoids congesting the courts; and *b*) heightens the responsibility of individuals, some of whom complain about the excessive role that the judicial system plays, the resulting feeling of alienation, and so on.

Third, the values to be promoted in respect of the citizen route are precisely those that underpin interculturalism, i.e. exchanges, negotiation, agreement and reciprocity, rather than confrontation and division. As we will show in Chapter VI, interculturalism is the model from which our society has chosen to seek inspiration to manage intercultural relations.

We invite the reader to refer to the diagram opposite. Having distinguished between the legal route and the citizen route, we will add another criterion, that of the nature of the obligation. Such an obligation can be of a **legal nature** (in grey in the diagram) or of a **non-legal nature,** i.e. ethical, administrative or otherwise. The notion of accommodation should, strictly speaking, cover the legal obligation overall and thus extend to the citizen sphere. However, for convenience and in keeping with the choice that we made, we usually restrict it to the legal sphere. Let us now introduce another notion, **concerted adjustment,** to indicate all adjustment requests that arise and are handled in the citizen sphere.

The field of harmonization practices in public and private institutions and organizations



Legend: = obligation of a legal nature = obligation of an ethical, administrative or other nature

Note: A final concept is that of the informal agreement* to indicate agreements concluded between individuals outside the framework of institutions and organizations.

As we can see, concerted adjustment* is thus a hybrid notion since it covers requests stemming from an obligation that is sometimes of a legal nature and sometimes of a non-legal nature. To be perfectly rigorous, we must introduce another concept, that of optional agreements, to indicate concerted agreements that are granted by virtue of a non-legal obligation.[5] However, for the purpose of clarity, we will not use this last concept, which is not really necessary in conjunction with this report.

To round out this examination of the realm of harmonization practices, we must introduce a final notion, that of informal agreements, which are concluded between individuals outside the framework of public and private institutions and organizations.

What is noteworthy in the foregoing discussion is that the legal route is regarded here as a solution of last resort. Ideally, it should be contemplated only after all of the resources of the citizen route have been exhausted. Moreover, under the citizen route, managers are encouraged at the outset to handle all requests on an equal footing without wondering about the legal, ethical or other nature of the obligation. It is useful for front-line interveners such as teachers or health care staff, managers, students' parents, employers and so on to internalize the duty of accommodation as part of their professional duties and one of a number of facets of their work environment.[6] Such being the case, it does not follow that they are compelled to accept all requests, to the contrary. Each request must pass the exacting undue hardship test.

We will take the liberty of insisting that the principle of concerted adjustments, as we said earlier, is inherent in the life of a diversified, pluralist society. From a sociological standpoint, these forms of adjustment precede, in actual fact, reasonable accommodation and go beyond it. We must, therefore, be careful not to overestimate the place that reasonable accommodation occupies in our society. The ascendancy of the legal sphere, with its formal, rigid regulation, can make us lose sight of the old tradition and the place that informal adjustment practices have occupied for a long time in our institutions.

To conclude, four concepts will shape our report, i.e. reasonable accommodation, concerted adjustment and informal agreement, as well as a fourth concept, harmonization practices, which encompasses the first three. For the time being, we will confine ourselves to these general pronouncements and will reserve for Chapter VIII a more thorough analysis.[7]

5. These requests are related to grounds other than discrimination and are thus not covered by the charters.
6. Let us take an example from the health care sector, to which we will return. The brief submitted by the Centre de la santé et des services sociaux (CSSS) de Laval speaks of "personalization" to indicate a care approach entirely centred on the patient's needs and that integrates all types of requests of a strictly clinical or other nature.
7. We will subsequently refer in the report to these definitions. However, because the notion of accommodation is pervasive in colloquial language, we will sometimes also use it in a generic sense as a synonym for harmonization practices.

B ACCOMMODATION IN PUBLIC OPINION

The public was obviously hardly aware of the notion of accommodation and its various dimensions when the media began to extensively examine this question. Moreover, one might consider that the media have not always properly explained the nature, purpose and scope of this legal provision. Be that as it may, the negative reactions observed among members of the public are clearly not commensurate with the events that sparked them. This disproportion becomes obvious when we methodically compare with the facts certain widespread perceptions, which we will show in the pages that follow.

It will be incumbent upon others to very subtly analyse how the socioeconomic, ethnocultural and other components of our society have reacted to the torrent of information and comments on accommodation. The picture that we present below is only a preliminary glimpse centred mainly on the negative reactions or attitude of rejection that fuelled the crisis, since it is the viewpoint that interests us the most.

To begin, let us say that, as far as we can see, the English-speaking community in Québec has displayed a general attitude of openness to accommodation. That, at least, is the feeling that we have gained from several focus groups that assembled, in particular, representatives of the Montreal Children's Hospital, the English Montreal School Board, Concordia University and McGill University, and the Centre communautaire des femmes sud-asiatiques, and in light of our examination of interventions in the newspapers and other media. Other data appear to confirm this statement. According to a SOM survey conducted in September and October 2007 on behalf of *La Presse*, 71.7% of Quebecers whose mother tongue is French surveyed found our society overly tolerant of accommodation, compared with 35.2% of Quebecers whose mother tongue is a language other than French.[8] This finding is obviously somewhat imprecise because English-speakers are not separated from allophones.*

Moreover, other Canada-wide surveys reveal that, overall, Québec appears to be less receptive to accommodation than the rest of Canada[9] (which does not mean that it is more xenophobic). For reasons of their own,[10] a majority of the Quebecers surveyed were doubtful about the wearing of religious symbols in the schools. The study conducted by the Fleury Committee on adjustment practices in the schools (see Chapter I) reveals that just over one-third of the school administrations questioned "deem the taking into account of diversity as a very or fairly important professional challenge."[11] Furthermore, 43.1% of English-language schools in the public sector reported receiving adjustment requests, as against 22.2% of French-language schools.[12]

As for the immigrant population and members of the ethnic minorities (of non-English-speaking origin), various interveners in these milieus (especially Muslims) expressed reservations about or even downright opposition to accommodation for religious reasons, perceiving it as a possible breeding ground for the fundamentalism* that is rife in their countries of origin. To our knowledge, no survey provides separate statistical data on each ethnic group. For this reason, it is impossible at present to precisely quantify such opposition.

However, we do know, for example, that 45% of Quebecers of other than French-Canadian origin are opposed to the granting of permanent prayer rooms in the universities. Similarly, a fairly high proportion of them disapprove of the wearing of headscarves by soccer players (56%), the employees of public services (40%) or in the schools (43%[13]). There is also strong opposition concerning menus and the rejection of coeducation in the schools, voting by veiled women, and so on. Some 79% of non-francophone Quebecers said they oppose the 2006 Supreme Court judgment concerning the wearing of the kirpan. **Thus, it is wrong to ascribe solely to the majority group opposition to accommodation. In this instance, there is no simple ethnic rift.**

8. *La Presse*, October 9, 2007 (page A2).
9. See *a)* the survey conducted by EKOS Research Associates on behalf of *La Presse* and *The Toronto Star* in September 2006; *b)* the CROP survey conducted in January 2007 on behalf of *L'actualité; c)* two Léger Marketing surveys conducted on behalf of the Association for Canadian Studies, in April 2007 and in October 2007; and *d)* the survey conducted at the beginning of summer 2007 by Environics on behalf of the Department of Canadian Heritage (see J. Jedwab, 2004).
10. They are analysed in Chapters VII and IX.
11. B. Fleury (2007, page 17).
12. B. Fleury (2007, page 21). However, it is difficult to interpret this finding for three reasons: *a)* the figure is based on a number of establishments that reported requests rather than the number of requests as such; *b)* it reveals, for each establishment, an approximation or a bracket, e.g. between one and five requests, between 6 and 10 requests, and so on, instead of an exact number, which means that we cannot quantify them; *c)* for the same reason, we cannot accurately determine the proportion of requests that were accepted or rejected in either sector. It should also be noted that, in its report, the Fleury Committee speaks of an adaptation or an exemption to indicate what we call an adjustment. These three notions can be regarded as synonymous.
13. According to a SOM survey conducted in September and October 2007 on behalf of *Le Soleil* and *La Presse.* See "Les Québécois rejettent tous les accommodements. Les données du sondage" in *Cyberpresse*, October 9, 2007.

However, these stances, which were formulated in a moderate manner, were somewhat swamped in public debate, largely dominated by Quebecers of French-Canadian origin. That being the case, a clear majority in the 10 focus groups comprising immigrants and members of the ethnic minorities, especially Muslims, that we questioned supported harmonization practices, which they perceive as a means of integration.[14]

The main feedback from the crisis came from Quebecers of French-Canadian origin. It is difficult to accurately quantify in this group the opponents and proponents of accommodation, but it does seem that the former were more numerous than the latter. This is what emerges from letters and comments in the media, our focus groups both in Montréal and in the regions and, once again, data from the surveys, as we saw. However, a reservation is necessary. According to our observations, many Quebecers of French-Canadian origin were critical of accommodation but conditionally so, without truly rejecting the principle of it ("I'd agree if …").

There is also a good proportion of individuals in this group (nearly one-third, according to the SOM survey) that expressed unreserved support for accommodation and emphasized that it is necessary in a democratic society. It is these individuals, among others, who criticized the media, accusing them of distorting the facts.

We will now analyse the negative reactions of Quebecers of French-Canadian origin because it is this milieu that was the most closely linked to the crisis as such. It should be noted at this stage that our objective is not to explain the motivation for these reactions, which is the subject of Chapter IX, but instead to briefly state several reasons for anxiety, malaise and discontent. Let us point out right away a limitation of this analysis: it does not allow us to assess either the weight or the influence of the expressions of rejection that we noted. We must, therefore, bear in mind that, among the statements reproduced opposite, a number of them were formulated by a **minority of individuals.** Let us also bear in mind that statements are not attributable to French-Canadian Quebecers alone.

1. The wave of accommodation is out of control, due to a large extent to the corrosive impact of the charters (the tyranny of the courts, excessive judicialization, and alienation of the individual).

2. Accommodation is a one-way process. It is always the immigrants, who are regarded as the main requesters, who win. It is impossible to say No to them on pain of stigmatization (accusation of xenophobia and racism). "It's always the French-Canadians who knuckle under" (a frequently heard remark). "We have to grovel in our own society."[15]

3. These immigrant requesters are relentless and intolerant. They are too sure of themselves, intransigent and refuse compromise, which is contrary to our culture. "The wearing of the headscarf is a sign of arrogance."[16]

4. They refuse to integrate, reject our society's rules and thus break the implicit pact with the host society (mutual trust, interculturalism, reciprocity, and so on).

5. In so doing, immigrants are endangering Québec's French-language culture. They are calling into question its Christian foundations: "If we lose our Christian traditions, we'll disappear."[17]

6. By rejecting Québec culture, those who request accommodation show that they do not feel concerned by the situation or the fate of French-speaking Québec and by the constant battles that it must wage for its survival. In other words, they are not interested in the French-Canadian collective memory and seem indifferent to the national struggle. "They are denying the French-Canadian We."[18]

14. A Léger Marketing survey conducted in December 2006 and January 2007 on behalf of *Le Journal de Montréal*, TVA and 98.5 FM reported a fairly narrow gap between the attitude of Quebecers overall to accommodation and that of the members of the cultural communities (83% and 74%, respectively). However, we will not take into account this finding here because of methodological flaws in the survey (it was conducted on the Internet, which casts doubt on the representativeness of the sample; the question was ambiguously worded; and the sub-groups surveyed were not precisely defined.

15. A participant at the Gatineau forum held on September 10, 2007.

16. A female participant in a focus group.

17. A participant in the Saint-Georges-de-Beauce forum held on November 1, 2007.

18. Testimony at the Gatineau hearings on September 11, 2007.

7. Because of their traditional or archaic religions, they risk compromising what is most valuable in the legacy of the Quiet Revolution, i.e. *a*) the French language, threatened by the wave of non-francophone immigrants; *b*) the principle of gender equality, won at great cost, which clashes with basically patriarchal customs; and *c*) secularism in our society, i.e. the confinement to the private sphere of religious practice.

8. Through seemingly trivial incidents (the YMCA, the sugarhouse, prenatal classes, and so on), our society's core values are being undermined.

9. An aggressive fundamentalism principle is inherent in the religions introduced by recent immigrants. For example, Islam adds to the principle a political conquest project inspired by hatred for the West. It wants to spread everywhere, even by means of terrorism. If the host society continues to allow itself to be intimidated, where will it all end? "We feel that what we have achieved is fragile and we're afraid of losing it."[19] "Immigrants want to impose their culture on us."[20] "No, our young daughters are not going to wear the veil."[21] "We must save our integrity as a people."[22]

10. The result of all of these infringements of Québec's values and traditions is a feeling of humiliation. The increase in the number of accommodation requests basically reflects a lack of respect and is a sign of contempt for the host society. We must, therefore, react and stand up for ourselves. French-speakers here allowed the English and the clergy to dominate them and they will not allow immigrants to do so. "Give them an inch and they'll take a mile and after that they want everything."[23] "One or two percent of the people are occupying one hundred percent of public space."[24] "We've piped down, we've had enough."[25] "My generation and I no longer want to be victims."[26] "The days when we were waterboys are over,"[27] and so on.

19. A participant in the Saint-Jérôme forum held on September 24, 2007.
20. A participant in the Gatineau forum held on September 10, 2007. We were apprised of a number of incidents to support these statements, e.g. in a region of Québec, the case of a young Muslim who married a local girl and who wanted to prohibit the consumption of alcohol at family gatherings.
21. A participant in a focus group.
22. A letter to *Le Devoir*.
23. A woman interviewed in a bingo hall by Radio-Canada.
24. A participant in the Trois-Rivières forum held on October 23, 2007.
25. A participant in a focus group.
26. A brief submitted in Saint-Hyacinthe on October 15, 2007.
27. Testimony at the Laval hearings on November 14 and 15, 2007.

By rejecting reasonable accommodation, these Quebecers, like any individual or collective intervener, are obviously reacting according to their perception of the cases subject to public debate. It is in this light that we must try to understand the foregoing remarks. The question that we must ask ourselves is: To what extent do these perceptions correspond to reality? To answer it, our Commission mandated two researchers who devoted over four months to reconstituting the facts as rigorously as possible, based on a sampling of 21 cases among those that received the most extensive media coverage and contributed the most to the controversy. The researchers relied on the documentation available but, above all, they questioned the interveners and witnesses.[28]

In 6 of the 21 cases reconstituted, we did not note any obvious imbalance between the facts and perceptions. In the other 15 cases, there were significant distortions. In the latter cases, we will present an initial statement (A), what we can call the "stereotyped" version of events, which emerges from our private and public consultations overall, the analysis of e-mails[29] and the reading of numerous letters published in newspapers. In a second statement (B), we summarize the version documented in the course of our investigation. These cases are presented in chronological order (the month and year refer to the time at which the controversies erupted).

1. The Christmas tree at Montréal City Hall (November 2002)

   (A) At the request of individuals or organizations from the cultural communities, Montréal City Hall agreed to remove the Christmas tree that traditionally decorates the entrance to City Hall during the holiday season.

   (B) In 2001, the Bourque administration renamed the Christmas tree set up in Place Vauquelin adjacent to Montréal City Hall "the tree of life." The following year, the Tremblay administration abandoned the name but decided not to put up the tree to economize public funds. It subsequently changed its mind in response to protest and the tree was again set up in Place de la Dauversière. These initiatives did not respond to any request from non-Christian communities.

2. Islamic courts in Québec (May 2005)

   (A) The motion that the National Assembly of Québec adopted unanimously prevented the establishment of Islamic courts based on sharia, which would have compromised women's rights.

   (B) Pursuant to article 2639 of the *Civil Code of Québec*, adopted in 1991, religious arbitration in family law is not allowed in Québec. Some Christian, Jewish, Muslim and other believers call upon religious bodies to settle family disputes although the decisions they hand down have no legal value. However, in the realm of civil or commercial arbitration, the parties may agree on the choice of an arbitrator and the type of law (religious, national or international) used to settle the dispute. In this case, the arbitration award is enforceable. Requests related to the establishment of Islamic courts in Québec would not call into question this distinction found in the *Civil Code of Québec* and were thus formulated in a spirit of respect for the law.

3. The prayer room at the École de technologie supérieure (ÉTS) (March 2006)

   (A) The administration of the ÉTS agreed to follow up on a request from Muslim students for a permanent prayer room in the establishment, although there was a mosque nearby.

   (B) A group of Muslim students from the ÉTS filed a complaint with the Commission des droits de la personne et des droits de la jeunesse (CDPDJ), in which it requested, in particular: a) a private room devoted exclusively to prayer; b) official recognition of the Association des étudiants musulmans de l'ÉTS; c) a public apology from the ÉTS ; d) $10,000 in damages for each of the complainers (for a total of $1 million). Based on the Commission's recommendations formulated at the conclusion of its investigation, the ÉTS responded

28. Their findings are presented in the *Rapport de recherche n° 1* produced by the Commission.

29. See *Document n° 21, Rapport d'activités de la Commission.*

(and only partially) to one of these demands: the Muslim students could engage in prayer in unused classrooms and solely according to availability. The indication "secular establishment" was not modified in the admission form and pictograms prohibiting the washing of feet were not removed, again in keeping with the CDPDJ's opinion, which deemed them to be non-discriminatory.

4. The Service de police de la Ville de Montréal's pseudo-directive (November 2006)

   (A) The management of the Service de police de la Ville de Montréal (SPVM) instructed female police officers to let male colleagues intervene when questioning members of the Orthodox Jewish community because of the latter's religious rules.

   (B) The SPVM management never formulated such a "directive," which was simply a suggestion made by the author of a cultural factsheet that presented a case simulation in an internal SPVM magazine. The Fraternité des policiers et des policières de Montréal publicly denounced this suggestion made by one of its members. The Hasidic community had not made such a request.

5. Frosted windows at the YMCA on avenue du Parc (November 2006)

   (A) Because of the duty of accommodation, the management of the YMCA was obliged to acquiesce to the demand from Orthodox Jews to change the gymnasium windows to prevent young Jews in the area from seeing women in training sweat suits.

   (B) Between 1994 and 1995, the old YMCA building was demolished and rebuilt. Four big new windows overlooked the synagogue of the Yetev Lev congregation, which asked the management of the YMCA to cover the view offered by the four new windows. The YMCA management decided to install blinds, for which the congregation paid, a solution that satisfied both parties (the public was unaware of the affair). In December 2005, the now defective blinds had become unusable. Between December 2005 and March 2006, the congregation phoned five times to find out about the situation. The YMCA management conducted an informal consultation to assess possible alternatives. Certain female clients or staff members supported the installation of frosted glass because of the discomfort they felt at being seen from the outside. The frosted windows would also be safer for young children. The YMCA management opted for frosted windows, which were installed in March 2006 and paid for by the Jewish congregation. Thus, in the absence of any discrimination, the solution was not a form of reasonable accommodation but an informal agreement. The YMCA was under no obligation to grant the request. During the weeks and months that followed, the management received only five complaints from the clientele. In September 2006, two users circulated a petition containing roughly 250 names demanding that non-frosted windows be reinstalled. The management ultimately acted upon the petition.

6. Prenatal classes at the CLSC de Parc-Extension (November 2006)

   (A) Men who accompanied their spouses at prenatal classes given at the CLSC de Parc-Extension were excluded from the classes at the request of Muslim women who were annoyed by their presence.

   (B) During the day, the CLSC de Parc-Extension organizes support and information meetings adapted to the clientele in the neighbourhood, which is very poor and made up, above all, of immigrants (the topic of prenatal care is broached at the meetings). It is immigrant women, above all, who use this service, but men are not excluded from it. Prenatal classes for expectant mothers and their spouses are offered in the evening in the other two local community service centres affiliated with the Centre de santé et de services sociaux (CSSS) de la Montagne.

7. Home health care (December 2006)

   (A) Because of the Shabbat, nurses from the CLSC Thérèse-de-Blainville must, as a special case, provide home health care for patients from the Hasidic Jewish community in Boisbriand. They must also submit to a specific dress code to intervene in this community.

   (B) The CLSC Thérèse-de-Blainville takes certain initiatives to the benefit of the Boisbriand Jewish community as it occasionally does to the benefit of other clienteles. These measures are of a very marginal nature: the Hasidic community represents 1.7% of the population that the local community service centre serves, while home health care interventions in this community account for 0.1% of the total number of such interventions. To be accepted, such interventions must be medically prescribed. Male and female nurses from the CLSC Thérèse-de-Blainville are not subject to any specific dress code. The local community service centre, which says that it has maintained for several years very good relations with the Hasidic community, has already rejected several adjustment requests.

8. Exemption from school music classes (January 2007)

   (A) At the request of Muslim parents, certain school administrations in the Commission scolaire Marguerite-Bourgeoys agreed to exempt students from a compulsory music class, which was contrary to provisions in the academic conditions imposed by the ministère de l'Éducation. The parents believed that the class infringed the precepts of their religion.

   (B) In certain schools in the Commission scolaire Marguerite-Bourgeoys, the music class is not compulsory. Muslim students who do not wish to take it may choose another class, as other students do for various reasons. When the class is compulsory, the school board asks students to do research on a composer rather than practising an instrument.

9. The directive issued by the Société de l'assurance automobile du Québec (February 2007)

   (A) The management of the Société de l'assurance automobile du Québec (SAAQ) ordered its female driving examiners to relinquish their place to a male colleague when Orthodox Jews take their driving test.

   (B) An SAAQ "accommodation guide" indicates the internal directives concerning the "exemption from the wearing of headgear for religious or medical reasons when a photograph is taken." This guide also provides an example of accommodation related to the driving test, i.e. the case of a female Muslim client who wishes to take the practical test with a female driving examiner. The guide explains that the SAAQ can respond to such requests "if a female driving examiner is available at the time." Otherwise, "an accommodation appointment may be granted at a later date since the centre is not required to reschedule other clients or to disrupt the test schedule to acquiesce *immediately* to such a request when it is not possible to do so." The guide also specifies that "reasonable accommodation does not, therefore, apply when the request contradicts another right, e.g. the right to gender equality, the infringement of public order, or the safety of the premises and individuals."

10. The wearing of the hidjab (or headscarf) at a soccer game (February 2007)

    (A) Contrary to the regulation of which she had been properly informed, a young female soccer player wanted to wear the Muslim headscarf during an official match. The referee therefore expelled her.

    (B) The young player wearing the headscarf participated in two matches in conjunction with the Tournoi national ARS (Association Régionale de Soccer) de Laval. The next day, a referee informed her that she could not wear her headscarf during a game. The trainer opposed this decision and withdrew his team from the tournament. In

a show of solidarity, four other teams from the Ottawa area also withdrew. The positions adopted by the Canadian Soccer Association (CSA) and the provincial federations concerning authorized or prohibited items of equipment are not consistent. The Fédération de soccer du Québec explicitly prohibits the wearing of the hidjab, although the CSA, the Ontario Soccer Association and the British Columbia Soccer Association tolerate it. The official regulation of the Fédération internationale de Football Association does not explicitly, specifically prohibit the wearing of the headscarf, although the headscarf is not one of the items of standard equipment. Players wearing the hidjab participated in the Asian Games held in Dubai in December 2006.

11. The Mont-Saint-Grégoire sugarhouse (March 2007)

(A) Muslims arrived one morning at the sugarhouse, which can accommodate 750 people, and demanded that the menu be altered to conform to their religious standard. All of the other customers were therefore obliged at noon that day to consume pea soup without ham and pork-free pork and beans (this prohibition was apparently subsequently extended to other sugarhouses). In the afternoon, the same Muslims entered the crowded dance hall and interrupted the festivities under way (music and dancing) to recite their prayers. The customers in the dance hall were expelled from the sugarhouse.

(B) One week before the outing, a representative of Astrolabe, a Muslim association, met with the sugarhouse's owners to discuss certain changes to the menu, which would apply solely to the members of the group. The modified menu excluded pork meat but included halal sausage and salami provided and paid for by Astrolabe. This arrangement having been made, the association reserved one of the four dining rooms in the sugarhouse for its exclusive use. On the appointed day, after the meal, members of the group moved several tables and chairs in the room reserved for them for a short prayer. The management of the sugarhouse wanted to free up the room as quickly as possible (business was brisk and nearly 300 customers were waiting to be seated) and proposed to the 40 or so individuals who wished to pray that they use instead the dance hall, which can accommodate roughly 650 people. Thirty or so customers were then in the room, some of them waiting to be seated in the dining room. Several young girls were dancing to popular music. The management of the sugarhouse interrupted the music so that the Muslim customers could say their prayers, which took less than 10 minutes. The music then resumed. According to the management, no one was expelled from or asked to leave the dance hall.

12. The Chief Electoral Officer of Québec (March 2007)

(A) One week before the provincial election in March 2007, the Chief Electoral Officer of Québec announced that he had taken the initiative to allow women to wear a burka* or a niqab* when they voted, in response to requests from the Muslim community. He quickly reversed his decision in light of popular discontent, despite which the Chief Electoral Officer of Canada also announced several weeks later that he was authorizing veiled women to vote.

(B) In conjunction with training given to polling station staff, a representative of the Chief Electoral Officer of Québec noted that the identification procedure as stipulated in the Québec *Election Act* does not prohibit veiled women from voting. However, they must follow the usual procedure at the table where the voters' identity is verified, i.e. a sworn declaration and the presentation of two documents or be accompanied by someone who can attest to their identity. This routine "reminder," which did not respond to any request from the Muslim community, did not constitute an amendment to the *Election Act*. A Montréal daily made a news item out of it several days before the provincial election, which sparked a spirited controversy during which some media encouraged the public to vote with their faces masked. To ensure that the election proceeded in a serene manner, the Chief Electoral Officer invoked his exceptional powers stipulated in the legislation and

amended the *Election Act.* All voters would from then on have to reveal their faces when they voted. However, this amendment was only temporary since it is incumbent upon lawmakers (or elected representatives) to clarify once and for all the statute, which does not explicitly prohibit individuals wearing a veil from voting.[30] The March 26 election took place without incident.

13. The wearing of a headscarf at a tae kwon do tournament (April 2007)

    (A) A Muslim women's team was expelled from a tournament, under circumstances similar to those that prevailed at the soccer tournament mentioned earlier. The very prompt arrival of the media roughly 15 minutes later suggests a planned provocation.

    (B) Immediately prior to the beginning of the tournament, when the participants had just finished warming up, the trainer of five girls wearing headscarves was informed that the players would not be allowed to participate in the competition. Before he handed down a decision, the president of the Fédération québécoise de taekwondo (FQT) had, that same morning, convened a meeting of the tournament committee and the officials' committee. The tournament organizer proposed making an exception on that one occasion but in vain. The president of the FQT invoked article 4.2.2 of the World Tae Kwon Do Federation (WTF), which prohibits the wearing of any accessory on the head besides a protective helmet. The Centre communautaire musulman de Montréal promptly alerted the media, which quickly arrived on site. The girls expelled pointed out that they had already participated in several competitions approved by the FQT, including the previous year's tournament at which the wearing of headscarves was tolerated. Several days after the incident, the International Taekwondo Federation (ITF), a rival of the WTF, asserted that it would temporarily allow the wearing of headscarves at the world championship organized in Québec City in late May 2007. It also announced that it would create an *ad hoc* committee to examine the question.

14. Certified kosher food (May 2007)

    (A) Many firms in the food sector secretly alter their recipes and invest heavily to bring their products into line with the norms of the Orthodox Jewish religion. The result is a significant price increase that consumers absorb without realizing it. In Québec, the increase is on the order of several tens of millions of dollars a year, perhaps even more. In several instances, the companies and the rabbis share the revenues.

    (B) There is no authoritative, comprehensive study on the topic. However, we do have testimony and partial but reliable glimpses of the situation that clearly establish that: *a*) the interest that companies display in kosher certification reflects marketing strategies that cover part of the United States; *b*) the additional costs that consumers must assume are negligible; *c*) the requirements stemming from certification can lead businesses to modify certain production procedures, e.g. additional washing, but not to alter the composition of their products; and *d*) rabbis do not profit from certification.

15. The elevators at the Jewish General Hospital (June 2007)

    (A) On the Shabbat, all elevators are programmed to stop at each floor to accommodate Orthodox Jews whose religion prohibits them from operating any electrical device on that day, otherwise they must take the stairs, which some patients, elderly individuals and others are incapable of doing. This measure considerably indisposes other patients or visitors who use the elevators.

    (B) One or two elevators in the entire hospital are programmed to stop at each floor during the Shabbat. The vast majority of the elevators in this establishment operate normally throughout the week and patients and visitors are in no way inconvenienced.

As the findings presented earlier reveal, in 15 cases or affairs there were striking discrepancies between the version documented during our investigation and the "stereotyped" version of events. Moreover, we have noted that 13 of these 15 cases arose during the period of turmoil, i.e. between March 2006 and June 2007).

30. Legislators clarified the Act in this regard several months later. Adopted on December 4, 2007, the amendments to the *Act respecting elections and referendums in municipalities* (R.S.Q., c. E-2.2), the *Act respecting school elections* (R.S.Q., c. E-2.3) and the *Election Act* (R.S.Q., c. E-3.3) now compel all voters to vote and establish their identity with their faces uncovered, almost without exception, in particular for reasons of physical health.

D THE FABRICATION OF PERCEPTIONS

Let us state from the outset that disagreement on the basics explains part of the hostile reaction to accommodation and adjustments. Some Quebecers have a specific perception of what intercultural relations should be and of how to manage diversity, especially religious diversity. However, the opinions that we discussed at the beginning of this chapter are obviously also fuelled by the stereotyped version of events. It would be a difficult investigation, which really has no place here, to subtly reconstitute the process by which such opinions are formed. Two sources are nonetheless readily apparent. First, there is the well-known phenomenon of the rumour, i.e. everyday rumours, rumours in the workplace, the home, cafés, restaurants, convenience stores and other sociable meeting places, not to mention new forms of and vehicles for rumours, which are disseminated and developed by the Internet, open-line radio programs, and so on. It would be a mistake to overlook these channels or mechanisms of distortion and invention.[31] However, in the absence of documentation on the topic, we will not pursue the matter.

THE MEDIA

The media are the other key factor in shaping opinions. Throughout our private and public consultations, the media were constantly blamed for giving in to sensationalism, exaggerating, distorting and selecting, displaying a lack of responsibility by sowing discord, emphasizing stereotypes, kindling emotionalism, widening the gap between Them and Us, and encouraging xenophobia. This criticism of the media appeared in many briefs and in extensive testimony and comments during the forums. The Léger Marketing survey conducted on behalf of *The Gazette* in August 2007 also revealed that 55% of the Quebecers surveyed believed that the media reacted excessively to requests from religious minorities. The same survey also showed that, according to nearly 60% of the respondents, the media should display greater responsibility.[32]

Several representatives of the Montréal media (over 15 according to a cursory list) formulated criticism that was no less harsh. Here are some excerpts: "the basic rules of the trade have not always been respected," "our profession has talked a lot of crap," "the media deserved to be blamed," "they turned what was no more than a scratch into an open wound," they "were an incredible disinformation machine," they "made a hell of a racket." Other journalists spoke of "spurious articles," of "media irresponsibility," of a "tremendous lack of rigour," of an "accommodation hunt," of "a crisis fabricated from start to finish by the media," of "alarmist media coverage," of "the media terribly adrift," of "trivial isolated incidents blown all out of proportion," of "a distorted image of Quebecers' attitudes," and so on.[33] Let us add, too, editorialists' criticisms of the media.[34]

This very frank and, by and large, welcome criticism does, however, require some qualification. We are relying here on our own observations, although a more rigorous examination would reveal notable diversity in the work of reporters and columnists and within the latter group. We must also distinguish between the print and electronic media, radio and television, the types of programs, and other factors in order to clearly show that beyond the outbursts, some people in the media nonetheless did their work very properly.[35] Moreover, the media are obviously not the only source of stereotyped versions since, in various cases, these versions differ from what was originally reported in the print or electronic media.

As we noted earlier, the public is not entirely passive with respect to the content disseminated by the media. We observed that, in many cases, it adopts a critical stance toward the media and endeavours to consider all facets of the question.

31. During our investigation, we learned of astonishing cases, which proved upon investigation to be fictitious. Some examples are the permission granted prisoners to wear the kirpan in Québec penitentiaries, and a Muslim citizen who, while speaking before a committee of the National Assembly, apparently had its deliberations briefly suspended in order to say his prayers.

32. *The Gazette,* September 10, 2007, page A4 and September 12, 2007, pages A1 and A4.

33. See the *Mémo n° 5* produced by the Commission for a complete list of references with the sources of these excerpts.

34. See the *Rapport de recherche n° 8* produced by the Commission (M. Potvin [2007]). Furthermore, in light of this testimony and numerous denunciations by the public, it seems astonishing that the Conseil de presse proved to be so indulgent. See the comments of its President, Raymond Corriveau, as reported in *Le Progrès de Saint-Léonard* (December 21, 2007: http://www.progresstleonard.com/article-169803-Les-medias-ontils-alimente-la-crise-des-accommodements-raisonnables.html). His stance partly resembles that of a team of researchers from the Centre d'études sur les médias de l'université Laval, whose conclusions are based on six discussion groups questioned in three regions of Québec (see *Le Devoir*, September 28, 2007, pages A1 and A10; and M. Lemieux [2007]).

35. In May 2006, for example, a Montréal daily published a series of very moderate texts on accommodation that clearly revealed the genuine issues, false conceptions and underlying questions. Television programs displayed the same concern for informing with a view to encouraging citizen debate.

THE HÉROUXVILLE BUBBLE

It remains for us to say a word about Hérouxville and its "life standards." Once again, researchers will undoubtedly want to look into this astonishing inflation by the media that received virtually world-wide attention of an initiative in a town in the Mauricie region. We wish to mention it here above all to impugn the representation that would make of Hérouxville a sort of microcosm or mirror of rural Québec, in short, an embodiment of its denizens. The demonstration is simple. The authors of the "life standards" wanted all Québec municipalities to adopt them and even submitted to the leader of the government a request for this purpose. Rural Québec comprises 763 municipalities of the size of Hérouxville, i.e. between 1000 and 1500 inhabitants. How many of them followed suit? Five, all of them in the vicinity of Hérouxville.[36] Is not this fact, which is in keeping with the statistical reports produced on the contents of remarks made at our forums,[37] revelatory of the true mindset of rural Québec?

Let us conclude with three remarks. First, it is important to point out that the public, by expressing its discontent with accommodation, often chose the wrong target. Indeed, immigrants and members of the ethnic minorities had nothing to do with several affairs (the Christmas tree at City Hall, the pseudo-directive from the Service de police de la Ville de Montréal, voting by veiled women, and so on) and they were unfairly blamed in several other affairs (the sugarhouse, prenatal classes, kosher food and home health care). Let us add that in some instances, the willingness of some managers or officials to accommodate verged on laxism. The granting of a prayer room reserved for one person in already crowded government offices, the windows of a swimming pool blocked by tables in a school, and Luck Mervil's "dinner" on TV5 where an imam made his participation conditional on there being no wine served (which was accepted) come to mind.

Second, we must ask ourselves what form debate on accommodation would have taken and how the public (French-speakers, in particular) would have reacted had they been exposed to the documented version of events instead of the stereotyped version. The most plausible hypothesis is that the accommodation crisis would not have happened. We would, of course, have observed difficulties and serious problems with respect to these harmonization practices, in particular a number of complex legal problems along with ethical questions, jolts in the long, difficult process of learning diversity during the transition to pluralism.* But a crisis?

The main reason that we are adopting this hypothesis is that the junction would surely not have been so easily achieved between the outbursts in discourse on accommodation and what happened simultaneously at the societal* level, e.g. anxiety over identity, questioning on integration, the search for reference points, the decline of Catholicism, the destabilization stemming from globalization, uncertainty about the French language, and so on. Of course, the question of the erub, the kirpan, the Muslim headscarf and the sukkah would still have arisen but who would have thought that these affairs and several other affairs alone would turn into a psychodrama? It is the combination of problems inherent in both threads, favoured by media excesses, that tipped the balance.

36. Saint-Roch-de-Mékinac, Trois-Rives, Grandes-Piles, Lac-aux-Sables and Saint-Adelphe.

37. These data, it will be remembered, suggest the absence of a rift between Montréal and the regions.

A question, therefore, arises: was the establishment of our Commission necessary? Here is our response. If the current situation had prevailed in January or in February 2007, probably not. Properly funded study groups, rapid, rigorous consultations, and public intervention by leaders in different milieus would undoubtedly have sufficed. However, given the state of crisis in which public opinion found itself at the time, we believe that the government's initiative was warranted. Besides, it is certain that the lull that has occurred over the past year is due, by and large, to our Commission's investigation: Quebecers expressed themselves, managers and union leaders gave their diagnosis, which allowed them to set the record straight, and the media themselves altered the tenor of their reporting. One can believe that conditions are now favourable to more rigorous reflection.

We noted the relative absence of the intellectual class in general in this public debate, above all in 2006 and the first months of 2007. Let us say that not all intellectuals threw themselves into the battle, except perhaps on the side of opponents to accommodation. We can deplore it, since vigorous action would have helped rectify often deficient media coverage and disseminate accurate information that was sorely lacking. Things changed in the fall of 2007 during our public consultations. Several specialists were regularly invited at that time to speak to the print and electronic media.

CHAPTER IV

THE STATE OF HARMONIZATION PRACTICES IN PUBLIC INSTITUTIONS

INTRODUCTION

This chapter briefly takes stock of harmonization practices (or accommodation practices in the very broad sense) such as we were able to reconstitute them in the course of our investigation and in light of other contributions, including research conducted by the Fleury Committee. It is intended to answer the following question: What is the current situation in public institutions? To this end, we will illustrate by means of examples the requests that managers are now receiving, how such requests are being handled, the responses that they elicit, and the problems that they raise.

This process corresponds to the part of our mandate that asked us to carefully **take stock of accommodation practices related to cultural differences.** We have drawn four key conclusions: *a)* reasonable accommodation requests in the strict sense are very rare in relation to requests for concerted adjustment; *b)* adjustment requests are highly varied; *c)* this disparity may give the impression that requests are numerous, although in reality **they are relatively rare**; and *d)* **this situation is under control**.

At the outset, we will concentrate our analysis on the education and health care sectors. It should be noted that most requests from these two sectors have not been brought before the courts or the Commission des droits de la personne et des droits de la jeunesse (CDPDJ). In this instance, we are dealing with adjustment requests in the form of **concerted adjustments**. To conclude, we will examine the question of leave requests for religious holidays in the public and private sectors.

It would perhaps have been desirable to broaden the scope of our study to include the public service as such, parapublic bodies such as Hydro-Québec and the Caisse de dépôt et placement du Québec, the courts, police forces, social services, the municipalities, private-sector enterprises, and so on. We did not do so because we would have had to considerably expand our mandate and invest substantial resources without deriving an equivalent benefit. Our main objective was to show how accommodation or adjustment requests arise and are concretely negotiated. The review that we are proposing is quite sufficient. Moreover, it was relevant to give priority to the education and health care sectors since they account for the biggest concentration of cases or affairs (as described in Chapter II) that have occurred in Québec public institutions. This is also where we find the cases that received the most extensive media coverage, e.g. the kirpan. As the reader will see, we have nonetheless frequently ventured beyond the education and health care sectors.[1]

1. See the final part of this chapter devoted to religious holidays, the meticulous reconstitution of the 21 cases that received the most extensive media coverage, the list in Chapter II, the analysis in Chapter III, and so on.

A HARMONIZATION PRACTICES IN THE SCHOOLS[2]

For the purpose of our discussion, we will rely on the category grid elaborated by the Fleury Committee, and will simplify it for our presentation.[3] In this and subsequent parts, we will adopt the same approach, i.e. a review of the main requests and the manner in which they were handled, an examination of initiatives (original processes, the elaboration of tools, and so on), the underlying philosophy, an assessment of the situation, difficulties, uncertainties and unresolved questions and, to conclude, a presentation of the wishes of and requests formulated by managers or front-line interveners such as teachers and caregivers.

1. **Requests related to linguistic diversity** (16% of the total, according to the Fleury Committee[4])

These requests concern the language of communication with the parents (the possibility of using a language other than French or English in the French-speaking sector and the English-speaking sector, respectively). In other cases, a student whose mastery of French is limited needs extra time to take an exam. In a childcare centre in Saint-Hyacinthe, French-speaking children asked to learn Spanish in order to facilitate their relations with Spanish-speaking children attending the same facility. In Québec City, grade 1 teachers and students agreed to mobilize to ensure that a unilingual Hungarian girl whose family had just immigrated successfully completed her school year (which she did). In Abitibi, Algonquin (Anishnabe) and Inuit students are taught in English, because that is the language in which they traditionally communicate with the outside.

Managers are highly receptive to such requests, which are handled smoothly.

2. **Requests related to religious diversity** (78.2% of the total, according to the Fleury Committee)

First, a remark is in order on our method. The examples given in the following sections are drawn from our investigation in the field and **thus do not necessarily reflect the proportion of requests from each religious group.** Besides, this type of statistic is very hard to compile, as we will see later. The reader must, therefore, bear in mind that requests come from a wide range of groups.[5]

We inventoried 10 or so types of requests stemming from religious beliefs or prohibitions. Some of the requests concern leave to celebrate important religious holidays. Responses vary from one school to the next. There are neither norms nor consistent guidelines (a term frequently used by teachers and managers). Other requests centre on appropriate attire. Once again, the wearing of the headscarf and the kirpan (under the clothing), for example, does not cause a problem in certain schools while in others it raises suspicion. The wearing of the headscarf, in particular, is sometimes discouraged if not virtually (but unofficially) prohibited. Requests that would lead to the modification of the program of study and that infringe the *Education Act* are always rejected, e.g., the withdrawal from the reading program of certain books, absence from sex education classes or classes where religions other than that of the requester are discussed, and the refusal to dissect animals in a biology class. Infractions of program organization are also proscribed, although we know that some students skip certain classes without authorization.

Teaching staff endeavour to counterbalance these refusals by explaining to the parents the content and purposes of the courses or by very prudently dealing with certain topics in class. Adjustments may be made in some instances. Halloween activities, when they are incorporated into school activities such as drawing, crafts, and so on, can focus on themes that do not shock anyone and conform to educational objectives. Music or choral teachers can adapt the choice of works performed, and so on. Other situations are more complex. Thus, when dances are organized during the school day, should Muslim students who refuse to touch students of the opposite sex be exempted from them? Or, can students, for similar reasons, be exempted from school activities that take place outside the school, e.g. fall or winter camps that compel students to spend a night outside the home?

There is also the case of boys and girls who refused to go swimming during Ramadan fasting for fear of swallowing water. In response to their request, other sports activities were proposed. Again out of respect for Ramadan, a male nursing student refused to simulate a medical intervention on a female dummy (he perceived a sexual connotation in these gestures). An imam consulted in this regard released him from this prohibition. Students who are Jehovah's Witnesses refused to handle blood in

2. This part focuses more specifically on elementary and secondary schools.
3. See B. Fleury (2007, pages 23-24 and 78-80).
4. The Fleury Committee conducted a sweeping survey by means of a questionnaire addressed to all public and private schools in Québec.
5. See, for example, B. Fleury (2007, pages 23-24).

laboratories. Muslim girls refused to go swimming immediately after the boys' swimming class, arguing that the latter had tainted the water. They wanted the pool to be emptied and refilled. The school administration did not directly reject the request but instead stated that it could not respond to it because the municipality was responsible for managing the pool (which was true). Every morning, when a Muslim student in a private school in the northern part of Montréal entered his classroom he went to the bookcase and removed the Koran and placed it on top of the bookcase. In his mind, the sacred book could not be placed with the others. The teacher put the book back and explained to the student why the Koran could not be granted special status. In the end, the child understood and accepted the explanation. Elsewhere, other students had adopted the same habit. The Koran had to be placed out of reach of the impure, i.e. in this instance, the uncircumcised. Most of these requests were rejected.

Compromises were reached in other similar cases that called into question the school's rules. Adolescent girls who refuse to wear shorts in phys ed classes wear a looser garment. However, we also learned of cases where phys ed classes for girls only were given in the evening. In swimming classes, girls who refuse to be exposed to boys wear a modified swimming suit.[6] In drawing classes, children frequently dwell on rather macabre themes at Halloween. Students who are Jehovah's Witnesses, whose religion prevents them from doing so, are simply asked to draw something else (as one teacher noted, "After all, the purpose of the class is to learn to draw"). A female student at the Polyvalente Saint-Laurent refused for religious reasons to come to class wearing a T-shirt in order to be vaccinated. At her teacher's suggestion, she wore a blouse over the T-shirt and removed it when she was vaccinated.

It is the relationship between teachers and parents that occasionally demands adjustments. For example, some fathers do not willingly speak to female teachers. Numerous requests are made to postpone exams. Some students want to change meal times during outdoor activities. Children weakened by Ramadan fasting request that their tasks be reorganized. The latter three requests are accepted insofar as is possible.

Requests pertaining to devotional activities in the schools are handled fairly consistently from one school to the next. Prayer rooms permanently assigned to a religious group are not authorized, nor is the washing of feet in sinks. Almost without exception, school officials do not grant a room to students who are observing Ramadan and ask to be assigned a room away from their classmates eating lunch.

3. **Requests related to ethnocultural diversity** (1.9% of the total, according to the Fleury Committee)

Teachers receive requests to introduce into courses cultural content that is specific to ethnic minorities. Other requests call into question school activities that conflict with family customs. Requests are also made for exemptions from classes or holidays to participate in family celebrations.[7]

Once again, the foregoing overview is not an inventory but does give a good idea of the type of situations that teachers and managers are facing, which was our objective. On the other hand, it can give the false impression that harmonization practices abound in the educational milieu. On this point, we must always bear in mind that the Greater Montréal area alone has a thousand schools serving nearly 1 million students.[8] In other words, **if 1% of the students were to request an adjustment each year it would bring the annual total to 10 000 requests, a figure that surpasses by far the broadest estimates.** In actual fact, our overview reveals, above all, the great diversity of situations and the requests stemming from them.[9] Finally, let us remember that the acceptance of requests is always subject to the criterion of undue hardship (see Chapter III).

THE HANDLING OF REQUESTS

First, let us make a general remark. For several years, the management of requests is an area for action that has developed rapidly through numerous original, effective initiatives, but the movement is neither structured nor unified. A number of schools and school boards have defined their orientations and methods

6. A so-called "Islamic" bathing suit exists for girls, which Muslims appear to accept, either a loose leotard or suit that covers the entire body. Moreover, it should be noted that religion does not always motivate this type of request. During our visit to Bonaventure in October 2007, we learned of a similar request from seniors who, out of a sense of modesty, wished to engage discreetly in aquafitness activities.
7. According to the Fleury Committee, these three major categories account for roughly 96% of requests while other types of requests account for the remainder.
8. Compilations based on ministère de l'Éducation, du Loisir et du Sport statistics. They are to some extent approximations since we had to convert the department's data, available only by administrative region.
9. See M. Jézéquel (2005).

based on policy statements and other training instruments. Overall, such orientations and methods occasionally seem disparate but reveal considerable vitality. We unquestionably note spectacular progress in recent years, attributable to the enlightened, ingenious efforts being made in the everyday lives of the schools and the patient, cautious initiatives being undertaken in conjunction with pluricultural trends and in respect of which we heard considerable testimony. It is important to put to good use this dimension that has scarcely been mentioned in public debate, or only very recently.

We see emerging here and there a genuine philosophy of adjustment that demands increasingly articulate processes, e.g. the notion of incorporating harmonization practices into a general **educational support approach.**[10] Essentially, this means centering the educational approach on the student's development so that adjustments become one factor among others in the entire array of factors or variables to be considered. The importance is also emphasized of the **contextual** (case-by-case) **approach,** demanded by the complexity and singularity of situations with, as a corollary, the rejection of the perspective of adopting standardized rules.

According to another predominant concern, it is advisable to respect requesters and their reasons, which assumes receptiveness to the intercultural dimension, in this instance a **reciprocal willingness to compromise** based on core values such as gender equality, freedom of conscience, fairness, secularism, and so on. A final factor that is often mentioned stems from the concern to neither alienate nor marginalize the student and to maintain him in the school's cultural life.

These premises, which are sometimes incorporated into the schools' official documents such as declarations, policies, and so on,[11] have inspired the definition of criteria to assess adjustment requests. The most frequently mentioned ones are integration (will the request lead to segregation?), reciprocity or willingness to compromise, gender equality, secularism in the schools and democratic values. The need to safeguard public order in the schools can be added in a broader perspective.

Processes have been developed to handle requests that emphasize dialogue with the requester's family and intervention by interlocutors in the community, such as imams, rabbis, pastors and other leaders. This collaboration often makes it possible to find solutions to adjustment requests.[12] Schools have set up consultation committees to foster sound relations with their community environment. Such initiatives are geared to fostering fruitful deliberation in these milieus. Managers strongly emphasize the mutual search for compromise, the conception of formulas that, while they are in keeping with educational norms, avoid rejecting outright the request and marginalizing the requester.[13] Tools have been produced to support these orientations and facilitate the task of staff and school administrations.[14]

ASSESSMENT OF THE SITUATION

What is our assessment of the educational milieu? Not all of the testimony that we heard is in agreement. Overall, managers offer a more optimistic assessment than teachers do. In the briefs submitted to our Commission, school administrations or school boards, including the Fédération des commissions scolaires du Québec, vigorously rejected the diagnosis of the crisis, asserting that things were going well or very well and that balance had been struck. This is revealed by a statistic presented by the Fleury Committee: 51.7% of requests are accepted, 21.9% are rejected and 21.9% are resolved through compromise.[15]

However, this assessment was qualified if not contradicted by other briefs and testimony from teaching staff. The fear of being swamped by the problem of adjustments was expressed on several occasions. The Fédération autonome de l'enseignement

10. As promoted, for example, by the Association professionnelle des animatrices et animateurs de vie spirituelle et d'engagement communautaire (intervention at the symposium on religious diversity in public schools held at the Université de Montréal on March 27 and 28, 2007), under the auspices of the Canada Research Chair on Education and Ethnic Relations directed by Marie McAndrew.
11. See, for example, in the Commission scolaire Marguerite-Bourgeois, the directives in *L'accommodement raisonnable* (2007) or the *Politique interculturelle de la Commission scolaire de Montréal* (2006).
12. For example, by agreeing upon certain rules or directives pertaining to the observance by young students of Ramadan, the wearing of a kirpan-shaped pendant, and so on.
13. See B. Fleury (2007, pages 26-28).
14. For example: B. Fleury (2004), M. McAndrew (1995b, 1995c) and M. Jézéquel (2007). Workshop guides and training sessions are also available; see B. Fleury (2007, pages 63-64). Similarly, let us also mention a guide prepared by R. Azdouz (2007a) for the Ville de Montréal.
15. B. Fleury (2007, page 25).

(the biggest union in the educational milieu in Montréal) claimed that a climate of uncertainty and tension reigns, that everyday work is disrupted, that there is a great need for guidelines based on basic reference points (all of the interventions converge on the latter point, and on the need to respect the schools' autonomy). "Without clear rules there is anarchy," Nicole Frascadore, President of this organization until June 2007, said during our hearings.[16] The briefs presented by the Syndicat de l'enseignement de l'Ouest de Montréal, the Centrale des syndicats du Québec, and the administration of the Commission scolaire Marguerite-Bourgeois also emphasized this problem, which is mentioned several times in the Fleury report.

A number of teachers and managers feel deprived of backing and institutional support. The testimony of participants in a focus group held in April 2007 revealed that school administrations had grudgingly accepted certain adjustment requests that they deemed all the same to be unreasonable. They acted out of fear of the media, conflicts and the courts and to avoid facing accusations of xenophobia and racism ("We're afraid to say No"). Certain interlocutors spoke in this regard of a form of intimidation. Others said that they felt powerless and overwhelmed and demanded tools and guidelines to overcome the existing vagueness and clarify decision-making. The head of a French program intended for immigrants confided that "We are perhaps on the verge of losing control of the situation."

It is difficult to accurately weigh this information and contradictory testimony. However, according to our assessment, it is certain that significant progress has been made and that there **is no crisis in adjustment practices,** no more than there is in the realm of reasonable accommodation practices. That being the case, difficulties do obtain. The report of the Fleury Committee notes from one school to the next highly diversified, indeed conflicting stances, and mentions legitimate concerns about the school's socialization mission (page 12), in particular as regards the possibility of rallying all interveners in the school around a common understanding, a guarantee of solidarity (page 15).

In everyday life, several situations pose a problem. Some students refuse to take certain courses or engage in certain activities, e.g. dancing, music and phys ed, especially swimming. The easy solution is to exempt them from the courses or activities and allow them to work in the library, take another course, or simply go home. What are the long-term consequences of these measures (inadequate training, trivialization of the rules governing program organization, exclusion, and so on)? Let us emphasize that integration is one of the outcomes of adjustment practices, as we will see in Chapter VIII.

In the educational milieu, for example, teachers in the Commission scolaire de Montréal (CSDM) also deplore significant absenteeism from swimming classes despite the compromises proposed concerning attire, even when exemptions have been rejected. Furthermore, the Fleury Committee noted that absenteeism was a fairly widespread problem. Educational outings for the purpose of socialization are another source of difficulties (some students' parents scold them when they come home).

In this context, several interveners in the educational milieu voiced, in focus groups or during interviews, the malaise or doubt that they experience with regard to adjustments, e.g. a fear of arbitrariness, the domino effect, anxiety over the transmission of the culture and values of the host society, and so on.

Difficult situations also arise in public daycare centres or childcare centres. Certain decisions give rise to controversy and lead to a calling into question of the philosophy underlying harmonization practices. For example, in several childcare centres, the ritual of Christmas is reduced to a minimum and even eliminated, in particular Santa Claus. To accommodate Jewish and Muslim children, the consumption of pork has been abolished since January 2007 in the seven daycare centres that the Commission scolaire de Montréal operates. Officials have deemed the management of exceptions to be too cumbersome.[17] In childcare centres and, more generally, in home childcare services, the Centrale des syndicats du Québec asserts in its brief that staff lack training and guidelines and are left to themselves at a time when adjustment requests are becoming more numerous.

16. See also an interview given in *Le Journal de Montréal* (June 27, 2007, page 3). On the other hand, for a much more positive overview, see the article on the Polyvalente Saint-Laurent that appeared in *La Presse* on November 12, 2007, page A2.

17. Mention was also apparently made of a health risk as pork contains sulphites, which cause allergies, but we were unable to confirm this information.

With regard to the educational milieu overall, the Fondation de la tolérance asserted at a hearing that "cultural incomprehension is rising in our schools" and that there is "a knowledge deficit on pluralism" and interethnic tensions, above all in secondary schools. The Fleury report speaks of concerns related to respect for the school's mission, school attendance, gender equality, and students' safety (pages 28-29).

SOLUTIONS CREATED IN THE EDUCATIONAL MILIEU

From the standpoint of harmonization practices, observers on all sides recommend better training for teaching staff, managers and the heads of community agencies. They feel a need for documentation adapted to different courses and programs and additional information for everyone, including the general public, which should heighten its intercultural awareness. Guidelines are needed, i.e. reference points that can be expressed in criteria that would shape decision-making while setting limits on the granting of adjustments. However, some people look unfavourably upon a procedure manual that is deemed to achieve excessive standardization and that would dictate the appropriate conduct in each case. Few interveners want a tool or catalogue like the one that the Toronto District School Board elaborated for the 600 public schools that it operates.[18] Some leeway is necessary to respect the distinctive nature of situations.

For the same reason, no one seems to want an approach to be imposed from above that would reduce the interveners' degree of autonomy. That being the case, the absence of a common frame of reference[19] that sets key directions is keenly felt ("How can we decide about prayer rooms or exemptions if we don't have a clear idea of what secularism in Québec is supposed to be?"). It is often said that reference points are lacking. In short, we need **firmness in respect of values and fundamental norms and flexibility in application.**

From the standpoint of general orientations, the Commission scolaire Marguerite-Bourgeoys suggests in the brief that it presented to us that the government legislate so that the spirit of interculturalism takes precedence over the spirit of multiculturalism in the management of adjustments. As for procedures, the Fleury Committee proposes a 10-stage approach to handling requests based on mutual respect, openness and dialogue.[20] Certain interlocutors suggested the creation in each establishment of **local harmonization committees.**

18. See Toronto District School Board (2000). The authors of the Toronto guide would likely take exception to our informants' description of it.
19. Brief presented to the Commission in Montréal by the Centrale des syndicats du Québec.
20. B. Fleury (2007, pages 37-39). See also in the same report Chapter III ("Diversity Intervention and Recognition Strategy") and Chapter IV ("Recommendations").

Our discussion is based here on the same sources as those cited earlier. However, it will be less thorough since, in this realm and in the health care sector, we do not have at our disposal a study similar to the one that the Fleury Committee produced. That being the case, as we will see, the situations are alike.

AN OVERVIEW OF REQUESTS

Let us first mention requests that are ordinarily accepted as submitted, except when a specific constraint presents an obstacle to doing so. The wearing of the Muslim headscarf appears to be authorized everywhere, although it is still rare. Students who are learning French are given more time to take their exams (several adjustments are accepted for linguistic reasons). Cafeteria menus take into account religious prohibitions. Exam schedules and certain courses are adapted to take into account religious holidays.

As for the requests that are rejected, let us mention, in particular, girls who refuse to work in a group where there are boys, separate swimming classes for boys and girls, boys who refuse to have a woman teacher, a group that wants to set up a booth to disseminate information on its religion, exemptions from phys ed classes, and changes in the content of compulsory courses, e.g. creationist groups that contest the right to teach their children the theory of evolution. However, in Sept-Îles, the school administration agreed to add in certain courses teaching on Innu spirituality, which facilitates the adaptation and integration of aboriginal students into the Cegep.

The requesters and the teachers reach a compromise in most cases. Students are exempted from certain activities or optional courses such as a back massage in a stress management course, swimming classes when the students are afraid of swallowing water during Ramadan or painting a nude model in an art class, and other activities or optional courses are programmed. In the same spirit, the headscarf is authorized under certain conditions in aeronautics courses (against the face), in woodworking (tucked into clothing), in chemistry (fireproof), and in nursing (sterile). When students refuse to dissect a pig foetus in a biology class or taste pork meat in a dietetics class, the institution is often willing to replace pork with another meat. If the students believe that they are prohibited from reading certain books, such as the *Da Vinci Code*, other books are proposed to them. If students refuse to engage in training sessions in a brewery or on a hog farm, other suitable sites are found, although some students prefer to abandon the course.

There are also more difficult cases. Requests pertaining to coeducation can give rise to conflicts, as does the wearing of the headscarf under certain circumstances. Teachers have noted intransigence (we learned of the case of a student who wished to wear a niqab in class, rejected all offers of a compromise and turned a deaf ear to several interventions by professionals, an imam and agents from the ministère de l'Éducation). Once again, our interlocutors told us: "We must learn to say No" (a teacher in a focus group). On a different note, we heard about the case of a 17-year-old female Hasidic student who was at odds with her family and attempted to register in a course to which her parents were opposed. Should the student's or the family's rights prevail?

Other sensitive situations arise from ethnocultural differences. Certain groups are deeply hostile to homosexuality. Others find it very hard to be criticized in class in front of their classmates. Pedagogy must adapt itself to these sometimes difficult situations.

AN ATTEMPT AT EVALUATION

As in the case of elementary and secondary schools, teachers and heads of services expressed their confusion:[21] they feel lost and without reference points and guidelines. On account of the considerable degree of autonomy that they enjoy, they paradoxically feel uncertain and unsupported by their institution. We have also noted disparities from one Cegep to the next. In one establishment in particular, a request was refused to modify the exam schedule during Ramadan. The same is true of class schedules on the Shabbat, almost without exception. The administration of one Cegep excuses from class students who belong to a regional hockey club, but rejects similar demands for religious reasons. Similarly, requests for permanent prayer rooms are sometimes accepted and often rejected. However, it would be unwise to conclude that there is inconsistency. The difference of contexts and the peculiarity of the situations can partly explain the disparities. A given guideline is not necessarily applied according to the same procedures.

21. In focus groups, briefs and testimony.

Broadly speaking, however, no one is talking about a crisis even if, here again, administrators propose a more positive diagnosis than the teaching staff do. The diversity of the requests mentioned above may fool people. We were told that they remain limited in number and do not constitute an excessive burden for the management of the establishments, which have acquired extensive experience in this field and are pursuing the development of tools and procedures. Several Cegeps have adopted intercultural policies, created services that are responsible for harmonization* measures or have instituted exchange, twinning and mentoring programs.

PROPOSED SOLUTIONS

As is true in elementary and secondary schools, Cegep staff feel the need for more precise guidelines and criteria to help them better handle adjustment situations. However, they distrust narrowly targeted directives and do not want a manual to be elaborated. On the other hand, they would like to have at their disposal clarifications of the foundations of harmonization practices and points of reference integrated into a broad framework. This, above all, is where some people expect a contribution from our Commission ("As for the rest, leave it up to us, we'll take care of it"). The rest is the conception of procedures and concrete criteria based on their experience in the field.

Most adjustment requests in the universities concern changes in course, exam and meeting timetables in respect of Ramadan or religious holidays. Barring a particular circumstance, such requests are usually accepted, whether the reason is religious or otherwise, such as illness or a death in the family, as are requests pertaining to attire or dietary prohibitions.[22] Deadlines for submitting course work may also be adjusted.

The prohibitions are not applied consistently. Decisions vary from one institution to the next when requests concern the establishment of student associations based on religious affiliation, the interruption of an exam to say prayers, the wearing in class of the burka, coeducation,[23] performing ablutions in restrooms[24] or the granting of permanent prayer rooms.[25] Even the temporary use of unoccupied classrooms is not authorized everywhere and the disparities are significant.

Certain requests are complex and it is hardly surprising that they receive contradictory responses. This is true of requests to establish religious student associations outside the general student association. An alternative presents itself in this instance about which it is not easy to decide. Managers usually seek to foster the integration of students into university life. This argument can be used to counter the principle of separate associations but also to support it. Indeed, a refusal can lead to the withdrawal and marginalization of minority groups. McGill University decided to encourage these associations. In the McGill Faculty of Law alone, in an average year there are roughly 15 ethnic or religious associations. However, where separate associations are authorized, they are obliged to conform to the university's values, e.g. Concordia University's regulations. According to the university managers with whom we met, things go fairly smoothly although friction sometimes arises.

22. The main prohibitions concern pork among Jews and Muslims and beef among Hindus.

23. At Concordia University, the Undergraduate Student Association allocated a room to the Muslim Student Association, whose members decided to say their daily prayers there and to install at their expense facilities to perform their ablutions. Moreover, during each session, Concordia loans the Muslim students several big adjacent classrooms for Friday prayers.

24. The Université de Montréal allows Muslim students to perform their ablutions in the restrooms and locker rooms adjacent to the room that it loans them for Friday prayers.

25. The administration's stance reflects the recommendations formulated in February 2006 by the Commission des droits de la personne et des droits de la jeunesse in the dispute between the École de technologie supérieure de Montréal and its Muslim students. The CDPDJ concluded that the ÉTS could allocate a permanent prayer room if it so desired but that it was not obliged to so do. See resolution COM-510-5.2.1 (http://www.cdpdj.qc.ca/fr/publications/docs/ETS_resolution.pdf) (page consulted on January 22, 2008). See also Chapter III.

The representatives of the Syndicat des professeurs de l'État du Québec[26] concurred with regard to French courses for immigrants. Once again, some testimony qualified or contradicted this assessment. Interveners from this milieu spoke of a lack of understanding, interethnic tensions, and a hardening of attitudes towards certain Québec values, above all gender equality.

Overall, fairly sound balance seems to have been achieved by means of formulas that can vary from one university to the next, according to traditions and the context. The requests are relatively few in number bearing in mind the growing proportion of allophone students. In any event, there are far fewer requests of this nature than those from students on their university's sports teams. The managers say that they are prepared to manage the influx of foreign students fuelled by globalization.

Essentially, we will focus here on hospitals and health and social services centres (CSSSs), including local community service centres (CLSCs), which form the core of public health care establishments in Québec. Requests mainly concern adjustments. Some of them, a minority, are related to language (the need for interpreters) or traditions. Most of the latter requests do not pose a problem and we will leave them in the background to concentrate on requests made for religious reasons.[27]

AN OVERVIEW OF REQUESTS

Let us first point out that the *Act respecting health services and social services* obliges establishments to treat patients or beneficiaries bearing in mind their specific cultural (in particular religious) traits. Adjustment requests are very diverse. Let us begin with those that have been accepted or that are very generally accepted.[28] Health care establishments take into account dietary prohibitions, e.g. menus and kosher food service areas, and, depending on availability, authorize separate rooms for men and women. Some nurses are authorized, more rarely, to wear a headscarf. The establishments allow the bed of a Muslim patient to be turned toward Mecca during the last moments of his life. In the case of Jewish patients, the establishments allow the family's request to maintain life-support equipment a bit longer[29] or to extend the body's period of repose, during which it must not be touched. When a child of Hasidic parents dies on the Shabbat, the parents are allowed to carry the body to the hospital morgue (they are prohibited from using the elevator). If conditions permit and the cases are infrequent, a nurse can give an injection in the home on the Shabbat.

However, parents are prevented from removing the body of a dead newborn child or the placenta as it is against the law to do so. For the same reason, the establishments refuse to extend for five or six hours the period of repose of deceased patients, nor do they allow a parturient individual to wear her headscarf during delivery as it is contrary to the rules of hygiene and asepsis. Similarly, the establishments reject the notion of prenatal classes

26. Brief presented to the Commission in Montréal by the Syndicat des professeurs de l'État du Québec.

27. However, a number of distressing (but exceptional) cases of intercultural friction were reported to the Commission.

28. It is important to remember that certain cases among those that follow occur in only one or a few hospitals.

29. A physician from the Montreal Jewish General Hospital told us that in such a situation a child came back to life after the physician had acquiesced at the parents' insistence.

for women alone, although there is room here for certain adjustments.[30] A woman may be accompanied by her spouse at a medical examination conducted by a male physician, provided that she answers the physician's questions. A man objected to a male stretcher carrier carrying his wife's body. He lost the case. The management of the Jewish Rehabilitation Hospital in Laval prohibited non-Jewish patients (80% of the clientele) from bringing non-kosher food into their rooms. The establishment modified its food policy at the request of the Minister of Health and Social Services.

More often than not, as is the case in the education sector, honourable compromises are found that respect the essential rules of medicine or health care, bearing in mind beneficiaries' expectations. In several hospitals, pregnant woman who ask for a female obstetrician obtain the same response: the establishment will act upon their request if possible but no guarantee can be given in this regard.[31] In other establishments, the situation is more complex and gives rise to tensions. Moreover, when an anaesthesiologist is required, the female patient's face may be covered so that she cannot see whether a man or a woman is providing care. Given that patients are captive during their hospital stay, the establishments believe that they are entitled to a prayer room but only organize one room for all faiths. Similarly, a nurse may be allowed to work in the surgery department wearing a sterilized headscarf. To accommodate practising Jews who come to the emergency department on the Shabbat, they are allowed to store food in a refrigerator reserved for them and for which they paid. For reasons of security, electric bulbs are used instead of candles around the bed of a dying person of Asian origin.

Let us conclude with a minor but complex example that says a great deal about the work of health-care personnel. A death occurred in the home of a Jewish family in which the CSSS had installed equipment, including an electric bed. The funerary rites demanded that this equipment be removed the same day, which the CSSS's supplier was not required to do. The supplier nonetheless agreed to do so but levied an additional fee, which the family paid. The matter was settled in this manner. It was sufficient to take the time to find a basis of agreement.

It is thus understandable that dialogue and a climate of trust are very important. As is true in the education sector, the requester often withdraws his request after receiving an explanation. Over time, adaptation occurs. In this regard, nurses from a Montréal CLSC noted that seven or eight years ago, Muslim parents withdrew their children from sex education classes, a practice that was abandoned after a few years. Under exceptional circumstances and on a temporary basis, it might sometimes be advisable to allow certain breaches of certain rules.

Under other circumstances, adaptations prove to be necessary. For example, the staff of the CLSC de Parc-Extension serves an underprivileged, sometimes poorly educated immigrant population in which poverty and precariousness are rife. A number of these people are unfamiliar with and rarely use the CLSC. The staff believes that it is advisable to take specific steps to remedy this situation by reaching out to these groups, encouraging community agencies to intervene and offering special services.[32] Once the families become familiar with the establishment's services, everything goes smoothly. These temporary adjustments are in keeping with the CLSC's prevention mission, which is to draw clienteles to the health care centres or, if need be, to reach out to them.

PROBLEMS AND UNCERTAINTIES

However, patience does not always suffice. Certain cases are very thorny or even appear to be insoluble. Here are some examples. In a hospital, a Jewish woman has given birth and is ready to go

30. See the case of the CLSC de Parc-Extension below.

31. It should be noted that it was women of French-Canadian origin who first requested the services of a female physician, as the authors of the brief from the Alliance des communautés culturelles pour l'égalité dans la santé et les services sociaux (ACCÉSSS) indicated.

32. This is exactly what happened in the notorious prenatal class affair (see Chapter III).

home but may not do so because it is the beginning of the Shabbat, during which the use of a motor vehicle and the handling of money are prohibited. This in turn means that the patient cannot go home, even in a taxi. The care unit is crowded and other patients are waiting. What is to be done? In another hospital that treats psychiatric patients, staff is prohibited from wearing necklaces, pendants or any other item that may jeopardize their safety. A nurse nonetheless insists on wearing her headscarf, although religious symbols can trigger a reaction in patients who are inclined to fantasize. The hospital administration does not know how to decide. Certain women who are constrained by their beliefs refuse to leave their homes during the 40 days following the birth of their child. Should serious complications arise, they cannot promptly see a physician. Overworked nursing staff cannot visit them at home but are reluctant to leave them without care (one nurse told us: "It is our duty to provide care, not to condemn").

During Ramadan, certain parents prohibit their children suffering from dental problems from brushing their teeth with toothpaste. A little girl who is diabetic may not consume sugar at snack time for the same reason. Parents object for religious reasons to an autopsy being performed on their child. A Catholic physician does not want to prescribe birth-control pills. A professional in a hospital refuses, again for religious reasons, to perform endovaginal ultrasonography. A patient in an emergency room waiting line asks to be given priority because of a time constraint stemming from his religious obligations.

Other situations concern traditions stemming both from religion and customs. This is true of Christmas, especially in care units or children's hospitals. In some instances, Christmas is clearly emphasized but so are other major religious holidays such as the end of Ramadan (Aïd el-Fitr), Passover, the Hindu and Sikh festival Diwali, Chinese New Year, and so on. This approach seems to satisfy everybody. However, we also learned of the case of an establishment where children were deprived of any celebration because of dissension among health-care personnel and between patients.[33]

Here is another example of an embarrassing situation, which this time takes the form of a paradox. In senior citizens' homes, it is assumed that female staff will provide intimate care in respect of female residents. However, the converse is not true for male residents. As a result, more women than men are hired. This is an example of the sexualisation of jobs, but one that runs counter to the usual cases.[34] A similar situation appears to arise in the gynaecology and obstetrics services of certain hospitals, where male health-care personnel is increasingly unfavourably treated because a number of women request the services of a female gynaecologist at the time of delivery.[35]

To conclude, here is a more troubling case. A pregnant woman, an immigrant from an African country, was admitted to the hospital already in labour. The obstetrician ordered a Caesarean section. The patient refused and insisted on a vaginal delivery. Her condition worsened and soon both the child's and the mother's lives were threatened, but the mother persisted. What must the physician do?

These complex situations, most of which hardly interfere with the establishments' operation, nonetheless sustain constant reflection among managers and health-care personnel. While what is at stake can often seem minimal, basic individual rights are in question and the examination of the situations raises questions that can have repercussions on a much broader scale. For this reason, these situations warrant attention.

PRINCIPLES AND KEY DIRECTIONS

Few physicians complain about the lack of guidelines. *The Act respecting health services and social services* and their professional code of conduct seem, by and large, to suffice. Their philosophy enjoins them to bring relief to the patient by providing all of the care and attention possible. Demands related to religion and the obstacles that can stem from them are but one particularity and one constraint among others, such as language, physical traits, the technical conditions surrounding the medical procedure, and so on. In this matter, to explain to what extent they had integrated this component into their practice, several physicians told us during focus groups that accommodation does not exist for them. In this context, the notion of the personalization of care and services is pivotal (the physicians also

33. For example, Jehovah's Witnesses perceive satanic references in Christmas decorations and imagery.

34. For an example of the sexualisation of jobs that benefits men, refer to the conflict that arose at the Montreal Jewish General Hospital between the hospital and the union of two female orderlies (see Chapter II).

35. The situation seems to have reached a critical point according to the directors of the Fédération des médecins spécialistes du Québec (brief submitted to the Parliamentary committee examining Bill 63 to amend the *Charter of human rights and freedoms*).

speak of "personalized intervention" or "individualization"). Everything revolves around the **patient's needs** (physical, psychosocial and spiritual) and his traits.

A number of physicians are surprised that the religious has assumed such importance in the media and Quebecers' minds: "Why this inordinate insistence?" they ask. They mention questions that strike them as infinitely more serious: the risk of dehumanizing their profession, ethical reflection on euthanasia, overcrowded services, the excessive power of pharmaceutical firms, and so on.

This pragmatic approach thus avoids pitting medical practice against the question of adjustments. Physicians point out that the definition of competence in the realm of health care integrates the duty of adjustment, that it is incorporated into professional practice, hence this comment from a physician ethicist in an English-speaking hospital participating in a focus group:* "For me, it is not a conflict between Québec and non-Québec values but a tension, like several others, between our society's inherent principles." Another factor is a good argument for the duty of adjustment in the health sector. In the physician-patient relationship, the physician is in a position of authority and the patient in a position of dependence and often of vulnerability. It is thus advisable to give the patient a chance to adapt. These factors, above all, the patient's vulnerability, no doubt explain that the acceptance rate for adjustment requests is very high in the health sector (palliative care units come to mind), undoubtedly more so than in the education sector.[36]

However, on one key point, the medical field enjoys an advantage over the education sector. Health professionals explain that adjustment situations are often handled confidentially in conjunction with the close physician-patient relationship through negotiation that remains private. In the schools, to the contrary, negotiation and its outcome is often of a public nature, which makes it more visible and exposes it more to media coverage and the risks that implies. Let us add that health professionals have lengthy experience of ethical questions related to their clinical work. Besides, it is in the hospitals that the first ethics committees appeared. For this reason, health-care personnel have longstanding experience of negotiations focusing on conflicts pertaining to values and rights. This expertise has been put to good use in the handling of intercultural questions.

To be fair, we must pay tribute to the professionals and managers in the education system and in hospitals, CLSCs and CSSSs who have made remarkable efforts with respect to harmonization practices and arbitrated cultural differences in their work environment. These efforts have led to the definition or the elaboration of principles, policies and highly articulated approaches.

On the other hand, as is true in the education sector, some professionals wondered about the long-term impact of adjustment practices ("Are we perhaps being too accommodating?", "Where do we draw the line?", "Some people do as they please without thinking about us," "We don't share the same Self," "I'm afraid of the way they may change us," and so on). We also learned of some degree of exasperation among health-care personnel, the fear of losing control of the situation and also the feeling that adjustments are being made in only one direction, that they are contributing to marginalization and the hardening of the solitudes. These comments revealed anxiety over our society's values, indeed, the foundations of its culture. A number of managers said they were sometimes caught off guard by the sweeping challenge posed by intercultural relations. Other interlocutors said they were poorly prepared and inadequately supported. Consequently, they preferred to accommodate rather than face protests and legal disputes. Here, as elsewhere, they were constantly aware of the threat of media coverage.

Thus, there are no major problems ("Accommodation, a non-problem," as one manager put it), but some anxiety and a number of questions remain.

SOME PROPOSALS

Staff in health care establishments reject the idea of a framework law, dread over-regulation and want to maintain leeway that allows for adaptation and the search for compromises. Do we grant too many adjustments? This is not the feeling that predominates. One director felt that he had to caution against possible confusion of values and the improper assessment of priorities. He told us: "To

36. According to an opinion survey conducted by the Fédération interprofessionnelle de la santé du Québec, over 90% of requests are accepted. Brief submitted to the Commission on December 12, 2007 at the Montréal hearings.

find a rat in a child's cradle in an insalubrious building is far more serious than the minor adaptations that we allow."[37]

Comments from medical staff concur with those formulated in the education sector. In both instances, our interlocutors hope that our Commission will focus on principles, the general framework and rules governing cohabitation, from which they can draw orientations, norms and general guidelines, and that other matters will be entrusted to the individuals contending with the diversity of situations. Generally speaking, these interveners are requesting access to specialized resources and to better training in intercultural conditions. They give examples of incompatibility, ignorance and what can ensue: an immigrant mother of Haitian origin who refuses the care proposed for her child suffering from dengue since she is convinced that a spell has been cast on him and that the medication will kill him; patients who, because of their perception of mental illness, refuse treatment; a father who is indignant when a male nurse inserts a urinary catheter because he believes that the nurse has compromised his young daughter's virginity; a mother who believes that her son is possessed by the Devil when he is suffering from rabies; and many other cases where the sick individuals attribute their illness to supernatural causes and neglect professional care.

Conversely, they would also like immigrants to be better informed about Québec culture and the values underpinning it.

In the preceding sections, we have taken stock of adjustment practices in the health and education sectors by confining our discussion to requests from students or their parents and from patients. We will now examine an increasingly pervasive situation in all workplaces, i.e. staff requests for leave on religious grounds.[38] This overview will once again cover the education and health care sectors but will also include private enterprises.

THE NATURE OF THE PROBLEM

The Québec labour market is changing. Many non-Christian immigrants of different ethnic origins are joining the ranks of a multi-ethnic labour force. Requests for religious holidays lead us to observe to what extent labour laws and collective agreements, especially from the standpoint of statutory holidays, reflect Québec's Catholic and Protestant heritage: Christmas, Good Friday, sometimes Easter Monday, or even Thanksgiving are all holidays associated with Christian rituals. Individuals of other faiths who have lived for a long time in Québec or newcomers also hope to have recognized the right to celebrate their own religious holidays.

Thus, requests for religious holidays are becoming increasingly frequent in different workplaces, mainly from Protestants, practising members of the Jewish community, and believers from other faiths such as Islam and Hinduism. These requests have benefited from a legal foundation and greater legitimacy because of a 1994 Supreme Court decision, to which we will return later.

That being the case, requests for religious holidays remain, all in all, few in number, but they are growing in number in all work environments, especially in Montréal. They often head the list of requests for reasonable accommodation for religious reasons, which is what several directors of labour confederations told us during the hearings.

In the education sector, the Commission scolaire de Montréal, which has over 14 000 employees, conducted in 2007 a survey involving roughly 85% of school administrations. It revealed that in 2006-2007, these establishments had received 369 requests for leave or timetable changes for religious reasons.[39] Moreover, other

37. Marc Sougavinski, during the presentation at a hearing of the brief of the CSSS de la Montagne.

38. The analysis focuses essentially on leaves of absence for annual religious holidays and does not examine requests to reorganize work schedules to engage in regular worship, e.g. a request for religious reasons to never work on Saturdays.

39. Brief produced by the Commission scolaire de Montréal (page 7).

sources revealed that, in 2007-2008, the Commission scolaire Marguerite-Bourgeoys, with 3 800 permanent employees, granted 110 leave authorizations, while the English Montreal School Board, with roughly 7 500 employees, granted 458 in 2004-2005, 559 the following year, and 278 in 2006-2007 (the decrease that year is attributable to part of the Jewish holidays falling on weekends). Under the effect of the religious diversification of our society, it is reasonable to believe that requests for religious holidays will continue to grow.

It is hard to pinpoint employers' reactions to such requests, especially in non-unionized workplaces. Between 2000 and 2006, of all of the cases closed in 2007, the Commission des droits de la personne et des droits de la jeunesse received 15 or so complaints stemming from a refusal to adapt a work schedule or to authorize leave for religious reasons. Half of the complainers were Jewish or Muslim and the other half comprised Adventists and Jehovah's Witnesses.[40] Obviously, these statistics do not allow us to present a detailed picture of accommodation requests for religious reasons.

This type of accommodation usually arouses little resistance from Québec society and in the workplace. However, it does engender discontent and indeed resentment among the employees of the French-language school boards in Montréal.[41] This feeling stems, by and large, from the adaptations that followed the 1994 Supreme Court of Canada decision and the subsequent arbitration tribunal sentence handed down in 1996 in Québec.

LEGAL REFERENCE POINTS

According to jurists, it is the Supreme Court judgment in Commission scolaire régionale de Chambly *v.* Bergevin (1994[42]) that is the most significant decision in Canadian and Québec law with regard to leaves of absence for religious reasons. In this case, three Jewish teachers asked their employer, the Commission scolaire régionale de Chambly, to grant them one day of leave to celebrate Yom Kippur. The school board offered them an accommodation, i.e. the day that they requested, but unpaid. The collective agreement already made provision for a bank of three paid personal holidays. The teachers' union contested the administration's decision in order to obtain the reimbursement of this day of leave, which ultimately brought the parties before the Supreme Court. The court decided in favour of the plaintiffs.

The Supreme Court first ruled that the employer had a duty of accommodation and that the arrangement proposed in this case was unsatisfactory. It then ruled that the provisions concerning the school calendar included in the collective agreement and which set the work schedule had a discriminatory effect for the Jewish plaintiffs. Indeed, the plaintiffs found themselves in a situation where they had to take a holiday that was not stipulated in the calendar and, consequently, was unrecognized and unpaid, to celebrate an important religious holiday. Moreover, the court ruled that the employer had offered no proof that paying the teachers absent on the day of Yom Kippur would impose on it an unreasonable financial burden comparable to an undue hardship.

According to the court, to avoid any discrimination toward these teachers, the school board should have agreed to grant one day of paid leave drawn from the bank of personal holidays already stipulated in the teachers' employment contract.

The school boards altered their practices in the wake of this judgment. The Commission des écoles catholiques de Montréal (CECM), the forerunner of the Commission scolaire de Montréal, proposed from that time on to non-Catholic employees an annual holiday with pay, which the Supreme Court imposed, but accompanied by a commitment to make up during the school year the teaching time not performed. The teachers' union successfully challenged the CECM formula before an arbitration tribunal.[43] The tribunal ruled that it was discriminatory to treat leave for religious reasons as a separate category and demand compensation calculated in work time while the collective agreement allowed for paid leave for valid reasons without making up the time. The judge

40. Commission des droits de la personne et des droits de la jeunesse (2006).

41. "Des congés qui suscitent la grogne" ("Leave that arouses discontent"), *La Presse*, January 30, 2007, page A1.

42. Commission scolaire régionale de Chambly *v.* Bergevin, [1994] 2 S.C.R. 525, June 23, 1994. Website: http://csc.lexum.umontreal.ca/fr/1994/1994rcs2-525/1994rcs2-525.html, visited on February 25, 2008.

43. Alliance des professeures et professeurs de Montréal *c.* Commission des écoles catholiques de Montréal, November 12, 1996.

deemed leave for religious reasons to be an eminently valid reason. In short, according to the tribunal, the provisions governing special leave were perfectly suited to the granting of paid religious holidays without making up the time.

Since then, the Supreme Court and arbitration tribunal judgments are regarded as definitive in all workplaces. While these decision do not demand the creation of a new category of leave in employment contracts, i.e. leave for religious observance, jurists draw from the decisions the following general principles: *a)* requests for leave for religious reasons must be accepted and accommodated unless they cause undue hardship, in which case the employer is bound to demonstrate the impact of the harm caused; *b)* employers must offer each year at least two days of paid leave on a par with the number of Christian holidays remunerated and recognized in the employment contract (Christmas, Good Friday, sometimes Easter Monday[44]); *c)* religious holidays must be paid so that there is no loss of salary; and *d)* it is legitimate and valid to use for this purpose the clauses for special leave in collective agreements, when they exist.

PROCEDURES IN THE FIELD GOVERNING ACCOMMODATION AND ADJUSTMENT

Since these judgments, what kinds of adjustments have been introduced in work environments? To our knowledge, no inventory of accommodation or adjustments of this nature exists in Québec. Moreover, they are difficult to take stock of since they are usually negotiated outside collective agreements, i.e. locally in the form of specific agreements. However, it is sufficient to consult a sampling of collective agreements to observe the array of practices in effect.[45] A cursory overview supported by exchanges with experts in the realms of labour relations, human resources and collective agreements leads us to distinguish three accommodation and adjustment models now in force.

1. Paid leave with compensation

   This appears to be the most widespread system and is embodied in an array of practices that have in common the refusal to grant any additional paid leave to individuals who request religious holidays. The holidays are granted in exchange for compensation from the employee who, for example, must, depending on the nature of the employment agreement, draw from his bank of leave days, personal holidays, floating personal holidays or statutory holidays, or undertake to make up the hours not worked. This is the type of system that prevails, generally speaking, in the Québec public administration. These practices seem to result most often from a relatively informal discussion process between the employee, the head of human resources and the employer.

2. Unpaid leave

   This system appears to be found primarily in the private sector, in particular in small and medium-sized enterprises.

3. Extra paid leave

   Under this system, employees who request leave for religious holidays benefit each year from one to four days of extra paid leave. This formula prevails above all in the school boards directly targeted by the court judgments handed down in the 1990s. In the Montréal area, the Commission scolaire de Montréal, the Commission scolaire Marguerite-Bourgeoys and the English Montreal School Board offer two to four days of paid leave for religious reasons each year. The first two school boards adopted policies outside the collective agreement and the third one concluded an agreement that is incorporated into the employment agreement. In all three instances, the requests must be submitted at the beginning of the school year in order to be authorized.

44. Beyond this number of days, the employer may also accommodate the employee but according to other criteria, e.g. by offering the employee unpaid leave days, which also applies to any request for an additional Christian holiday.

45. See, for example, C.-P. Rochon (2000).

> Why is this third accommodation system specific to the school boards? As a matter of fact, the flexible formulas that characterize the first system appear to be inapplicable in the schools. On the one hand, the rigidity of the school calendar does not allow school board employees to exchange religious holidays for vacation days simply because the schools are usually closed during the summer. On the other hand, as we have seen, the courts excluded making up work time because of the special leave clauses stipulated in the collective agreements, which paves the way to using them for reasons other than those explicitly mentioned such as a death in the family, marriage, and so on. Indeed, the court thought that the use of such special leave for religions reasons was perfectly justified.

In short, a great diversity of formulas exists in the field ranging from a refusal to grant leave to the granting of extra paid leave, not to mention cases where the employer maintains discretionary leeway to decide whether or not to grant a given employee paid leave. The formulas adopted certainly display an effort of imagination but it is uncertain that they would all pass the test of the courts, especially the Supreme Court. There remains some degree of vagueness, which explains the importance of pursing reflection on the scope of the 1994 judgment according to the types of collective agreements and work environments.

A QUESTION OF FAIRNESS

At present, it is the extra paid leave system, mainly in force in the school boards, that is arousing the most dissatisfaction. This system made the headlines in early 2007 in the midst of the media storm concerning reasonable accommodation. The CSDM, the Syndicat de l'enseignement de l'Ouest de Montréal (the SEOM, which is made up of teachers from the Commission scolaire Marguerite-Bourgeoys) and the Fédération des commissions scolaires du Québec submitted briefs to our Commission in which they mention the feeling of injustice that prevails among the members of the school staff. Indeed, a number of them perceive religious holidays as privileges to which they are not entitled.

During a hearing, the SEOM explained, in particular, that the teachers' employment agreement does not include Catholic religious holidays. Consequently, it seems unfair to offer religious holidays to the members of minorities since the other teachers cannot take advantage of the same type of holiday: "The teachers' contract is based on 200 work days and the calendar excludes these [Catholic] religious holidays and all of the other civil holidays. The teachers do not work on these statutory holidays but are not paid. This calendar applies to all of the teachers. When the employer grants paid leave for a religious holiday within the 200-day employment agreement, the leave is perceived as a privilege for the teachers who benefit from it since they will receive the same salary with fewer work days."[46]

However, it should be noted that such dissatisfaction does not appear to exist in the English Montreal School Board, despite its having an identical system. The practice of granting leave for non-Christian religious reasons is firmly established in the English-speaking community since it integrated religious difference a long time ago. The Quebec English School Boards Association also testified before the Commission to support the principle of religious holidays: "Can a student's or teacher's request to be absent for religious observance of key holidays be reconciled with values and practices shared by the majority? Our school network continues to answer 'yes' to that type of question."[47]

Be that as it may, the situation in the school boards raises difficulties that warrant reflection and debate.

POSSIBLE SOLUTIONS

In our opinion, two aspects of the question demand special attention, i.e. the absence of clear, fully understood reference points to respond to requests for leave for religious holidays and the system of extra paid leave.

First, there exists in the field an array of accommodation and adjustment procedures that reflect ignorance of the scope of the court judgments, an entirely understandable confusion concerning the practical obligations stemming from the judgments. Both to

46. Brief submitted by the Syndicat de l'enseignement de l'Ouest de Montréal (page 8).

47. Brief submitted by the Quebec English School Boards Association (page 4).

protect the right to such holidays and to clarify its scope and limits, we suggest that the Commission des droits de la personne et des droits de la jeunesse du Québec produce an opinion that establishes practical reference points for managers in all work environments: an explanation of the legal framework, the elaboration of tools to rule on requests for religious holidays and the proposal of an array of formulas adaptable to each workplace and in keeping with previous judgments. We believe that such an opinion, based on a consideration of practices in the field, would help to dispel the mistrust and, above all, the confusion that are now apparent.

As for the second aspect of the question, the granting of extra paid leave, the Fédération des commissions scolaires proposed in its brief the adoption of an amendment to the *Act respecting labour standards* that would include an even-hand rule concerning procedures for granting leave. We are not in favour of legislative intervention as it strikes us as being disproportionate. Dissatisfaction over annual religious holidays remains, by and large, confined to school board staff. We therefore believe that it is more appropriate to propose limited remedial measures.

Certain points in this respect require clarification. Can the leave program now in force in the school boards be modified to make it fairer? Only labour relations specialists and experts in the realm of accommodation can answer this question. It would be helpful if the government set up a committee of experts with a mandate to find a solution in keeping with the legal framework, after consultation with the main interveners concerned. All things considered, one hypothesis should be examined as a matter of urgency: an individual wishing to take advantage of a religious holiday in addition to his statutory holidays could repay this work time according to some formula or other. This approach has two advantages: it respects the rights of believers without infringing the rights of other workers.

Aside from their legality confirmed by the courts, we deem accommodation or adjustment practices in respect of religious holidays to be legitimate. It is desirable for such holidays to be granted but in all fairness to other employees. We believe that it is just as important, indeed, that these accommodations be designed in a spirit of fairness, justice and reciprocity. This balance must be maintained where it already exists and be implemented where it is lacking.

CONCLUSION

It should be noted that all of the adjustment or accommodation cases reported in this chapter occurred in the period prior to December 2007.[48] It is, therefore, possible that practices were interrupted or that problematical situations were resolved as we were drafting this report. Be that as it may, the preceding review requires certain clarifications and raises important questions.

1. With the exception of the section on requests pertaining to religious holidays, we have centred this chapter on accommodation and adjustment requests made by school students or their parents, Cegep and university students, patients and beneficiaries, leaving aside other requests from staff in establishments. Time was simply lacking.

2. To summarize, our analysis reveals that managers display considerable receptiveness to diversity, along with enlightened caution. The administrations of several establishments are very advanced both from the standpoint of reflection and with regard to the development of procedures. Our deliberations allow us to conclude that managers and interveners in the field fully merit the general public's trust. Furthermore, if we rely on the testimony presented before the Commission, the key problems that arise in the education and health care sectors appear to be of five orders:[49]

    - the need for a frame of reference (reference points, key directions and values);
    - the need for guidelines and concrete criteria that enlighten decision-making and protect it from arbitrariness;
    - the need for institutional support that reassures interveners and protects them from attempts at intimidation from outside the establishment;
    - the need for information and training;
    - the need to manage relations with parents, the family or the community.

3. We will return later to other adjustment requests that have caused managers no end of trouble, e.g. prayer rooms, sectoral student associations and all of the requests that call into question coeducation. We will also take stock of several other complex questions, some examples of which are indicated below.

    - Faced with a request for religious reasons, how can we determine whether the requester is being intransigent? Must we refer to orthodoxy or to sincere conviction? In other words, when and how should we say No?
    - To what extent are certain managers right in banking on acculturation,* i.e. first showing themselves to be very permissive in the hope that, over time, the main groups of requesters will adapt and accept the general norm?
    - To what extent can we bring into play the criterion of integration when assessing adjustment requests?
    - Where must the margin of flexibility that managers are demanding stop?
    - What degree of uniformity must be respected between establishments in the same sector?

4. Despite our concern not to target a particular religious group in this overview of adjustment practices, it must be acknowledged that Muslims appear frequently in it. Does this reflect certain traits or requirements of their religion, a greater cultural distance in relation to the host society, or the sign of a greater demand and less flexibility? We believe that we must beware of these entirely undocumented hypotheses. There is first, and above all, in our view, the number effect. Muslim students are numerous in public schools, much more numerous than students from other religious minorities in Québec.[50] **Thus, it is their integration that makes them more visible.** However, we must still consider in context the figures by calculating for each religious group the number of requests in relation to the number of members of these groups in the establishment considered. We must bear in

48. The Fleury report covers the period 2004-2007 but the information that we gathered during the course of our investigation through focus groups, consultations and research, spans a longer period.

49. They tally by and large with those already commented on in the Fleury report. See B. Fleury (2007, pages 31-44).

50. See *Mémo nº 1* produced by the Commission.

mind that, according to Professor Rachad Antonius from the Département de sociologie at the Université du Québec à Montréal, only 15% to 20%[51] of all Muslims can be deemed to be practising.[52]

For the rest, the great variety of adjustment situations can be misleading. As we pointed out, it is easy to confuse the range or disparity of cases and their frequency. Another important factor is that the examples that we have just reviewed concern an indeterminate period. Does it cover the past two, three, five or ten years? We do not know.

5. The latter remarks raise the general question and the difficulty of statistics concerning the topic. We must reiterate that we do not have at our disposal accurate, reliable data on the quantitative importance of adjustment requests handled in public establishments[53] (let us set aside reasonable accommodation cases related to cultural or religious reasons handled by the courts as there are too few of them). We do not have accurate reliable data on the source of demands either (by establishment, ethnic group, religion, level of education, public or private sector, and so on[54]). What we do have, above all, are limited data for an establishment or a sector of establishments that are often difficult to interpret and that must be used very cautiously because they are flawed.

   There are four limitations. First, the figures rarely relate to a common denominator (number of patients or students or reference population, number of service deliveries and medical procedures, and so on). Second, there is the important problem of under-registration (the counting of cases is incomplete), or its opposite (multiple requests from the same individual). Third, the data are not always placed in a precise chronological framework. Fourth, we are facing a serious problem of definition since the adjustments are not all of the same nature and do not have the same impact.

   Some of the cases are isolated and strictly individual and will perhaps never recur. Others involve several people, e.g. prayer rooms, the wearing of the headscarf and student associations, and are recurrent. Consequently, caution is in order here.

   That being the case, the Fleury Committee compiled a very useful statistic on the evaluation of requests in the schools, which we mentioned earlier.[55] There is certainly nothing alarming in this finding. However, beyond this statistic, we enter into the nebulous realm of conjecture. For example, it may well be that immigrants are the main group of requesters of adjustments in the education sector. Should we be surprised? These are newcomers who display cultural differences, many of whom are unfamiliar with our society and are beginning to adapt to it.

   If we return to the example of Muslims, we note that only a fraction of Muslim children (less than 5% in 2001) attend private Muslim schools. This means that the vast majority of Muslim students are in daily contact with the host society's norms. In comparison, virtually 100% of Orthodox Jewish

51. Frédéric Castel, a religiologist in the Département de sciences des religions at the Université du Québec à Montréal, suggests 15% (see "Islam. Unité dans la diversité" ["Islam: unity in diversity"], Le Devoir, April 7, 2007. See also P. Eid (2007)).

52. Personal communication, January 23, 2008. As a matter of fact, two or three sources report that requests appear to come, above all, from Jehovah's Witnesses, but these very partial (and hardly surprising) data need to be substantiated. For example, data to this effect presented in the Fleury report (B. Fleury, 2007, page 23, Table VII) are misleading. The requests in the table are broken down according to the requesters' religious affiliation. Given the manner in which the data are compiled (the number of establishments that received at least one request), the degree of geographic concentration of religious denominations in the institutions should have been taken into account. As regards the Jehovah's Witnesses, since they are distributed throughout the province, they were more likely to appear in several institutions, unlike Orthodox Jews or Sikhs, who are largely concentrated in certain Montréal institutions (see *Mémo nº 3* produced by the Commission).

53. Some of the data appear to be rigorous and are of considerable interest, but they remain partial, for example those from the Commission scolaire de Montréal (894 requests for religious reasons over the past year for 106 000 students, i.e. 0.3% of the students, an acceptance rate of 77.3%). This school board presented in its brief to our Commission very detailed data on the type of requests, the decisions reached after or without negotiation, and so on. The Fédération interprofessionnelle de la santé du Québec also conducted an extensive opinion survey among its members (see above in this chapter).

54. It should be noted that the Fleury report presents data on the religious groups that submit the requests (B. Fleury 2007, page 23, Table VII). However, this statistic must be properly understood: as we pointed out, it is based not on the number of requests but on the number of school administrations that reported receiving at least one request from one religious group or another. It does not take into account the denominator (or reference population) either and is thus a raw, incomplete measurement.

55. Here are the key findings: requests accepted, 51.7%; rejected, 21.9%; settled through compromise or otherwise, 26.4%.

children attend private schools where their environment is an extension of their family environment.[56] Let us add that, in absolute figures, as we pointed out, Muslim children make up by far the biggest minority religious group in public schools. Let us remember that in Québec, Muslim citizens of all national origins number 108 620 and are thus 13 times more numerous than Sikhs (8 220), nearly five times more numerous than Hindus (24 530), nearly four times more numerous than Jehovah's Witnesses (29 040), nearly three times more numerous than Buddhists (41 375), and so on.[57]

We must make a similar remark concerning the hospitals. If the vast majority of Orthodox Jewish patients are admitted to the Montreal Jewish General Hospital it is unlikely that they will request numerous adjustments there, unlike Muslim patients admitted to French-language institutions in the Catholic tradition. **In short, until more complete statistics are available, we must avoid linking adjustment requests to groups of immigrants. However, to the contrary, no body of data allows us either to conclude that there is no relationship between the two.**

6. Remarkable convergences emerge from this chapter. In both the education and health care sectors we have noted the same disparity of situations, the same type of approach advocated and the same kind of difficulties. The assessments made of the general situation in the sectors evince the same optimism among managers and the same fears or ambivalence among front-line interveners. There is also an astonishing similarity from the standpoint of the highlighting of shortcomings, the solutions contemplated and what is expected of our Commission. The philosophies elaborated closely resemble each other, whether we are speaking of educational support among teachers or the personalization of health care by health care workers.

7. The discussion of the situation in the education and health care sectors reveals a common difficulty. In light of requests motivated by religion, the conventional notion of undue hardship obviously shows its limits. In the labour relations sector in which it originated, it refers primarily to criteria of a functional (the life of the enterprise), financial (additional costs) and legal (respect for other people's rights) nature. A quick look at the adjustment situations mentioned in this chapter reveals that, in several instances, these criteria do not apply as readily. Here are some examples that involve religion, drawn from our overview:

   - a student demands to wear a headscarf in class;
   - a seriously ill man puts his life in danger because he believes that he is obliged to refuse the care offered to him;
   - a student refuses to draw Halloween motifs;
   - a student refuses to use toothpaste to brush his teeth;
   - a student refuses to learn certain songs because of their words;
   - another student wishes to withdraw from a dancing activity;
   - a student refuses to simulate a medical intervention on a female dummy;
   - a student isolates the Koran from other books in a bookcase;
   - a student or a patient rejects the ritual of Christmas, and so on.

56. For Jewish students overall, the proportion falls between 40% and 60%. All of these data are drawn from research that Frédéric Castel of the Université du Québec à Montréal is conducting, a table produced at our request by the ministère de l'Éducation, du Loisir et du Sport, and a document submitted to the Commission by the Canadian Jewish Congress (*Notes sur les écoles juives*, February 4, 2008).

57. According to 2001 Canadian Census data, the most recent data available (the 2006 Census does not provide this type of information). While the absolute figures have increased since 2001, there is no indication that the proportions have change significantly.

An examination of each of these cases reveals that the specific aims of education and health care institutions are very different from those of enterprises centred on production and profit. Another given of a cultural nature arises in the education sector, which leads us to ask ourselves whether an adjustment request runs counter to the ethnocultural integration model, values that are deemed to be fundamental or the basic rules of collective life. We must, therefore, adapt and redefine the criteria pertaining to and method of evaluating undue hardship.

8. This remark reveals another similarity in the institutions analysed. Teaching staff and health-care personnel have expressed a need for reference points, a frame of reference or a management framework that enlightens them in the search for guidelines and decision-making. We believe that these reference points stem primarily from *a)* the sociocultural integration model that we have chosen to implement in Québec; *b)* the rights and common norms that we want to promote; and *c)* the system of secularism. On this last point, in particular, interveners often made variations of the same observation during our consultations, including the Conseil interculturel de Montréal, which said: "Québec is sorely lacking in a text that serves as a reference to regulate relations and the place of the religious in our institutions."[58]

   Similarly, the interculturalism model appears to enjoy robust support in one category of the population (which appeared before us at the hearings). However, rather curiously, and as is the case with regard to secularism, no official text *explicitly* establishes it as an intercultural relations management model, even if its constituent components have been firmly established for several years.

It strikes us as obvious that the unresolved questions and uncertainty stemming from certain adjustment requests reflect a need for clarification in respect of our society's major orientations. It is to this task that we will apply ourselves in the following section of this report devoted to the formulation of a frame of reference.

We will focus successively on rights and norms (Chapter V), the integration model (Chapter VI) and the system of secularism (Chapter VII). Based on these orientations, we will then return to harmonization practices and the difficulties and problems mentioned earlier to ascertain how they can be overcome or resolved. It is only through this detour that solutions can be found.

58. Brief presented to the Commission by the Conseil interculturel de Montréal (page 27). Other interveners expressed this idea during our investigation.

PART III
A FRAME OF REFERENCE

CHAPTER V

THE NORMS OF COLLECTIVE LIFE

A QUÉBEC'S LIBERAL DEMOCRACY

One of the concerns that Quebecers voice most frequently is the supposed absence of guidelines to either better manage harmonization practices related to cultural (especially religious) differences or to better ensure the integration of newcomers. Québec has, nonetheless, established an array of institutions, norms and orientations that make up what might be called a common civic framework or a common public culture. Before we ascertain whether these parameters are sufficient to regulate cohabitation, it is a good idea to review them and measure their impact. This is what we propose to do in this chapter.

Let us begin by noting that Québec's political system is both **democratic** and **liberal**. It is democratic insofar as political power ultimately resides with the people, who delegate such power to representatives who exercise it in the people's name for a given period of time. Our democracy is thus representative,* but it is also liberal in that individual rights and freedoms are deemed to be fundamental and are thus confirmed and protected by the State.

We often lose sight of the extent to which the legitimacy of our political system centres on the complementarity of these two facets, i.e. its democratic and liberal nature. This system is democratic since, as we noted earlier, Quebecers are sovereign. All citizens, who are deemed to be equal, are the ultimate holders of political power. All of them may in principle participate in political debate and exercise the right to vote. Since individuals often disagree about political questions and vote for different parties, a democracy is quite rightly subject to the rule of the majority.

Québec's democratic system is also liberal since it protects rights and freedoms from possible abuse by the majority. For example, no one would want a government, even a properly elected one, to flout the basic rights of a group of citizens in the name of the majority's interests. It is precisely to offer additional protection of the rights and freedoms guaranteed to all citizens that such rights and freedoms are enshrined in a charter, which imposes limits on the government's action and manages relations between citizens.[1] Let us point out that the charters protect not only the rights of ethnic, cultural or sexual minorities. Indeed, any person's rights may be threatened by a government initiative, the decision of a business or the gestures of a fellow citizen.

In a word, our system is democratic, since Quebecers, through their representatives, are the co-authors of the statutes that govern collective life, and it is liberal, since it seeks to protect the rights and freedoms of the most vulnerable individuals and groups in our society. These two characteristics, democracy and liberalism,* are equally fundamental and it is their complementarity that ensures the legitimacy of our political system. To ensure respect for the equality and freedom of citizens, it is important to maintain balance between these two principles of political legitimacy. It is for this reason that executive, legislative and judicial powers must be separated and that judicial power must be exercised independently of political power. It is thus incumbent upon elected representatives to legislate, to adopt laws in the name of the common good, and upon the courts to judge at the request of citizens if political decisions and private actions respect the rights and freedoms enshrined in the charters. Political legitimacy stems from balance and dialogue between these three powers.

Furthermore, Québec democracy is exercised within the Canadian federal framework. Since Canadian federalism is based on the sharing of constitutional jurisdiction and ongoing coordination between the provincial and federal levels, it follows that the Québec political system cannot be isolated from the federal framework. Certain federal government decisions affect the Québec government's ability to act, and vice versa. However, as we emphasized at the beginning of our report, the analysis of this dimension does not fall within the purview of our Commission's mandate.

THE CHARTERS OF RIGHTS AND FREEDOMS

Strictly speaking, a society does not have to adopt a charter of human rights and freedoms to be liberal as defined earlier. However, the adoption of such a charter unquestionably reflects a firm commitment to defend the basic rights of all citizens. Québec displayed this willingness in 1975 by adopting the *Charter of human rights and freedoms*. Canada also did so by incorporating the *Canadian Charter of Rights and Freedoms* into the *Constitution Act, 1982*.[2] These charters follow in the wake of the *Universal Declaration of Human Rights* that the United Nations adopted in 1948 in response to massive human rights violations during the first half of the 20th century. A majority of Quebecers

1. The Canadian *Charter of Rights and Freedoms* governs relations between the State and citizens while the Québec Charter also governs interaction between citizens
2. The Diefenbaker government also adopted a declaration of rights in 1960.

support these charters, as confirmed, in particular, by the numerous positive comments that they made on the occasion of the 25th anniversary of the Québec Charter.[3]

It is not germane here to go into all the details of the Canadian and Québec charters. Let us simply note that both charters spell out a series of rights and freedoms from which all citizens may benefit. Some examples are the right to life and equality, freedom of conscience and religion, freedom of expression and association, political rights and legal guarantees. It should also be noted that, unlike the Canadian Charter, the Québec Charter recognizes economic and social rights, which attest to the value of solidarity that inspires it. The charters also prohibit several forms of discrimination in the exercising of these rights and freedoms, including those related to sex, ethnic origin and religion. Everyone must be able to exercise in full equality these rights and freedoms since all human beings are deemed to be equal in dignity. The Preamble to the Québec Charter states that "All human beings are equal in worth and dignity, and are entitled to equal protection of the law."[4] As we will see in Chapter VII, the Québec system of secularism depends largely on Québec's commitment to respect for and the promotion of human rights and freedoms.

In this spirit, the Québec Charter states, in particular, that:

- "Every human being has a right to life, and to personal security, inviolability and freedom" (section 1).
- "Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association" (section 3).
- "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap" (section 10).

Each of the 13 grounds stipulated in section 10 of the Québec Charter can be the basis for a request for reasonable accommodation.

SHOULD RIGHTS BE ORGANIZED ALONG HIERARCHICAL LINES?

Rights, even the most basic ones, are not absolute. Under certain circumstances, they can be limited. The Preamble to the Québec Charter states that "the rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being."[5] The Canadian Charter "guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."[6]

As we will see in Chapter VIII, when rights conflict or when statutes with legitimate purposes impinge on individual rights, the courts seek to hand down decisions in which the level of infringement of the curtailed rights is minimal. The exercising of the rights and freedoms guaranteed by the charters may, therefore, be limited but such limits must be justified in the name of objectives whose importance has been demonstrated and be kept to a minimum. The courts have thus developed legal techniques and tests that allow them to ascertain whether the infringement of a right is reasonable and acceptable.

This approach stems from the principle that basic rights form a whole or a system. Basic rights must be considered overall in their interaction as though they form the links in a chain.[7] If basic rights are not absolute, their moral and legal value is equal: one is just as

3. See Commission des droits de la personne et des droits de la jeunesse (2003, pages 297-311). As for the Canadian Charter, despite the controversy surrounding the process that led to its adoption, 55% of Quebecers believe that it is "very important" according to a Léger Marketing survey conducted in April 2007 on behalf of the Association for Canadian Studies and 60% of them believe that it can "lead Canadian society in the right direction" according to an SES Research survey conducted in November 2006 on behalf of *Options politiques*. Despite the absence of data on the question, we can assume that support for the Québec *Charter of human rights and freedoms* is even stronger.
4. Preamble to the *Charter of human rights and freedoms* (R.S.Q., c. C-12).
5. *Ibid.*
6. Article 1 of the *Canadian Charter of Rights and Freedoms*.
7. Brief submitted by the Barreau du Québec (page 6).

important as another.[8] Every person should be deemed an end in himself, another way of saying that everyone must be recognized as equal in dignity, a principle that is embodied in rights and freedoms. The protection of this equal dignity demands that we recognize that each person enjoys an array of rights and freedoms that protect the values that we cherish the most: the right to life, the sovereignty of individual conscience, the equality of all citizens, freedom of expression and peaceful assembly, political rights and legal guarantees. The links in the chain of rights must all be equally strong, since the exercising of rights and freedoms is intended to protect the dimensions of existence that we value the most. It is for this reason that the 1948 *Universal Declaration of Human Rights* does not establish any hierarchy of basic rights and that the principle of such a hierarchy has been explicitly rejected in international law: "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."[9]

This conception also applies to the right to life, which may appear to be the most basic right, although it must be grasped in relation to the other rights and freedoms. To accord the right to life stronger legal status could, for example, justify the use of intensive treatment to keep alive a patient who wishes to die naturally and peacefully. In this instance, intensive treatment would unduly infringe the patient's autonomy and freedom of conscience.

In the context of debate on harmonization practices, Quebecers have expressed fear that the exercising of freedom of religion may threaten the values that we deeply cherish, such as gender equality. Some of them find the idea of organizing rights along hierarchical lines an appealing solution. In our view, we must reject this idea.[10] The courts may already refuse requests or practices that unduly infringe other people's rights, as shown by the Supreme Court decision allowing health-care personnel in a hospital to give a child a blood transfusion despite the parents' objection to it. The freedom of religion of the parents, who are Jehovah's Witnesses, was restricted in the name of the child's right to life.[11]

8. The question of the relative importance of rights and freedoms must not be confused with that of the status of non-justiciable rights, i.e. rights that are not subject to sanction by the courts, which includes most economic and social rights. At present, the economic and social rights included in the Québec *Charter of human rights and freedoms* (sections 39-45) do not have priority over ordinary statutes unless the rights are linked to section 10 prohibiting different forms of discrimination.

9. Article 5 of the *Vienna Declaration* (World Conference on Human Rights, 1993).

10. In Chapter VIII, we will examine a proposed amendment to the Québec *Charter of human rights and freedoms* to include an interpretive clause affirming that the rights and freedoms stipulated in the Charter are guaranteed equally to women and men.

11. See B. (R.) *v.* Children's Aid Society of Metropolitan Toronto, [1995] 1 S.C.R. 315. We will return to this judgment in Chapter VIII.

B FRENCH AS THE COMMON PUBLIC LANGUAGE

In Québec, French is the official language.[12] *The Charter of the French language* adopted in 1977 (Bill 101) stipulates that French is "the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business."[13] Québec's language policy therefore seeks to promote French as the common public language. However, the Charter does not cover the language that Quebecers use in their homes or their private lives.

In keeping with the liberal nature of Québec society, the government has undertaken to promote French as the common public language, in a spirit of respect for the linguistic minorities living in its territory:

- "The National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities, whose valuable contribution to the development of Québec it readily acknowledges."

- "The National Assembly of Québec recognizes the right of the Amerinds and the Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture."

Preamble to the *Charter of the French language*

In Québec, French is also the language of integration. Through the provisions in Chapter VIII of the *Charter of the French language* covering the language of instruction, Québec French-language schools, which students of different origins attend, have become a hub for integration and learning the norms of cohabitation. The French language is the main medium that allows Quebecers of all origins to get to know each other, interact, cooperate and participate in the development of Québec society.

C QUÉBEC'S INTEGRATION POLICY

Since the late 1970s, Québec society has reflected actively on the integration of newcomers. However, specialists generally agree that the key orientations of the Québec integration policy were defined in *Let's Build Québec Together: A Policy Statement on Immigration and Integration* adopted in 1990. The policy statement proposed the notion of a moral contract* that establishes, in a spirit of reciprocity, the respective commitments of the host society and the immigrant population. The integration framework proposed incorporates the basic principles described earlier (Québec is a liberal democracy* in which French is the common public language) and specifies the nature of the desired relation.

The policy statement notes that Québec is a:

- society in which French is the common language of public life;

- democratic society that expects and encourages everyone to participate and contribute;

- pluralistic society that is open to outside contributions, within the limitations imposed by respect for basic democratic values and the need for intercommunity exchange.[14]

Immigration is presented as an essential condition for Québec's development. As for cultural diversity, it is perceived as an asset inasmuch as its expression is guided by the charters of human rights and freedoms and it is achieved in a spirit of interaction rather than a spirit of division. Newcomers are encouraged to learn French and contribute to Québec society's cultural, economic and political vitality. In return, the government undertakes to facilitate their integration. The promotion of cultural diversity and harmonization practices for religious or cultural reasons does not call into question Québec's commitment in favour of rights and social justice. Respect for diversity is thus broached in the perspective of the deepening of the culture of human rights.

12. Chapter 1 of the *Charter of the French language*.

13. Preamble to the *Charter of the French language*.

14. Ministère des Communautés culturelles et de l'Immigration (1990, page 15).

Successive governments may interpret differently any of these policy directions. However, we note that the principles of the civic pact formulated in the policy statement have not been fundamentally altered since 1990. We can deem these principles to form the foundation of the Québec civic pact and the relation between the host society and the immigrant population.

Democratic institutions, the charters of rights, the *Charter of the French language* and the integration policy work in synergy and make up the key components of a common public culture or a common civic framework that has allowed until now fairly harmonious collective life. These institutions, rules and key directions guide relations between citizens, social groups and the government. They are also supported downstream by the *Education Act* and the Québec Education Program, which, through the living together and citizenship general training program and the new Ethics and Religious Culture Program, seek to ensure that students acquire the knowledge and skills necessary to fully exercise citizenship.

The *Education Act* and the Québec Education Program[15] apply in all schools, including private denominational and non-denominational schools. In a context where some Quebecers worry about the risk of social fragmentation, Québec schools are a powerful vector for cohesion.

15. R.S.Q., c. 1-13.3 and Québec government (2006).

CHAPTER VI

INTEGRATION IN EQUALITY AND RECIPROCITY

INTRODUCTION

This chapter seeks to propose a general response to the following question: What form of integration must Québec society advocate and what should its priority objectives be? For the time being, we will confine ourselves to basic considerations (it is a question here of establishing guidelines and norms). In the fifth part of this report, we will provide more empirical glimpses of occupational integration, social inequalities, discrimination, and so on (see Chapter XI). The discussion will only touch upon the civic and legal dimension of integration, which we examined in the preceding chapter. That being the case, the following sections must be read, above all, as an attempt to summarize the existing integration system in Québec. Since this system is not in a state of crisis (it is, to the contrary, functioning rather well[1]), we will merely coherently take stock of its constituent components. To this end, we will recapitulate the stages in its genesis, mainly starting in the 1970s, and add a number of components to it. Overall, continuity is obviously in order here.

The model that we outline will be at once descriptive and normative. Indeed, it strikes us as impossible to dissociate these two dimensions, for the following reasons. Generally speaking, integration processes are inevitably centred on the pursuit of the values or objectives of civilization. Second, for a small nation such as Québec, constantly concerned about its future as a cultural minority, integration also represents a condition for its development and survival and, indeed, a necessity. Besides, it is a theme that has for a very long time in one form or another imbued French-Canadian thinking, constantly in search of homogeneity, consensus, solidarity and the marshalling of national strengths. It should also be noted that the very wording of the mandate assigned to our Commission mentions it, "the integration and full participation of citizens in collective life is a priority for the government" (see Appendix A, the fifth whereas clause in the statement). Integration is a process comprising several interdependent dimensions (economic, social, cultural, civic and legal) that we must thus examine jointly and on an equal footing.

1. Obviously, this does not mean that it is without problems, as we will see, in particular in Chapter XI.

AN INTEGRATION MODEL

First, it is useful to point out why any society must be concerned with integration. Compelling sociological reasons encourage the maintenance in the social body of a minimum of cohesion. We can summarize them as follows:

1. It is useful for a society to achieve a consensus on horizons, basic orientations and reference points that nurture the collective imagination. This symbolic foundation contributes to strengthening individual identities and reducing collective insecurity, a source of anomie.*

2. Democracy demands that all citizens may participate in public deliberation and decision-making. This requirement, as we can imagine, leads to several others, e.g. information, instruction, access to employment and public services, the protection of rights, and so on.

3. A minimal feeling of belonging and solidarity is necessary for the functioning of an egalitarian society that fosters the redistribution of wealth, for example by means of social programs. The simple notion of a progressive income tax assumes a shared perspective of the social bond.

4. A society must possess *a)* the ability to rally its members around projects and programs for change or development programs[2] and *b)* the ability to recover from crises or traumas.

5. Integration leads to interaction, without which the enrichment stemming from ethnocultural diversity can be put in jeopardy. Such interaction is also necessary to avert the formation of stereotypes and, more generally, xenophobia and racism.

The integration model now present in Québec comprises three components. The first component is **participation** by citizens in public life and their involvement in our society's key institutions, more specifically in civic life. The second component is **interaction,** exchanges that make possible public deliberation and democratic life, the search for common values and reference points, the establishment of consensuses and, generally speaking, participation itself. These exchanges assume that intercultural contact, harmonization and adaptation occur in both directions. It follows that the immigrant, for example, must accept certain changes in relation to his culture of origin and that the host society must agree to change in response to its contact with the immigrant. As we heard during our hearings, the mechanism must operate both ways.[3] The third component is the **protection of rights** that guarantees fair treatment to all citizens.

Let us emphasize, moreover, the importance of these three key notions:

a) an ideal of **equality,** which underpins the integration process overall;

b) a general rule of **reciprocity,** which demands interaction;

c) an imperative of **mobility,** whereby the fate of the individual, whether or not an immigrant, who integrates into society must not be confined to the path (social class, occupation, cultural milieu or ethnic group) that gave him access to it. In other words, the boundaries must be porous.[4]

Integration is thus a mechanism that involves not only the State but also the entire population. All public and private institutions have a role to play, as do community groups and individuals.

The foregoing statements can be understood at both the individual and the collective level. From an individual standpoint, integration is the array of choices by virtue of which a citizen participates fully if he so desires in the life of society, especially in the public sphere, and develops according to his traits, needs and outlook. In collective terms, it refers to all of the processes through which a community organizes its institutions, social relations and culture in such a way as to encourage the adherence of the greatest number of its members and to treat each one fairly. However, in both instances, we are dealing with a changing reality and a continuous dynamic. Integration is never, by definition, perfectly completed since all segments of society are constantly negotiating and adapting. Integration can thus be more or less extensive and take different forms. A given seemingly marginal, inward-looking group in fact observes the basic rules of society and can find itself closely integrated into a diaspora.

2. Various authors maintain that societies that are highly culturally diversified are apparently more subject to fragmentation. They thus seem to have greater difficulty mobilizing to effect change, which explains the importance of integration to prevent conservatism or, indeed, stagnation.

3. Brief submitted by the Table de concertation des organismes au service des personnes réfugiées et immigrantes. During our hearings, an intervener from Sherbrooke observed that the immigrant is responsible for adapting and the host society must make the necessary adjustments to facilitate this adaptation.

4. All societies are segmented and, in this matter, nobody is ever fully integrated.

Our conception of integration refers to all members of a society, which means that immigration is but one specific case in this respect. Indeed, the integration of new members does not concern immigrants alone. Children undergoing socialization or internal migrants moving from the regions to urban centres or between regions come to mind. Similarly, the question of integration encompasses the case of all marginalized or underprivileged groups such as women, the aboriginal peoples, and the disabled and the constant negotiation of relations between institutions, social classes, cultural milieus, generations, and so on. That being the case, given the context of this report, it is understandable that immigrants figure prominently in it.

As we have noted, these three components of the integration model (participation, interaction and the protection of rights) are already present in the approaches and policies now in effect or in the process of being implemented. On this point and on others as well, what we are proposing is essentially in keeping with initiatives undertaken in the past.

Numerous authors have distinguished economic, social, political, cultural and other dimensions in the integration process. These distinctions are relevant from an analytical standpoint. They enable us to recognize the meaning of action or intervention by the State and other community interveners. However, we must also be wary of this approach inasmuch as it can lead to a fragmented approach to handling problems. What is noteworthy is the interdependent nature of these dimensions: integration is a whole and the questions that relate to it must be broached in a comprehensive perspective in light of the outcomes that we have mentioned.

We are proposing the concept of **integrative pluralism*** to give an account of this imperative: **pluralism,** first of all, to indicate respect for diversity, and **integrative,** to emphasize the interdependence of all of the dimensions considered and the need to consider all of them in analytical or intervention approaches. The expression encourages the development of a keen awareness of differences and distinctiveness and their close interrelationship, which in turn calls for a comprehensive approach with regard to policies and programs. We know, for example, that stereotypes can impede the occupational integration process, business practices can compromise government policies and widen social gaps, the education system can accentuate certain polarities, highly respected community traditions can be an obstacle to law, certain religious practices can lead to exclusion, and so on. The notion of **integrative pluralism** also means that, in each of its dimensions, integration must encompass the three components already mentioned (participation, interaction and the protection of rights) and subscribe to the three norms of equality, reciprocity and mobility.

At a deeper level, no social intervention is void of symbolic references that sustain its purposes and influence its reception. For this reason, it is useful to focus briefly on this cultural dimension of collective integration against the backdrop of growing ethnocultural diversity in Québec. The reader will see that our interest in the cultural dimension stems from our mandate (the examination of accommodation related to cultural differences).

As the accommodation crisis has just reminded us,[5] the symbolic framework of integration (identity, religion, perception of the Other, collective memory, and so on) is no less important than its functional or material framework. In light of the events of the past two or three years, some Quebecers will have grasped to what extent symbolic equilibrium, rooted in identity and emotionalism, is fragile and sensitive. It is this backdrop that sustains everybody's anxieties. The outbursts observed, few in number for all that, were contained and confined to the realm of the verbal. However, everyone can learn from this experience: ethnocultural relations must be subject to constant vigilance marked by caution, moderation and respect.[6] Ethnocultural relations also call for ongoing reflection on the rules and conventions that must guide coexistence and the combination of our society's varied traditions and cultural aims.

The following sections are devoted to an exercise of this type. That being the case, here as elsewhere there is no miracle solution. Most Western societies are grappling with the same puzzle. Our reflection, as we indicated, will focus on the search for compromises and balance.

A LEGACY OF THE QUIET REVOLUTION

In Québec, the awareness of ethnocultural plurality can be deemed to have emerged in the wake of the Quiet Revolution. Quebecers (mainly French-speaking ones) acknowledged then that their society was not homogenous and gradually accepted the repercussions in order to bring their situation into line with the demands of democracy. A collective imagination strongly sustained by myths of rootedness further opened itself up to perspectives of mobility and the mixing of cultures.*[7] As we saw in Chapter V, this new perspective expressed itself in the subsequent decades through a series of milestones, of which the Québec Charter (1975) is the pioneering reference. That takes care of law. However, at the same time and in close relationship with this first framework, decisive changes also occurred with respect to values and collective representations, especially concerning the perception of the Other. The result was what we now call interculturalism. It is enlightening to briefly review this path.

Various events in the 1960s, such as the establishment in 1968 of an immigration department or the substitution in colloquial language of the ethnonym "Quebecer" for "French Canadian" marked its starting point. From then on, a philosophy more concerned with rights inspired legislators.[8] However, immediately thereafter, the awareness of immigration and anglicization that followed gave rise to a fear. We can see in these frameworks the two poles that have constantly guided changes in intercultural thinking in Québec, i.e. constant tension between the concern for openness and anxiety for the future of the French-speaking community. In other words, we have liberalism and pluralism on one side, and hesitation and restraint on the other.

To limit ourselves to the key reference points, let us examine the three main stages that marked this path. First, the charter adopted in 1975 recognized the right of members of the ethnic minorities to maintain and advance their own cultural life with the other members of their group (s. 43). In 1977, Bill 101 established French as Québec's common public language. In 1978, the government introduced the model of the culture of convergence, which proposed a form of intercultural reconciliation centred on the French-speaking culture as a rallying point.[9] The word "interculturalism" was not used but minority groups were encouraged to preserve their heritage and the document favoured relations between these minorities and the French-speaking majority. It also introduced the notions of minority branches and New Quebecers, the forerunners of the current cultural communities.

A second document dating from 1981 *(Autant de façons d'être québécois. Plan d'action à l'intention des communautés culturelles)* extended these guidelines by mentioning the question of the elimination of all forms of discrimination towards the cultural communities (a term that appeared for the first time in an

5. As we defined it in Chapter I, i.e. a distortion of perceptions more than of reality.
6. We will avoid the concept of tolerance, which, for some people, betrays a discreet form of hierarchy or paternalism. The individual who professes it implicitly sends the following message: "You're not following the social norms but I'm overlooking it."
7. We say "further opened itself up" since the component of openness and the mixing of cultures has always been present in the French-Canadian imagination.
8. In this regard, Volume 3 of the report of the Parent Commission on educational reform (1965-1966) contains a number of statements that serve as portents.
9. "… the common good and the very interests of the minorities demand that these groups integrate into the essentially French-speaking Québec community." *La politique québécoise du développement culturel* (Québec, Comité ministériel permanent du développement culturel, 1978, page 63).

official document) and that of the broader representation of such communities in the machinery of government. Other government documents at that time spoke of a new Québec culture to be developed but also emphasized the common culture and the risk of pushing emphasis on differences to the point of isolating certain groups. Various texts took the precaution of distancing themselves from the Canadian multiculturalism model. Respect for diversity was made subordinate to the need to perpetuate the French-language culture. The notion of interculturalism had still not emerged but the concept of cultural communities was officialised in the new name of the ministère de l'Immigration, which in April 1981 became the ministère des Communautés culturelles et de l'Immigration.

The second milestone was the moral contract proposed in 1990 in *Let's Build Québec Together: A Policy Statement on Immigration and Integration.* This contract centred on three components that were intended to serve as areas for intervention by the government: *a)* French as the common language of public life; *b)* democracy and participation; and *c)* pluralism and intercommunity exchange (already found in the 1981 action plan). Here, we can speak of a more civic approach to integration although the concept of citizenship does not appear as such in the policy statement. For example, we note an insistence on common institutions as a focal point for participation. As for the rest, the policy statement incorporated the main data from preceding documents. The French-speaking group was still deemed to be the central pole of integration but open to contributions from non-French-speakers.[10] However, the principle of reciprocity was explicitly asserted, as were the legal and social dimensions of integration.

As we saw in the preceding chapter, the new integration policy proposed a moral contract between the host society and newcomers and it referred to immigration as an essential condition for Québec's development. The policy statement also presented cultural diversity as an asset and encouraged intercultural relations. It should be noted that the concept of accommodation appeared for the first time in relation to the cultural (and, in particular, the religious) sphere.

The policy statement emphasized the need to harmonize our differences in order to peacefully resolve conflicts. In the years that followed the policy statement's publication, several public and parapublic bodies, in particular the Conseil des communautés culturelles et de l'immigration and the Conseil supérieur de l'éducation, adopted the concept of a common public culture that sociologist Gary Caldwell and Father Julien Harvey had proposed just prior to that time.[11]

The third key step was the citizenship model elaborated in the late 1990s by the Parti Québécois government, an attempt to shelve the ethnocultural dimension, a source of division, by according greater importance to the legal (or civic) and social aspects. The objective was to ensure that each individual is considered first as a citizen rather than a member of a community or an ethnic group. The common public culture drew criticism and was blamed, in particular, for excessively orienting the intercultural dynamic toward the assimilation of Judaeo-Christian traditions and French-language culture. Similarly, the notion of the culture of convergence, which was deemed to be overly centred on the French (or French-Canadian?) culture and a source of hierarchy between citizens (old-stock Quebecers and the others), was put on trial. From then on and more so than previously, the integration policy gave way to a civic frame of reference, at the expense of the former cultural frame of reference.

An event that was to confirm this shift was the National Forum on Citizenship and Integration held in the fall of 2000, although it did not attain its objectives. The proposal put forward by the Parti Québécois government emphasized Québec's status as a distinct political community rooted in a culture sustained primarily by French-Canadian historicity. The emphasis placed on citizenship relegated to the background the cultural communities. Several members of the ethnic minorities interpreted this proposal as an invitation to organize their allegiances on hierarchical lines and to perceive themselves first as Quebecers instead of Canadians (in return, the Québec government guaranteed them policies respecting inclusion in this community). The insistence on the French-Canadian culture and framework, which were more or less proposed as a norm, also revived fears of assimilative integration. Criticism was also levelled by federalists, who perceived in the move a strategic operation, an attempt to create a sort of bridge to sovereignty. It was felt that the proposal paid too little attention to the pluricultural dimension and immigration.

10. "Québec culture … is a dynamic culture, which, while it is an extension of Québec's heritage, seeks to constantly change and be receptive to different contributions" (ministère des Communautés culturelles et de l'Immigration du Québec, 1990, page 18).

11. See, for example, G. Caldwell (1988, 1993), J. Harvey and G. Caldwell (1994).

In recent years, the Liberal government has reintroduced the ethnocultural dimension into the model, by reasserting, for example, the role of the cultural communities, without for all that neglecting the legal and social dimensions. The new approach was noteworthy for its determination to combat discrimination and socioeconomic inequalities. The 2004 action plan entitled *Shared Values, Common Interests* listed five areas for intervention affecting, in particular, citizenship, culture, the social field and employment. This action plan and the documents that preceded it focus on the intercultural dimension but not on interculturalism as a basis for the government's ethnocultural policy, with the result that this now very pervasive notion has never been given a formal, official definition to which we can readily refer, although its main constituent components were implemented a long time ago.[12] As we know, it is an entirely different story with Canadian multiculturalism, which was defined in 1971 in a policy statement, then in a statute in 1988.

Indeed, research that the Commission conducted did not enable it to pinpoint the origin of this notion.[13] It apparently appeared for the first time in 1985 in two texts, one a federal government document and the other a magazine article, which attests that Québec public servants used it. Prior to 1985, the only mention that we found comes from Europe (Council of Europe and Belgian government documents in 1981). This investigation should be pursued, not for the record but to elucidate the initial intentions that spawned the notion.

Overall, this path displays considerable continuity from the standpoint of its fundamental points, accompanied by a few turning points and variants.[14] In particular, it reveals a very broad framework, which, having originated in the cultural field and tinged by assimilationism* gradually shifted towards pluralism, social concerns and the fight against discrimination. We find here the components of what we have called integrative pluralism. The components of continuity also include insistence on integration in a spirit of respect for diversity, the safeguarding and development of a pluralist French-speaking culture, the rule of reciprocity in respect of the intercultural question, and a call for intercommunity action.[15]

INTERCULTURALISM

Let us first take a precaution. In our minds, interculturalism proposes a way of promoting ethnocultural relations characterized by **interaction in a spirit of respect for differences.** To this effect, it is one of the components of the collective integration model. However, and in keeping with the notion of integrative pluralism, we will see to it that it is linked to the other dimensions (economic, social and civic).

All genuinely pluralistic systems are **underpinned by the same tension** between a concern for the respect of diversity and the need to perpetuate both the social bond and the symbolic references underlying it. These references are the founding traditions and values that have been forged through history and structure the collective imagination. Pluralistic systems can be distinguished by the emphasis that they place on both poles.

According to popular opinion, Canadian, Australian or other multiculturalism gives priority to diversity, while republican systems, by keeping in check cultural differences and relegating them to the background, give precedence to what might be called the founding culture, broadly speaking that of the host society or the majority ethnocultural group. Melting pots also favour the majority founding culture but by building particularisms on it. While they are simplistic, these visions are useful for setting guidelines. What is Québec's stance in this context?

Let us first point out that each of these models obviously stems from a history and reflects traditions, constraints and the situations specific to each society. One characteristic weighs heavily in the balance for Québec, that of its minority position in a large, powerful English-speaking environment, which, in addition, speaks the language of globalization. To varying degrees depending on the eras, cultural insecurity appears as a constant in Québec history among French-speakers, English-speakers and the aboriginal peoples. Debate on intercultural relations has thus always displayed a strong concern for the perpetuation of the French-language culture. In this regard, the reader will undoubtedly have noted that the fate of French and the fear of

12. See on this topic the *Rapport de recherche n° 3* produced by the Commission.

13. See the *Document n° 23* produced by the Commission.

14. Some of which appear, to some extent, to have gone unnoticed. For example, we have noted in government documents several passages in which most French-speaking Quebecers would now perceive expressions of genuine multiculturalism, although this is not the place to conduct a review of them. Let us simply say that these are, above all, statements in which the government commits itself to adopting the means not only to maintain the different cultures of the ethnic minorities but also to develop and advance them.

15. In respect of public and governmental discourse, but we could show that in parallel similar discourse emerged in the education sector. See the *Rapport de recherche n° 4* produced by the Commission.

disappearing entered our public hearings early on, as was true of the private consultations that preceded them between March and August 2007. It is even fairly clear that a major portion of the accommodation crisis is a protest by the majority ethnocultural group concerned about its preservation.

As we noted, the notion of interculturalism, except in recent years, has never been used in official government documents to describe its integration policy, although references to multiculturalism appear in order to distance the documents from it. That being the case, in government documentation overall on the topic we can readily pinpoint the premises or principles that still underpin interculturalism today.

Among them, **a key or structuring element** emerges. In its old and recent versions, Québec interculturalism bears a tension between two poles: on the one hand, ethnocultural diversity and, on the other, the continuity[16] of the French-speaking core and the preservation of the social bond. It is also characterized by the variable emphasis placed on the second pole. However, this emphasis, which reflects French-speakers' cultural insecurity and their sensitivity as minorities, mainly expresses itself in heightened vigilance concerning all facets of integration[17] and emphasis on rapprochement (exchanges, communication, interaction, cooperation, the establishment of a common culture, intercommunity action, and mutual enrichment). Faithful to the ideal of equality, it does not however set itself up (and must not do so) as a priority that institutes a hierarchy among citizens.

Let us add a word concerning community action. After years of theoretical reflection on intercultural relations, there is a growing need for concrete initiatives centred on change and development that set in motion ethnocultural diversity. The Vision Diversité movement has revived the symbolism of the pioneers and builders drawn from the French-Canadian past and could serve here as an example. Indeed, it has succeeded in mobilizing numerous interveners from the economic, cultural, education, public administration and other milieus to carry out concrete projects that rely on intercultural collaboration in addition to drawing Montréal and the regions closer together.[18] Similarly, very valuable examples also exist in the community and education sectors. They also warrant encouragement.

The government funds a number of programs of this type. This route should be encouraged and intensified where it has already been adopted and broadened to other networks of interveners and fields of action where it has not yet penetrated. Citizens of different cultures rubbing shoulders in action and seeking the same goals thus find an opportunity to overcome their differences not as a problem or an obstacle but as a resource. The common horizon is edified not in spite of but through diversity perceived as a pool of values and experience. The key words here are decompartmentalization, rapprochement, partnership and solidarity.

In another perspective, it has often rightly been noted that in Québec's history nationalism has for a long time been sustained by anxiety over the survival of identity. However, it is precisely the great originality and merit of the neonationalism spawned by the Quiet Revolution that it succeeded in combining the identity struggle with social egalitarianism and the protection of rights (it is revealing that the Québec Charter and Bill 101 were adopted two years apart). The tension between the two poles mentioned earlier has thus been preserved. According to A.-G. Gagnon (2000), the main virtue of the Québec integration model appears to stem from the search for "a balance between the demands of unity … and the recognition of different cultures." (page 23)

There is good reason to continue along this path since this shifting tension, which spurs reflection, revision and adaptation, is creative and fruitful. Another virtue of interculturalism is that it is a flexible system that is receptive to negotiation, adaptation and innovation. It thus affords security to Quebecers of French-Canadian origin and to ethnocultural minorities and protects the rights of all in keeping with the liberal tradition. By instituting French as the common public language, it establishes a framework in society for communication and exchanges.

Beyond these essential outcomes, other important objectives characterize this system of pluralism and add to its distinctive nature:

1. Québec as a nation, as recognized by all Québec political parties and the federal Parliament, is the operational framework for interculturalism.

16. We are using this notion within the meaning of the maintenance of an old cultural framework, without reference to the historic project that it is often said to imply.

17. As we already noted in Chapter I, a minority community that is aware of its fragility naturally fears everything that appears to compromise its unity and solidarity (fragmentation, mosaic, marginalization, ghettoes, and so on).

18. See the Vision Diversité Website (www.visiondiversite.com).

2. In a spirit of reciprocity, numerous forms of interaction are strongly encouraged under interculturalism (contacts, exchanges, debate, initiatives or joint projects). Intercommunity action, in particular, is strongly emphasized in order to overcome stereotypes and defuse fear or rejection of the Other,[19] take advantage of the enrichment that stems from diversity, and benefit from social cohesion.

3. Members of the majority ethnocultural group, i.e. Quebecers of French-Canadian origin, like the members of minorities, accept that their culture (traditions and identity referents) will be transformed sooner or later through the interaction that the system implies. It is this condition that makes possible changes in the Québec identity.

4. Cultural, and, in particular, religious differences need not be confined to the private domain. To the contrary, they must be freely displayed in public life (we indicate how in Chapter VII). The principle underlying this choice is that it is healthier to display one's differences and become familiar with those of the Other than to gloss over and marginalize them, which can lead to fragmentation favourable to the formation of stereotypes and fundamentalisms. Moreover, how can we benefit fully from cultural diversity if it is partly banned from public space?

5. The principle of multiple identities is recognized as is each person's right to preserve if he so desires his affiliation with his ethnic group. To simplify, one might say that, for citizens, integration into Québec society is achieved, according to their choice, by means of their culture of origin (filiation) or by distancing themselves from it (affiliation). This duality is important if we reject the assimilation model. As the familiar image would have it, immigrants get on a moving train and participate in the future of the society. However, it also happens that not just passengers but railway cars also join the train. In other words, **the mode of integration itself is multifarious.**

6. For those citizens who so desire, it is a good thing for initial affiliations, those rooted in the ethnic group of origin, to survive as this enhances social cohesion. The group can then mediate between its old and new members and society overall. For newcomers, this aspect of rootedness in the culture of origin also cushions the migratory shock.[20] The dynamic of interaction, which interculturalism strongly encourages, prevents this arrangement from leading to the fragmentation for which many Quebecers blame multiculturalism. Furthermore, we recognize here a general rule: almost without exception, each citizen integrates into society through a certain milieu, such as the family, a profession, a community group, a church, or an association, which acts as a link.

7. Plurilingualism is encouraged, at the same time as French as the common public language. We believe that the debate on French as the identity-related language (as an expression of its first identity) as opposed to French as the vehicular language (as a simple language of communication) is a dead end. What is important, first and foremost, is the broadest possible dissemination of French, whatever the form. Initially, French cannot serve as the vehicular language of a non-Francophone newcomer. It is up to each individual to subsequently define as he sees fit his relationship to the common or any other language and to adopt it in his own way. In the realm of artistic and literary creation, for example, have we not seen that a number of authors or artists of diverse origins have grasped French to express new references, emotions and sensitivities? The phenomenon of francization must be considered in a dynamic perspective. Over time, a number of speakers naturally shift from the vehicular stage to the identity-related stage, although this process cannot be imposed. Besides, Bill 101 has never prescribed anything in this respect.

8. To facilitate the integration of immigrants and their children, it is useful to make available to them, at least for a certain time, the means to preserve their mother tongue. This is a way of mitigating the migratory shock that they experience upon arrival and of providing them with a cultural anchor. It is also a means of preserving the enrichment cultural diversity affords.

19. As we will see later, relations between ethnocultural groups improve according to the frequency of the contacts that they maintain.

20. Places of worship, in particular, often play an important role in this regard. A very fine illustration of this can be found in H. Duc Do (2006).

9. The foregoing statements assume that constant interaction between various ethnocultural components gives rise to a new identity and a new culture (a unifying culture?[21]) that is nurtured by all of the others but gradually sets itself apart. This is what has been happening in Québec in recent decades without affecting the cultural position of the majority group or infringing on the culture of minority groups.

10. As regards ethnocultural identities and traditions, a recent, highly promising orientation from the standpoint of pluralism is integrating interculturalism. Indeed, as we observed during our consultations, the groups in question are tending more and more to define themselves not, first of all, with reference to their ethnic traits, which are exclusive to them, but to common, often universal values that stem from their history. The conception of culture as **rootedness** is thus coupled with a perspective of culture as an **encounter.**[22] To this effect, Québec is part of an international trend according to which diversified societies must relinquish the assimilation model [23] and integrate on the basis of shared values instead of relying solely on ethnic traits.

11. The civic and legal dimensions (and everything that concerns, in particular, non-discrimination) must be regarded as fundamental. It is for this reason that the key normative and legal provisions described in the preceding chapter have always been closely linked to interculturalism.

To summarize, let us say that Québec interculturalism *a)* institutes French as the common language of intercultural relations; *b)* cultivates a pluralistic orientation that is concerned with the protection of rights; *c)* preserves the necessary creative tension between diversity, on the one hand, and the continuity of the French-speaking core and the social link, on the other hand; *d)* places special emphasis on integration and participation; and e) advocates interaction.

In this perspective, what then, is a Quebecer? What is a French-speaking Quebecer? For us, the answer is simple. All inhabitants of Québec are Quebecers and all those who speak French as their heritage or adoptive language are participating in their manner in this French-speaking community. There is no place here for any sort of hierarchy. In this respect, we wish to distance ourselves from recent discourse on the Québec Us (whether in the singular or the plural). First, the terms are ambiguous: who is included or excluded? Next, it is very unwise to thus support the distinctive nature of Us as it may lead to a hardening of ethnocultural differences, all of which strikes us as contrary to the spirit of interculturalism.

Let us point out that almost all of the interveners who expressed themselves at our consultations said they were in favour of interculturalism and rejected Canadian multiculturalism.[24] It is true that they often presented a highly simplified or occasionally somewhat distorted version of multiculturalism that ignored the important changes that this model has undergone over the past 30 years, in particular, a growing concern for national identity or affiliation, integration, social cohesion, and the fight against inequality and discrimination. A number of interveners also based their criticism on the political calculations that accompanied the introduction and promotion of multiculturalism: the end of Canada as a country comprising two nations (the old thesis of the "two founding peoples"), the weakening of the Québec nation reduced to the French-Canadian ethnocultural group, and so on. We recognize there the reasons that have spurred all Québec governments since 1981 to reject multiculturalism. Be that as it may, this is not the place to enter into this controversy. Let us simply point out that these two models, each in its own way, represents two attempts to apply the pluralist philosophy.

That being the case, and aside from the controversy that we just mentioned, we also believe that Canadian multiculturalism, inasmuch as it emphasizes diversity at the expense of continuity, is not properly adapted to Québec's situation, for four reasons:

- First, language-related anxiety is not as important a factor in English Canada as it is in Québec. Regardless of the difficulties that arise during the period of transition, for example in Vancouver's Chinese community, everyone knows that, sooner or later, immigrants will have to learn English, which is the language not only of the country but also of the continent. In Québec, language is the field of a perpetual battle.

21. The expression is drawn from the brief submitted by the Association des Marocaines et des Marocains de l'Estrie, page 6.

22. As a participant in the Rimouski forum on October 2, 2007 put it, "cultures must adjust and combine."

23. We will return to this topic in the fifth part of the report.

24. However, it is not certain that these interveners are representative of the population overall. Moreover, let us point out that according to the SOM survey conducted between September and October 2007, 50% of the respondents advocated interculturalism and 24%, assimilation (it should be noted that these respondents were elected municipal representatives, see SOM 2007).

- Second, and more generally speaking, the existential anguish of the minority is not found in English Canada. This factor introduces a very important difference in relation to French-speaking Quebecers, even if we do also observe negative reactions in English Canada to diversity.

- Third, there is no longer (at least demographically speaking) a majority ethnic group in Canada. In 1986, citizens of British origin accounted for roughly 34% of the population while in Québec, citizens of French-Canadian origin made up a strong majority (which is still the case) of 78%.[25] Whether we like it or not, these figures weigh on the dynamic of intercultural relations and shed light on the orientation of interculturalism.[26] Besides, multiculturalism reflects this reality by decreeing that there is no official culture in Canada.[27] Consequently, multiculturalism makes of the civic framework that encompasses and defines it a crucial facet of identity in Canada.

- Based on the foregoing observations, it follows that there is less concern in English Canada for the continuity or preservation of an old founding culture but much more for national unity or cohesion.

However, all of this reflection on interculturalism highlights a blind spot, i.e. the place of the aboriginal peoples. As we indicated in Chapter I, they have the status of a nation and not of an ethnic minority, which complicates the definition of their relations with Québec society. At present, it is not clear that they are stakeholders in the society. The elimination of this ambiguity depends on the outcome of negotiations under way and, on the whole, on the will of the aboriginal peoples themselves. We must, therefore, leave this question unresolved. That being the case, the aboriginal peoples are nonetheless participating in Québec's intercultural dynamic.

For the time being, we will confine ourselves to these statements and focus on more concrete considerations elsewhere.

25. Statistics Canada (1987). "Ethnic Origin, 1986 Census–20% Sample Data," *The Daily,* December 3, 1987, page 32. Starting with the 1991 Census, this proportion can no longer be calculated because of the changes made to the Census headings, although it has certainly fallen over the last 20 years.

26. Howard Miller, the author of a brief presented during hearings held on October 4, 2007 in Bonaventure, said that maybe Quebecers can live "on archipelagos instead of islands."

27. "For although there are two official languages, there is no official culture…": Prime Minister Pierre-Elliot Trudeau, "Announcement of implementation of policy of multiculturalism within bilingual framework," House of Commons, October 8, 1971, pages 8545-8548.

C A QUÉBEC IDENTITY

One component that must be added to those that we have just mentioned is the identity-based dynamic or, more specifically, the procedures for reproducing and redefining the Québec identity. We alluded briefly to them in respect of intercultural exchanges and the changes that they engender on both sides. Let us try to clarify the matter.

Identity is an important source of concern both for ethnocultural minorities that are preoccupied with their roots and traditions and for Quebecers of French-Canadian origin. It is the latter, in particular, who returned to the topic during the consultations, and in a test that we submitted to the participants in each forum, it is the theme that most often ranked first among the seven topics of concern presented.[28]

Indeed, we now know that collective identities are not essences or immutable characters that appear to navigate on the surface of time. Instead, they are constructions that are forged in history from the experience of communities. This means that such constructions change with the communities and with the passing generations. To this effect, we can say that the identities are **contextualized:** they change along with various threads of collective life. The past of the French identity in Québec is an eloquent example: first Canadian, then French-Canadian, then Quebecer; first confined to the Laurentian Valley, then extended across Canada and again confined to Québec; defined for a long time exclusively with reference to culture, i.e. mainly language and religion, then released from this latter component to open itself to the political, social and economic fields and, ultimately, penetrated by pluralism. However, all of these transformations do not prevent a feeling of continuity. This is true of all identities.

Identities are thus shifting and assuredly constructed, even occasionally contradictory, but not artificial for all that. Collective identity (the name and the thing) survives because it performs a useful function in a community, as its omnipresence attests. What is this function? Essentially, it is to symbolically underpin, express and consolidate a social relation of solidarity. Let us return to the beginning of this chapter, where we noted the challenges of collective integration. The five points mentioned there (common reference points, civic participation, a feeling of belonging, solidarity and interaction) are all related to the need to share basic reference points that also sustain individualities, perpetuate the conditions for a minimal consensus that allows a society to function (what we called in the preceding chapter the "norms of collective life"). Collective identity, when it is sustained by consensuses and basic reference points, can also counteract the cultural relativism for which multiculturalism is often blamed (all traditions, norms and rules are equivalent, and so on). It is likely to mitigate social divisions.

This idea is at the heart of major sociological theories and is a matter of common sense. Philosophers and essayists from different periods have written about it, in particular Tocqueville: "… it is readily apparent that no society can prosper without similar beliefs or rather that none subsists thus, for, without common ideas, there is no common action and without common action, men still exist but not a social body … it is therefore necessary that the minds of all citizens always be assembled and held together by a few main ideas."[29]

However, the entire difficulty that the conception and transmission of a collective identity poses in a diversified, pluralist society is apparent. How can we construct common reference points while respecting the diversity of cultures? At first glance, this difficulty seems to be insuperable. For this reason, according to some people, we must relinquish such an identity based on the combination of different cultures or traditions. The model that would result would be that of a multicultural* society united by respect for universal values codified by law. This type of society would be based on adherence by individuals to legal rules and the reproduction of specific cultures on the margins of civic life.

In respect of this model, we object that this perspective of the social bond is very abstract, that all communities need a few strong symbols that serve as a bonding agent and a rallying point, sustain solidarity beyond cold reason and underpin its integration. In other words, every society gives meaning to what it is or would like to be, creates loyalties and respectability, and identifies with its dreams, ideals and meritorious achievements recorded in edifying narratives whose heroes personify the achievements that the society likes to celebrate. This exercise is legitimate and useful as long as it remains

28. In addition to identity, the seven themes concerned the place of religion in public institutions, the protection of minority rights, the impact of accommodation on gender equality, the need for common values, the integration of immigrants, and the limitations that must be imposed on accommodation practices.

29. A. Tocqueville (1992, page 519).

within the confines of moderation and the law, is arbitrated by public debate and guided by democracy. That being the case, where can this solidarity and these loyalties take root?[30]

First, let us add a clarification to properly define the framework of the exercise. We have already mentioned, in Chapter I, the backlash that has occurred recently in most Western societies, mainly a reaction against cultural contributions that seem to threaten the rule of law and even public order in host societies.[31] However, we also note a reaction by old founding cultures attached to their sociocultural prerogatives and worried about their future. Rather paradoxically, the latter reaction in Québec is often directed against the rule of law itself, blamed for playing into the hands of immigrants or ethnic minorities: the latter appear to use the liberalities of the Québec and Canadian charters to obtain privileges and avoid the host society's culture. The solution apparently lies in a tightening up of legislation and the charters.[32] French-Canadian Quebecers, to the contrary, complain that the Charter prevents them from protecting their identity. Through these two paths, we are witnessing the calling into question of law in the name of culture (or the identity question), and one seems to be in conflict with the other.

We must first be wary of adopting the overly antagonistic perspective that we have just described. Until now, the rule of law has been applied, as its very nature implies, both to the members of the ethnic minorities and to other Québec citizens. Moreover, is it certain that accommodation requests jeopardize the culture of the majority ethnocultural group?[33] This anxiety nonetheless exists[34] and we must take it into account by showing that, at the same time as a common culture is flourishing, there is well and truly a future for all cultures, including, quite obviously, the culture of French-Canadian origin, in the context of Québec's growing diversity.

Let us return to identity. We can say that a truly inclusive collective identity has been developing in Québec for several decades. We are speaking of a genuine Québec identity that all citizens can share within or beyond their specific identities. This means that such an identity is beyond the stage of a project and has already taken shape, as a number of the "children of Bill 101," irrespective of origin, attest. They, like everyone who wishes to get involved in this society and participate fully in public life, are unhyphenated Quebecers. Among older people, the Québec identity as we understand it here has made considerable progress. These important developments warrant very close attention, even if, for understandable reasons, this report often refers to the ethnic minorities, the majority group, rifts, and so on.

We must also bear in mind that a number of citizens, whether or not they are immigrants, who are not integrated into French-speaking Québec society have nonetheless become attached to it even before they really know it. While it may seem paradoxical, many immigrants arrive here with a very strong determination to fully belong to this society, which they already perceive as a land of freedom. The effort of mutual knowledge and adjustment remains to be made but they have already joined us, in a manner of speaking, provided that their motivations are not dashed by brutal rejection in some form or other of discrimination or exclusion. In the past, many young English-speaking Quebecers displayed a similar desire to integrate during the Quiet Revolution. Their parents did not feel very integrated into Québec society but the children intended to define themselves entirely differently.

In all of these cases, the desire to jointly build a society preceded the essential effort of sharing references, collective memory and common values. This phenomenon should not surprise us. Every nation is a historic project in which each individual endeavours to live according to certain values that change in the course of history. Basically, the genuine seat or ultimate pole of our attachment is less an array of customary or ethnic traits than an alliance of worldviews, some deep-seated values, hopes and projects to be pursued together. In this regard, a nation more resembles a friendship than a contract.

30. Some readers will have recognized in the foregoing discussion the terms of the controversy surrounding the civic* nation and the ethnic nation. As a matter of fact, we take exception to this polarity. All Western nations now offer an alloy of these two abstract types of nations, which are distinguishable by unequal weighting and the emphasis that is placed on either term. Indeed, even the most supposedly civic nations are based on strong mythologies and ethnic densities, which, however, they decide to deny and gloss over (think of the United States or France, among others). Moreover, we must be wary of confusing ethnicity (all of a community's traits or ways of life) and ethnism (the violation of rights in the name of unbridled ethnicity elevated to the status of an absolute norm). Ethnicity can turn into ethnism just as religion can turn into fundamentalism.

31. According to sociologist Michel Wieviorka, Québec is involved in "the great trend in the contemporary world: the exhaustion of efforts to articulate within the nation-state respect for law and reason, and respect for the religious or cultural distinctiveness of certain groups" (*La Presse,* September 24, 2007, page A21).

32. This is a message that we often heard during our public consultations and discussions with focus groups. It is also pervasive in the e-mails that we analysed.

33. We will examine this question in Chapters IX and X.

34. As we will see, it has expressed itself in various ways and occasionally in rather pessimistic terms.

The fact that we live in a democracy gives every individual a reason to appreciate Québec. However, it is clear that reasons of this type alone do not explain the feeling of deep attachment that one can feel towards a society, even if these reasons bolster the pride that one feels in contemplating it. The memory of a common history, with its achievements and failures, its felicitous moments and trials, is more decisive from this point of view. But history itself cannot fully explain the very strong social bond that always seems to go beyond the reasons that we can formulate.

In fact, the bond that unites certain individuals, whether in friendship or in a nation, always partly eludes the effort of reason to describe it. The society to which one is deeply attached is this collective enterprise that has taken shape over the centuries, centred on certain values or ideals, which, of course, have continued to change. It belongs to the past but perpetuates itself as a heritage and as the future. In this way, everyone can grasp this past in order to prolong the thread that wove it, without there necessarily being agreement on everything that composes it. Some individuals have direct ancestors in this past and others do not, but everyone can adopt the project that this society proposes. The path has been shaped but one can enter it at any time, which means that one has the right, therefore, to contribute to mapping out the rest of the itinerary, in a word, to codetermine it.

This promise of codetermination, which is unique to a free country, makes the newly-arrived immigrant, like the young English-speaking Quebecer in the 1960s, a valuable recruit for the Québec nation. It is the dreams, decisions and common projects, in short everything we have achieved together, that will give substance to this new and perhaps fragile identity. In other words, heritage is made and remade with each generation and is the outcome of all contributions: those of descendents, natives* who have been integrated for a long time into the general movement and those of newcomers (from within and from without). The most decent society possible will result from all of that, at the same time as the idea or dream that we make of it, namely an identity that is also to be nurtured and transmitted.

However, we do have one reservation: no one can predict the course that the movement that will result from all of these contributions and interactions will follow and there is no prior guarantee that it will conform to what people perceive as the genuine historic thread of Québec society. In other words, the future of the past remains an open question, for two reasons: *a)* there is no historic determinism and history often fails to keep the promises that we thought we read into it; **each generation redefines tradition, grasps it in its own way and propels it forward;** and *b)* we can perceive at any time several threads in the past (it is never linear), which complexifies the question of loyalty to history. When all is said and done, democratic public debate is the sole arbitrator.

How can we pursue the edification of an identity to which everyone will want to subscribe and be able to do so? We believe that there are at least eight avenues or spheres within which the collective identity is being formed in Québec. In accordance with the rule of law and the imperatives of pluralism, let us specify that these are the avenues or spheres that can allow an identity to develop as a **citizen culture.** In other words, all Quebecers can recognize themselves in it and achieve self-fulfillment through it, if they so desire, without relinquishing, moreover, what they already are. Each of these avenues warrants thorough comment but we must confine ourselves to the concise presentation below.

1. The first avenue is that of **French** as the common public language.[35] This is an old, well-known theme, but one that is still entirely topical and relevant. It is germane to point out here the highly integrative function that Bill 101 has played in our society. For example, the intercultural approach would hardly have any meaning if Quebecers were unable to communicate with each other in the same language. As for the rest, from the old struggles for survival to the challenges now facing French-speaking Quebecers, the context has unquestionably changed considerably, and the interveners, too, under the influence of immigration, but the question and the outcomes will remain fundamentally the same.

2. The development of a **feeling of belonging** to Québec society through the schools, civic life, intercultural exchanges, knowledge of the territory, and so on. Obviously, this objective is not exclusive and leaves room for other parallel ethnocultural or other affiliations.

35. According to 2006 Canadian Census data, nearly 95% of Quebecers speak French.

3. The exploration and promotion of **common values** as rallying points, a source of solidarity and factors in the definition of a future or a horizon for Québec. This theme, which invites us to **explore our similarities beyond our differences,** recurred very frequently during our consultations and was the focal point of the fourth province-wide forum organized jointly on February 3, 2008 by our Commission and the Institut du Nouveau Monde. It appears to achieve a strong consensus in all milieus in our society, including the different religious denominations.[36] It warrants further examination.

   Among the values most frequently mentioned during our consultations are pluralism, equality (especially gender equality), solidarity, secularism, non-discrimination, non-violence, and many others[37] (the reader will recognize the key values that underpin the Québec and Canadian charters). These are, of course, universal values and we might ask ourselves how they can sustain a singular identity and how they can assume a specific meaning in a given community. The answer stems from what we are calling **historicization,** a process through which a universal value acquires a specific meaning or connotation for a given society because it is linked with a past and a striking collective experience such as battles, traumas, wounds, successes, founding acts, and so on. These intensely lived experiences are deeply etched in the collective memory and imagination. Forged in a history, universal values are thus **adopted.** They then become **founding** values. An approach should be implemented to recognize and combine the values inherent in the ethnocultural traditions found in Québec.[38]

   Here is an example. The value of equality is deeply rooted in the collective memory of French-speaking Québec. It is, first of all, rooted in the experience of settlement where, against a backdrop of isolation and privation, sharing was a condition for survival (equality established itself there, to some extent, in poverty).[39] It also forged itself in the state of subordination and socioeconomic under-development that for a long time characterized French-Canadian society. It was bolstered by union struggles and women's movements. Finally, and on a more triumphant note this time, it was deployed in the emancipation movement of the Quiet Revolution. Among the aboriginal peoples, who spent most of the year in complete isolation on their hunting grounds, rudimentary life and the practice of community exchanges served as a school for egalitarianism. It might be said that a sense of equality among English-speaking Quebecers became rooted by a different path, that of liberal individualism. Longstanding immigrants of Afro-Caribbean, Afro-American or African origin display an egalitarian sensitivity inspired by the memory of slavery.

   As for more recent immigrants from the Maghreb, Latin America, Africa or Asia, let us point out that the majority wished to leave countries subject to the painful experience of European colonization and which are still deeply scarred by or under the thumb of inegalitarian or undemocratic regimes. In other words, adherence by these newcomers to the ideal of equality is all the more readily acquired since they are often deprived of it in their countries of origin.[40] The ideal of equality is thus inherent in several historicization processes.

   The theme of common values presents other advantages. Provided that these values are incorporated into concrete projects, this theme overcomes an objection often aimed at the thesis of the common public culture, which is deemed to be overly static and artificial. It also evades the main criticism facing the cultural convergence model of the 1980s, i.e. a form of gentle assimilation into the French-Canadian culture. Here, to the contrary, **facets of convergence appear at the outset and not at the outcome** (as is true of the core values of liberal society). In addition, all of these facets are equal in value. Moreover, it if were confirmed that beyond ethnocultural differences there exists a significant core of

36. Several Sikh, Muslim, Jewish, Christian and other leaders appeared before the Commission to show us that their religion is based on the same values as the others.

37. A CROP survey conducted on behalf of *L'actualité* in the summer of 2007 also revealed the importance of the family, education and spirituality (*L'actualité,* February 2008, pages 22-29). During the February 3, 2008 province-wide forum, the 216 participants were asked to engage in a similar exercise that led to the hierarchical ranking of common values, headed by solidarity, equality, respect, social justice, and democracy, with security, the environment and human rights trailing far behind.

38. A participant in the September 11, 2007 Gatineau forum said: "We should seek the common values that underpin the Québec identity."

39. Bees, the barter system and all other forms of exchange come to mind.

40. Antoine Bilodeau, a political scientist at Concordia University, showed that in 1995 roughly four immigrants out of five who had settled in Québec were from undemocratic countries. He also established that these immigrants are more attached to the values of equality and democracy than the members of the host society (publication pending, personal communication).

common values in Québec, the government itself would be justified in promoting such values. In short, these values could serve as the fundament of a renewed ethic of collective life.[41]

A caution is in order. The promotion of common values must in no way infringe the necessary diversity of individuals and groups. What we must bear in mind are **a few historicized values** that tally with the singular experience of the key collective interveners or ethnic groups. At the same time, this restriction ensures that common values will be more than abstract ideals or empty conventions, that they will, to the contrary, have a direct relationship to thought and action, and that they will inspire commitment and lead to social projects. It is only on this condition that they will truly be founding values. Defined in this way, they are exactly in keeping with the spirit of interculturalism since they draw together without amalgamating.

A number of Quebecers of French-Canadian origin now feel, rightly or wrongly, that the Quiet Revolution got rid of a valuable symbolic or spiritual heritage that it was unable to replace. These Quebecers could discover or reinvest in common values part of the heritage that they believed was lost.

4. The edification of a genuine national **memory** that takes into account growing ethnocultural diversity and makes Québec's French-Canadian past significant and accessible to citizens of all origins without draining it of its very substance. Let us note, in this spirit, that the members of the ethnic minorities can become valuable interlocutors in the search for new questions to be asked on Québec's past. They can also substantially enrich Québec's collective memory by contributing to it their own stories. The edification and dissemination of the collective memory can contribute powerfully to making known and promoting common values such as we have just defined them as the product of **historicizations that lead to the concomitant adoption of the values.**

5. **Artistic and literary creation.** Through the dissemination and mixing of publics, the diversity of contributions linked to creation (understood in its broadest sense, which includes folk art and mass culture transmitted by the cultural industries) fosters the formation of a common imagination. Once again, this is what has happened in Québec. A number of artists and writers of immigrant origin have established themselves among different publics. Their contribution is enriching and transforming the Québec imagination.[42]

6. **Citizenship participation** and **collective choices,** inasmuch as, through democratic debate, they contribute to setting values and basic orientations expressed in policies or programs. Over time, these choices give rise to a political mentality and national traditions. Some examples are the social sensitivity that permeates Norway's political tradition, the egalitarianism that imbues the popular mentality in Australia, the relationship to the environment in aboriginal cultures, and so on.

7. The development of the **associative idea.** It has the effect of *a*) shifting thinking and intercultural exchanges towards concrete citizen action centred on social problems in the broadest sense; *b*) encouraging **intercommunity initiatives** or all other forms of projects that assemble individuals from different ethnocultural milieus;[43] *c*) thus allowing cultural diversity to concretely display its breadth, with each intervener contributing to the common project his experience, ways of being and sensitivity; and *d*) ensuring that over time, as we noted, the cultural difference is no longer perceived as a problem but as an asset.[44]

8. The **symbols and mechanisms of collective life.** Repeated interaction with institutions in Québec society leads to the internalization of the attendant language, rituals, symbols and codes. We are thinking here of the Fête nationale du Québec, the rites that denote the functioning of government, especially the National Assembly of Québec, school life, and local community service centres (CLSCs), which, with use, have become important hubs of integration (at least in Montréal). We are also thinking of recourse to legal institutions, as well as the media and places of worship.

41. However, a lot perhaps needs to be done before we get there. For example, according to a SOM survey conducted in the summer of 2001, two-thirds of immigrants in the Montréal area believed that the prevailing values in Québec society were different from those in their country of origin. See Société Radio-Canada (March 21, 2001), "Les Québécois et les immigrants."

42. Martin Choquette, representing Diversité artistique Montréal, explores this idea in the brief that he presented to us.

43. To use the expression of our colleague Rachida Azdouz, a member of the Commission's advisory committee: "Québec is certainly a society in the making but also (and above all?) a society of projects."

44. As an intervener noted at the fourth province-wide forum on February 3, 2008: "When a group acts with the same objective, its members resemble each other."

This list is obviously open. Other items could be added to it, likely to contribute as well to the process of redefining and enriching a Québec identity affirmed in respect for ethnocultural diversity and in keeping with the pluralist philosophy that Québec has adopted. The peculiarity of this identity is that it opens itself fully to ethnocultural diversity through exchanges and interaction such that all citizens can at once be sustained by and contribute to it. The list remains open to new additions but also to allow for deletions from it. Predominant values are also unsettled and substitutions are made from one generation to the next. It would, therefore, be unwise to cast identity in a statute or even more so in a charter. It must remain in a state of change, through continuity and breaks.

From the standpoint of continuity, it is noteworthy that, once again, we are not on unfamiliar ground. Most of the facets that we have just presented have already been present in one way or another in the founding documents of interculturalism since 1978.

In recent years, numerous observers have concluded that there is an integration crisis in our heterogeneous societies. This observation is based in part on a somewhat nostalgic representation of so-called traditional societies that are apt to be remembered as solidly integrated, sustained by a consensual culture, forged in a lengthy history and the fundament of broad social cohesion. This is a rather illusory perspective. In reality, as numerous historical and anthropological studies over the past 20 or 30 years have shown, the nations of yesteryear often owed their cohesion to authoritarian powers that oppressed differences and only tolerated them to the extent that they failed to destroy them. The example of 19th-century France, among others, is eloquent in this respect. This nation ultimately only acknowledged regional cultures after doing everything to eradicate them. Almost without exception, Western nations were governed from above in a state of great mistrust of and sometimes contempt for the masses. Citizens who refused to conform were excluded and marginalized. What is there to envy in this type of regime governed by oligarchies and what can it teach us other than to want at all costs to avoid it?

We owe to the new cultural diversity, which rejects bullying and demands its rights, a criticism of the old founding myths that served as much to exclude as to include, a renewal of democracy and a livelier culture of rights. This new sensitivity to rights, democracy and diversity benefits all citizens. Consequently, the integration system in our society, as in most Western societies, is by far superior to the one that it replaced. In addition, the more we progress in the harmonization of our ethnocultural differences the better we will be able to arbitrate all of the other forms of distance, polarity and division. We can see here that the question of integration cannot be reduced solely to the immigrant reality.

Cultural diversity has figured prominently in this chapter and in very positive terms. We do know that some people perceive it instead as a problem. A word of explanation is thus in order. In actual fact, one of the best established truths in the history of societies is that the mixing of cultures produces change, vitality and enrichment. However, this impact can only occur if diversity is welcomed positively from the outset.[45] On this condition, it enriches public debate and democratic life through the variety of viewpoints, references and experiences. It broadens worldviews and enhances understanding of what is happening. Moreover, it contributes new horizons and sensitivities to artistic and literary

life. Similarly, the language broadens its range of expression by adopting new symbols and lending itself to new uses. The comparison of identity-related perceptions leads to better understanding of oneself and of the Other.

From a more empirical standpoint, diversity brings plurilingualism, facilitates the anchoring of globalization (the celebrated "openness to the world") and adds to the quality of lifestyles and types of life (clothing, cuisine, dances, and so on). It has also been shown that in business, diversity leads to the valuable contribution of new ideas and skills such as the renewal of production processes, management methods, and so on.

As more specifically regards Québec, let us emphasize that immigrants there are better educated than the members of the host society, which represents a significant addition of resources both for the economy and intellectual life, in particular the research and teaching sectors. However, once again, all of these advantages can only display themselves through interaction and integration, all of which also demands that we rid ourselves of an overly static conception of culture. In this domain, progress can only be achieved through flexibility and exchange.

On another level, several analysts have decreed the end of the old collective identities. Postmodernism inaugurated a new era marked by the free choice of individuals and the rationality of affiliations arbitrated by law, all of which is ensured by enlightened public deliberation. Changes in Western nations over the past half century largely confirm this assessment. Almost everywhere, old identities have nevertheless recently made a striking comeback that calls for important revisions.

We have emphasized, with regard to intercultural relations, that they must not *a priori* bring into play a hierarchy. This rule is inherent in pluralism. However, we would be mistaken to think that it harms the French-Canadian majority, which, if it must have greater weight than other groups in the development of our society, will achieve this end through concrete interplay between interaction and democratic debate, and the strength of the contribution, the creativity and vitality that it displays. Given the majority's demographic weight and the predominant influence it exercises on institutions, is there reason to share the deep-seated feeling of anxiety that was often voiced before us over the past year? The choice to be made here can be formulated thus: take advantage of the element of integration and solidarity that interculturalism contributes and, in return, be willing to change under the impact of the interaction that it supposes. The other avenue consists in jealously preserving one's traditions at the risk of establishing a system of fragmentation in which each culture perpetuates itself in isolation and thus impoverishes itself.

Let us make a final comment on interculturalism. As we have seen, this notion has largely inspired reflection in Québec on intercultural relations and, more generally speaking, integration. However, it has never been formally defined. In university and other research milieus, it has been the subject of extensive comment but without leading, in this case either, to a definition that achieves a consensus. This was readily apparent to us during our consultations: virtually all of the interveners referred to this model in order to promote it (and to counter multiculturalism), but their definitions of it remained, almost without exception, very cursory. Some interveners even confused integration and assimilation. A degree of confusion and, indeed, an element of contradiction prevails in the public that it is important to dispel while maintaining the flexibility that is inherent in interculturalism.

It thus strikes us as useful for the National Assembly of Québec to adopt an **official text on interculturalism,** which could be a statute, a policy statement or a declaration. What is important is that the exercise rely on public consultation and bring into play parliamentary institutions. This text would include all of the facets of the definition already found in the texts that we have reviewed. Interculturalism would be defined there in a broad perspective, in keeping with the spirit of integrative pluralism, which means that the model for intercultural relations would be articulated according to its civic, legal, economic and social dimensions. It would be an important component of the social blueprint. The statute would also serve as a frame of reference for the elaboration of policies and programs and would guarantee greater continuity in the government's approach. It would offer community interveners a single guide and reference point.

45. "As long as we see differences as a problem, we can't use them as a tool" (Mary Purkey in a brief presented to the Commission at its Sherbrooke hearings).

Participants from all sides last fall demanded information campaigns on immigrants, ethnic minorities and intercultural relations in order to combat stereotypes and foster rapprochement. The adoption of such a statute could provide an opportunity and serve as a vehicle to support these initiatives geared to heightening awareness to pluralism in the schools and the public at large. Legislation on multiculturalism clarified and popularized the Canadian model, which was subject to intense promotion. It has thus become a core value. It has penetrated the imagination and is now at the heart of Canadian national identity. Why not do as much with Québec interculturalism as an original form of pluralism?

To conclude, our reflection on interculturalism must not make us forget that it must be rooted in a philosophy of **integrative pluralism** that is sensitive to socioeconomic inequality and various forms of discrimination, a topic that we will broach in Chapter XI.

CHAPTER VII

THE QUÉBEC SYSTEM OF SECULARISM

INTRODUCTION

Secularism emerged as one of the key themes of the public debate that we organized in the fall of 2007. Quebecers overall have clearly, broadly adopted this concept, used not so long ago mainly by specialists. While, as we will see later, Québec's secularism model has historically defined itself in a largely implicit manner, the Commission's public consultations contributed significantly to democratizing debate on secularism and explaining the model implemented in Québec. In the following chapters, we want to pursue these clarifications and explanations.

Since the main fears and dissatisfaction voiced by Quebecers concerned accommodation for religious reasons, it is normal that the question of the secularism model best suited to contemporary Québec emerged so forcefully. Public discussion revealed that some people regard secularism as a straightforward, unequivocal principle that prescribes the separation of Church and State, State neutrality* and, by extension, the confinement of religious practice to the private sphere. In this perspective, accommodation for religious reasons is perceived as being incompatible with secularism. The response to debate on reasonable accommodation thus appears to be fairly simple: we must strictly or fully apply the principles underlying secularism.

This position assumes that secularism can be readily defined by formulas such as "the separation of Church and State," "State neutrality," or the distinction between the public sphere and the private sphere and the relegation to the latter of religion. However, the meaning and implications of secularism are only simple in appearance. None of these definitions, however relevant it may be, fully encompasses the meaning of secularism. Each definition can have a specific meaning in a given national context and include grey areas and tensions and, occasionally even contradictions that we must clarify before we can determine what the requirement of the secularism of the State means.

As we will see, secularism is complex since it encompasses an array of values or principles. A society that is seeking to define its secularism model must thus decide, in light of its own situation, the values, outcomes and balance that it wishes to attain, which is why secularism models vary to different degrees from one context to the next. There is no pure secularism model that it would suffice to apply properly. Québec, like other secular States, has elaborated and continues to elaborate a model, which, while it conforms to international law from the standpoint of freedom of conscience and religion, is adapted to its specific conditions.

We will first present the main facets that enable us to understand, broadly speaking, the method of political governance that is secularism. In section A, we will place secularism in the broader context of the neutrality that the State must display in societies such as Québec where the population adopts a wide array of values and lifestyles. We will then propose a definition of secularism and describe the different models possible. The introduction of this analytical framework will enable us to reconstruct the secularism model that has established itself over time in Québec (section B) and to review Quebecers' main objections to religious accommodation (section C). In section B, we will indicate our preference for a system of open secularism and will endeavour, throughout our reasoning, in particular in section D, to justify why we believe that Québec must stay the course and further develop the secularism model that has, in practice, already established itself. In section D, we will also examine two questions raised by Quebecers that pertain specifically to our secularism model, i.e. the wearing by government employees of religious signs and the relationship between secularism and Québec's historic religious heritage. We will conclude by suggesting that it would be desirable for the government to take over from the population and pursue the effort of defining the Québec secularism model.

A WHAT IS SECULARISM?

SECULARISM AND NEUTRALITY

The relationships between political power and religions are complex and varied in modern liberal democracies. These democracies, even those that continue, often symbolically, to recognize an official church, nonetheless live under what we can call a system of secularism. In a society that is both egalitarian and diversified, the State and the churches must be separated and political power must remain neutral towards religions. To follow the tradition of Christianity and establish today an organic link between the State and a specific religion would make the followers of other religions and those who have no religion second-class citizens. A modern democracy thus demands that the State be neutral or impartial in its relations with different religions. It must also treat on an equal footing citizens who embrace religious beliefs and those who do not. In other words, it must be neutral as regards different worldviews and the notions of secular, spiritual and religious good with which citizens identify. We know that contemporary societies are marked by a multiplicity of values and outcomes of existence. The question of secularism must thus be broached in the broader framework of necessary State neutrality in respect of the values, beliefs and life plans chosen by citizens in modern societies.

However, we must further clarify this requirement of neutrality. A democratic, liberal State cannot be indifferent to certain core values, especially basic human rights, the equality of all citizens before the law, and popular sovereignty. These are the constituent values of our political system and they provide its foundation. A democratic, liberal State cannot remain neutral toward them and has no choice but to assert and defend them.

These values are legitimate even if they are not neutral since they enable citizens who have highly varied conceptions of the world and what constitutes a successful life to live peacefully together. They allow individuals to be sovereign in matters of conscience and to thus define their own life plan in a spirit of respect for the right of others to do the same. That is why people with very diverse religious, spiritual and secular convictions can adhere to these values and affirm them. They come to adopt these values by often very different routes, but they agree nonetheless on defending them. The presence of an overlapping consensus rather than a complete consensus on basic public values is the condition for the existence of pluralist societies such as ours.[1] For example, a believer may defend human rights and freedoms by putting forward the idea that God created human beings in His image, a humanist atheist or agnostic will say that we must acknowledge and protect the equal dignity of rational beings, while an aboriginal person who embraces a holistic conception of the world will maintain that living beings and natural forces are in a complementary, interdependent relationship and that we must, consequently, grant equal respect to each one, including human beings. These three individuals agree on the principle without agreeing on the reasons that justify it.

Consequently, the State that identifies with these common political principles cannot embrace any of the numerous and sometimes hard to reconcile **fundamental reasons*** that citizens embrace. By fundamental reasons we mean the reasons or grounds stemming from conceptions of the world and good that enable individuals to understand the world around them and give meaning and a direction to their lives. It is by adopting values, prioritizing them and specifying their outcomes that human beings structure their existence, exercise their judgment and guide their conduct. We make important decisions in our lives by referring to these reasons.

It is in this sphere of fundamental reasons that individuals draw their **convictions of conscience,** to which we will return later, which are protected by the freedom of conscience and religion enshrined in our charters of rights and freedoms. As we will see, convictions of conscience include, on an equal footing, deep-seated religious and secular beliefs and they distinguish themselves from the legitimate but less fundamental preferences that we display as individuals.

Thus, in a society devoid of a consensus on fundamental reasons, the State must seek to avoid organizing along hierarchical lines the different conceptions of the world and of good that motivate citizens to adhere to the basic principles of their political association. In the realm of fundamental reasons, the State, in order to truly be the State of all citizens, must remain neutral. This implies that it adopt not only an attitude of neutrality towards religions but also towards the different philosophical conceptions that present themselves as the secular equivalents of religions.

Indeed, a system that replaces religion as the foundation of its action by a comprehensive moral and political philosophy makes

1. The American philosopher John Rawls elaborated the concept of overlapping consensus in his book *Political Liberalism* (J. Rawls, 2001).

those who embrace any sort of religion second-class citizens since their fundamental reasons are not enshrined in the officially recognized philosophy. In other words, this system replaces the established religion and the fundamental reasons that accompany it by a secularist, indeed antireligious, moral philosophy, which in turn establishes an order of fundamental reasons. Such a moral and political philosophy becomes a civil religion.

Thus, cohabitation cannot be supported by a secular equivalent of a religious doctrine but by means of the array of values and principles subject to an overlapping consensus. Reliance on common public values is intended to ensure the equal dignity of citizens in such a way that they can all adhere to the State's key orientations according to their own conception of the world and of good.

Consequently, we must avoid confusing the **laicization** of a political system and the **secularization*** of a society. While this distinction requires clarification, laicization is the process through which the State asserts its independence in relation to religion, while secularization refers to the erosion of religion's influence in social mores and the conduct of individual life. While laicization is a political process that lies within the framework of law, secularization is instead a sociological phenomenon that is embodied in individual conceptions of the world and lifestyles. In light of our discussions of necessary State neutrality in relation to fundamental reasons, it may be said that State must seek to laicize itself without for all that promoting secularization.

That being the case, such State neutrality will clearly not impose an equal burden on all citizens. For example, the liberal State defends the principle whereby individuals are deemed to be autonomous moral agents who are free to adopt their own conception of what a successful life is, which logically demands that the State be wary of imposing on them such a conception. The State will thus foster the development of students' critical autonomy in the schools. By exposing students to a multiplicity of worldviews and lifestyles, the democratic, liberal State makes it harder for groups seeking to evade the influence of the majority society in order to perpetuate a lifestyle more closely centred on respect for tradition than on individual autonomy and the exercising of critical judgment. State neutrality is thus not complete.

This bias in favour of certain basic values is constitutive of liberal democracies. It is not so much a question of calling it into question as of becoming aware that the neutrality of the democratic, liberal State cannot, by definition, be absolute. By being neutral on the fundamental reasons over which citizens may reasonably disagree, the State defends the equality of citizens and their autonomy concerning the pursuit of their own outcomes, within the limits of the law. The State thus takes a stand in favour of the equality and autonomy of citizens by allowing them to choose their way of life. In so doing, the believer or the atheist can, for example, live according to his convictions but he cannot impose on others his way of life.

To summarize, the ideal proposed here is that of a pluralistic society that achieves an overlapping consensus on basic political principles, i.e. solid agreement between citizens on these principles, even if they adhere to a wide range of fundamental reasons.

THE PRINCIPLES OF SECULARISM

Secularism must thus be understood in the context of the broader ideal of neutrality to which the State must aspire if it wishes to treat citizens fairly. But what, exactly, is secularism? As we have already noted, we cannot grasp secularism through simple, unequivocal formulas such as "the separation of Church and State," "State neutrality towards religions" or "the removal of religion from public space," even though all of these formulas contain part of the truth.

In our view, secularism comprises four key principles. Two of the principles define the final purposes that we are seeking, i.e. **the moral equality of persons** or the recognition of the equivalent moral value of each individual, and **freedom of conscience and religion**. The other two principles express themselves in the institutional structures that are essential to achieve these purposes, i.e. **State neutrality towards religions** and **the separation of Church and State.** While they are indispensable, the institutional structures of secularism can, however, be defined, as we will see, in different ways and prove to be more or less permissive or restrictive from the standpoint of religious practice.

- The moral equality of persons

A democratic, liberal system recognizes, in principle, the equivalent moral value of all citizens. The realization of this aim demands the separation of Church and State and State neutrality towards religions and secular thinking. On the one hand, the State must not identify itself with a religion or specific worldview since it is the State of all citizens, who may embrace a multiplicity of conceptions of the world and of good. It is in this sense that the State and religion must be separate. The State is sovereign in its fields of jurisdiction. On the other hand, the State must also be neutral from the standpoint of religions and other deep-seated convictions. It must neither favour nor put at a disadvantage any of them. In order to recognize the equal value of all citizens, the State must be able, in principle, to justify to each citizen each of the decisions that it makes, which it cannot do if it favours a specific conception of the world and of good.

- Freedom of conscience and religion

The institution of a secular State is also aimed at the protection of citizens' freedom of conscience and religion. Through the establishment of neutral ground, secularism seeks to ensure that each individual can live his life in light of his convictions of conscience. Moreover, the secular State will seek to defend this freedom of conscience and religion when it is unjustifiably hampered, just as it will defend gender equality or freedom of expression.

- State neutrality towards religions

This third principle has been largely examined in this section.

- The separation of Church and State

We might better describe this separation as **a reciprocal autonomy.** The State is free of all religious tutelage while religious associations are autonomous in their fields of jurisdiction, although they remain subject to the obligation to respect basic human rights and the legislation in force. On the one hand, religions do not enjoy a privileged link with the State. On the other hand, the churches must not be under State control, as is now the case in Turkey, for example, where the government exercises rigid control over the Sunni Islam clergy.

- The relationships between the four principles

If we take into account secularism's historic development in the West, it becomes even more apparent that it seeks the equal treatment of citizens and the protection of freedom of conscience. As is true of the principle of reciprocal autonomy, the requirement of State neutrality in the realm of religion stems from the Wars of Religion. It was necessary to redefine the State no longer as an instrument in the hands of Catholics or Protestants but as a common public power in the service of citizens of both denominations. These first steps towards neutrality, as halting and partial as they may have been, also went hand in hand with the establishment of a system of religious tolerance that allowed greater freedom in the practice of previously prohibited faiths. The first amendment of the US Constitution derives from the same intention and stipulates that Congress may not adopt any law that either establishes a religion or prohibits the practising of a religion. Similarly, the French law of 1905 on secularism separates the Church and the State while enshrining for all citizens freedom of religion. In all of these cases, separation and neutrality are intended to ensure the equality of citizens and go together with the recognition and protection of individual freedom of conscience and religion.

Thus, we could echo Micheline Milot's observation that secularism is "a gradual organization of the political under which freedom of religion and freedom of conscience are, in keeping with a desire to achieve equal justice for all, guaranteed by a neutral State in respect of different conceptions of the good life that coexist in society."[2]

We can better ascertain the inherent complexity of secularism when we observe that it encompasses an array of principles (purposes and institutional structures) that can in practice come into conflict. Tensions can arise, for example between State neutrality and respect for freedom of conscience and religion. The wearing in class by a Muslim teacher of a headscarf may be perceived as compromising the neutrality of the school, a public institution, but preventing her from wearing it is an infringement of her freedom of religion. How can we reconcile the appearance of

2. M. Milot (2002, page 34).

neutrality that public institutions must display and respect for freedom of religion? We will return to this question in section D, but given that two European countries, Germany and England, where the case arose resolved the question differently reveals that it is a difficult case.[3]

Consequently, we must recognize that the four key constituent principles of secularism cannot, in certain situations, be perfectly harmonized and that we must seek compromises that are as much in keeping as possible with the maximum compatibility between these ideals. It is normal for enlightened, well-intentioned interveners to fail to reach agreement when a borderline case arises. Given that secularism is not based on a simple, unique principle, this gives rise to dilemmas that public institutions must resolve. To return to the case discussed earlier, to prohibit the teacher from wearing the headscarf highlights the school's appearance of neutrality but this restricts the teacher's freedom of conscience and religion or prevents her from engaging in a worthwhile career through which she could have contributed to society. Whatever the accuracy of the definitions and the fairness and coherence of the principles adopted, there will always be borderline cases that are hard to settle.

How can we conceive of a relationship between the two purposes and two structures in a system of secularism? We can essentially envisage it as a relationship between aims and means, while recognizing that the means here are indispensable, or we can consider these four facets, both neutrality and separation and the two purposes, as values in themselves. This is a philosophical difference that we do not have to settle here. The fact remains that, considered in either manner, the four principles can come into conflict and engender dilemmas that must be resolved.

RIGID AND OPEN SECULARISM

Systems of secularism in the world are usually classified according to their relationship to religious practice. We can say that secularism is more or less integral and rigid or flexible and open, depending on the way in which the dilemmas that arise when the principles of secularism come into conflict are resolved. A more rigid form of secularism allows for greater restriction of the free exercise of religion in the name of a certain interpretation of State neutrality and the separation of political and religious powers, while open secularism defends a model centred on the protection of freedom of conscience and religion and a more flexible conception of State neutrality. In point of fact, secular systems range on a continuum from the most rigid, severe positions to the most flexible, accommodating ones towards religious practice. Moreover, a State can adopt positions that are sometimes more restrictive concerning one question and sometimes more open concerning another question. France, for example, prohibits the wearing of religious signs in public schools but continues to maintain Catholic and Protestant churches and synagogues built prior to the adoption of the *Loi concernant la séparation des Églises et de l'État* of 1905 and covers over 75% of the cost of private denominational schools.

Two other values aside from the ones mentioned here are often invoked in favour of a more restrictive system. Some people also attribute to secularism the mission of achieving in addition to the moral equality of persons and freedom of conscience and religion two other purposes: *a)* the emancipation of individuals and *b)* civic integration.

1. A secularism model can either seek to foster the emancipation of individuals in relation to religion and thus secularization or the erosion of religious belief, or, at the very least, the strict relegation of religious practice to the fringes of private life and associative life. This conception of secularism defends to varying degrees an opinion or negative point of view of religion itself, which is perceived to be incompatible with the rational autonomy of individuals. Here, secularism becomes an instrument that must serve the emancipation of individuals through criticism or the distancing of religion.

This conception is highly problematical in pluralistic societies such as Québec. First, the underlying idea that reason can fulfil its emancipating function solely if it is free of any religious faith is very debatable. There is every reason to think that a person can use his reason in the conduct of his life while maintaining a place for faith.

3. A number of German *Länder* prohibit teachers from wearing the headscarf while in the United Kingdom the decision is left to the discretion of the schools. See the *Rapport de recherche nº 2* produced by the Commission.

Next, the risks of this value of emancipation coming into conflict with the principles of equal respect for citizens and freedom of conscience are very high. The secular State, by seeking to distance religion, adheres to atheists' and agnostics' conception of the world and of good and consequently does not treat with equal consideration citizens who make a place for religion in their system of beliefs and values. This form of secularism is not neutral in relation to the fundamental reasons that motivate individuals. The State's commitment to individual autonomy implies that individuals are recognized as sovereign towards their conscience and that they have the means to make their own existential choices, whether the latter are secular, religious or spiritual.[4]

2. We might also think that a more rigid secularism model is necessary to serve, in addition to respect for the equal value of persons and freedom of conscience, another purpose, i.e. **civic integration.** Integration here is understood as an allegiance to a common civic identity and the joint pursuit of the common good. Some people think that the interaction and cooperation between citizens required by integration demands the removal or neutralization of the identity markers (including religion and ethnicity) that differentiate citizens. This republican position assumes that the removal of the difference is a prerequisite to integration.

We can, however, concur with the idea that secularism must serve civic integration while challenging the premise that removal of difference is a condition for integration. From this point of view, dialogue, mutual understanding and cooperation between the citizens of a diversified society demand, to the contrary, that their resemblances and their differences be recognized and respected. The development in a society such as Québec of a feeling of belonging and identification relies more on reasonable recognition of differences than on their strict relegation to the private sphere. This is the interculturalism model that we broached in Chapter VI. The first function of this open conception of secularism is the protection of the moral equality of citizens and freedom of conscience and religion but it also contributes, subsidiarily, to civic integration.

Now that we have established the analytical framework that allows us to understand secularism and its various incarnations, we can now present the secularism model that Québec has elaborated over time and that must now meet new challenges.

4. We will return in section C to the thesis that claims that the State must encourage individuals to emancipate themselves from religion.

B SECULARISM IN QUÉBEC

As we have noted, the discussion of secularism models and their underlying principles must not make us lose sight that concrete experience in the realm of secularism is always inevitably tinged by history and context and the specific traits of different societies. In this matter, there is no pure secularism model. Attempts to reconcile the moral equality and freedom of conscience of citizens always vary according to the uniqueness of the contexts in which such attempts occur. This is why we do not find two systems of secularism that resolve all of the dilemmas posed by the organization of religious diversity in the same way. What path has Québec followed with regard to secularism? We will first briefly retrace this historic path and then endeavour to reconstruct the fairly broad consensus that has emerged in Québec concerning the system of secularism that is best adapted to conditions in our society.

SECULARISM IN QUÉBEC

We cannot recapitulate here the entire history of relations between the State, religion and Québec society. Let us simply say that one of the key traits of Québec secularism is that it has defined itself implicitly. As a result of a series of historic events and political decisions, the political power of the Church has waned, the Québec State has moved towards religious neutrality, the reciprocal autonomy of the Church and the State has been asserted and the freedom of conscience and religion of citizens has been respected. Contrary to a fairly widespread belief, the secularization process in Québec did not begin with the Quiet Revolution in the 1960s. In actual fact, while an organic link existed between the Church and the State under the French Regime, the fall of the regime in 1759 marked the beginning of the separation of the two powers. For essentially practical reasons, the British Crown quickly relinquished its determination to make the Anglican Church the official Church of the new colony.

Religious tolerance measures were instituted in the 18th century to ensure social peace and political stability against a backdrop of forced cohabitation between French Canadians and English Canadians.[5] The *Treaty of Paris* of 1763 and the *Quebec Act* of 1774 recognized Catholics' freedom of religion. This system of recognition of religious pluralism and tolerance unquestionably admitted exceptions, but the experience of religious tolerance nonetheless took root long ago in Canada's experience.

Despite its silence on the question, the *British North America Act* of 1867 clarified the relation between the Church and the State in Canada. Unlike the US Constitution, the new Canadian federal Constitution did not formally erect a wall of separation, in Jefferson's celebrated words, between Church and State, but it did not for all that establish one or more official churches. Neither the federal nor the provincial Crown would be under Church tutelage. No reference to God was inserted in the preamble. The Constitution of 1867 thus implicitly introduced a separation between Church and State and a partial[6] but fairly advanced system of religious neutrality. The independence of the State in relation to the churches was silently affirmed.[7] The Church's claims concerning the exercising of temporal power were often thwarted in the late 19th century and the first half of the 20th century by State powers, which took several initiatives to which the clergy were opposed.[8] Consider the judgment affirming that cemeteries fall under civil jurisdiction, the reform of the electoral law of 1875 that established the secret ballot and made illegal any undue influence exercised on voters, the decision of the Superior Court of Québec decreeing that marriage is first a civil bond (the Delpit-Côté case of 1901), and decisions recognizing the rights of Jews and Jehovah's Witnesses. The widespread idea that the secularization of Québec was slow in coming is based largely on confusion between, on the one hand, the clergy's social influence (its ascendancy over moral standards, social norms and institutions) and, on the other hand, its more limited and circumscribed genuine political power and its hold over law.

The Quiet Revolution nonetheless marked an acceleration of the process of secularization of the Québec State. Sectors for which the Church had for a long time been responsible, such as education, health and social services, were gradually taken over by the nascent welfare state. Phenomena such as the change in French-Canadian Quebecers' relationship to Catholicism and growing cultural diversity meant that the Catholic Church was no longer the locus of social regulation that it had once been.

5. See M. Milot (2002), pages 69-70.
6. The Catholic and Protestant minorities in the four provinces that made up the Confederation enjoyed special protection in respect of school administration.
7. On the relation between politics and religion in the BNA Act, see M. Milot (2002, pages 80 *et seq.*)
8. *Ibid.*, pages 74-76.

One of the most decisive factors in the broadening of Québec secularism is found in the culture of human rights that gradually asserted itself in Québec and in Canada in the second half of the 20th century, as attested by the *Canadian Bill of Rights* adopted by the Diefenbaker government, the Québec *Charter of human rights and freedoms* adopted in 1975, and the *Canadian Charter of Rights and Freedoms* adopted in 1982. As we saw in Chapter V, the charters protect basic individual rights and freedoms, including equality of treatment before the law and freedom of conscience and religion, and prohibit several forms of discrimination, including discrimination based on religion. Since the charters were adopted, the courts have been likely to overturn statutes that favour one religion or unduly obstruct a citizen's freedom of conscience. The secularism of the Québec State and its institutions has thus been broadened and consolidated under the influence of the institutionalization of this culture of rights and freedoms.[9]

Québec secularism did not stem from a constitutional declaration or a statute that was explicitly devoted to it. While, at the outset, religious tolerance and partial separation of Church and State were dictated more by the need for the English Regime to ensure some degree of collaboration by its Catholic subjects than by a political philosophy, secularism gradually became a mode of governance in the recognition of the equality of religions, in the context of a society marked at once by the diversity of relations to the religious and religious diversity itself.[10]

This secularism is now facing new challenges stemming from the diversification of Québec society, challenges that are demanding new thinking on the implementation of its basic principles. Before we get to this point, it is important to reconstruct the secularism model favoured by most of the groups and organizations that reflected on the question of the system of secularism best adapted to Québec society.

RALLYING TO OPEN SECULARISM

Reflection in Québec on secularism has been varied and dynamic, at least since the 1990s.[11] The first debate on the wearing of the Islamic headscarf in the schools in 1994, the establishment in 1997 of a non-confessional education system* and the *Proulx Task Force Report on the Place of Religion in the Schools of Québec* in 1999 were high points in this debate. In addition to the task force chaired by Jean-Pierre Proulx, several organizations contributed significantly to this collective reflection, including the Commission des droits de la personne et des droits de la jeunesse du Québec, the Conseil du statut de la femme, the Centre justice et foi, the Conseil des relations interculturelles, the Conseil supérieur de l'éducation and the Comité sur les affaires religieuses. Just as the secularization of Québec schools occurred fairly late (school organization become non-denominational only in 1998 and Catholic and Protestant denominational teaching will be replaced by the Ethics and Religious Culture Program in September 2008), the schools have been the focal point of our debate on secularism. That being the case, the diversification of immigration and the current international context, in which relations between religions are pivotal, have given rise to this reflection that has expanded to overlap reflection on the organization of collective life in a society made up of citizens whose beliefs and lifestyles are varied.[12]

In our view, it is possible to draw a fairly broad consensus among the organizations that have reflected on Québec secularism over the past decade. There is agreement on what the Proulx report called open secularism,*[13] which recognizes the need for the State to be neutral (statutes and public institutions must not favour any religion or secular conception) but it also acknowledges the importance for some people of the spiritual dimension of existence and, consequently, the protection of freedom of conscience and religion.[14] It is in light of this conception of

9. Several Quebecers reminded us that the preamble to the *Constitution Act, 1982* contains a reference to the supremacy of God: "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law." While this reference may reasonably seem inopportune to atheists, agnostics and believers who wish to maintain State neutrality in the realm of religion, its legal import to date has proven to be non-existent. By guaranteeing freedom of conscience and religion and the right to equality, the Charter guarantees the primacy of basic rights over the terms of the preamble, which is why the reference to God did not push the courts to favour belief at the expense of religious non-belief.
10. This is what Louis Balthazar has called "Québec's quiet secularism" in *La Laïcité en Amérique du Nord* (L. Balthazar [1990, pages 31-42]).
11. See S. Lefebvre (1998) for an overview of debate in Québec on secularism in the 1990s.
12. Conseil des relations interculturelles (2004 b).
13. Ministère de l'Éducation (1999), foreword.
14. The Task Force on the Place of Religion in the Schools of Québec acknowledged that religion offers believers significant spiritual resources and suggested that a joint religious and spiritual animation service be offered to students who wish to take advantage of it.

secularism that the organizations in question opposed the renewal of the notwithstanding clause authorizing the schools to offer Catholic and Protestant denominational teaching. In return, rather than maintain that religion must be completely ousted from the schools, they suggested that denominational teaching be replaced by a program that allows students to acquire the knowledge necessary to understand the religious phenomenon and its expressions in Québec and elsewhere and to develop the skills necessary for cohabitation in the context of a diversified society, objectives that are found in the Ethics and Religious Culture Program.[15]

The liberal, inclusive approach that Québec adopted in the mid-1990s during debate on the wearing of the hidjab in public schools also proved to be a decisive factor in the construction of this open secularism model. While there was no unanimity, fairly broad agreement was reached then to allow students wearing headscarves to attend public schools rather than excluding them and thus steering them to private denominational schools. It was thought that the prohibition on the headscarf would infringe the students' right to equality, freedom of conscience and right to public education and deprive them of an ideal opportunity to engage in socialization with young people and teachers of all origins from all social environments.[16] As the Conseil du statut de la femme wrote, "exclusion from the schools of girls wearing headscarves has harmful consequences for their current and future integration into society."[17]

This stance reflects, to some extent, the secularism that is much more liberal than republican that has gradually established itself in Québec. In Québec, secularism allows citizens to express their religious convictions inasmuch as this expression does not infringe other people's rights and freedoms. It is an institutional arrangement that is aimed at protecting rights and freedoms and not, as in France, a constitutional principle and an identity marker to be defended.[18] The neutrality and separation of the State and the Church are not perceived as ends in themselves but as means to attain the fundamental twofold objective of respect for moral equality and freedom of conscience.

That being the case, it is true that the existence of fairly broad agreement among the public organizations and groups from civil society that expressed an opinion on the secularism model that Québec should adopt does not mean that a social consensus prevails among Quebecers on this question. Quite the reverse, the debate that preceded the establishment of our Commission and our public hearings revealed that there is profound disagreement on the policy directions that the Québec State should now adopt in respect of secularism. Some people believe that the current context demands a radical modification of the secularism model centred on the protection of rights and freedoms that we have known until now. What is the situation? Must we change course or pursue the same path?

It is our desire in this report to align ourselves with this open secularism and the search for balance that has marked it until now. We believe that this secularism model is the one that best allows us to respect both the equality of persons and their freedom of conscience and religion and thus to achieve the first two purposes of secularism. In the following sections, we will examine the arguments (section C) and anxieties (section D) most often invoked to justify the need to alter the existing secularism model and will explain why we do not believe that these reasons are decisive. In section D, we will reassert the reasons that explain our choice of open secularism and will propose new avenues for implementing this model.

15. Conseil supérieur de l'éducation (2005) and Comité sur les affaires religieuses (2006).

16. See Commission des droits de la personne et des droits de la jeunesse (1995).

17. Conseil du statut de la femme (1995, page 39). Even though the Conseil du statut de la femme has hardened its stance on secularism in a recent advisory opinion, it has not gone back on its 1995 position concerning the wearing by public school students of the headscarf. See also Conseil du statut de la femme (2007).

18. As Micheline Milot has emphasized, in Québec and Canada, the "separation of political and religious powers, the absence of a State religion, neutrality and secularism (all of these expressions are found in the jurisprudence) appear as requirements that impose themselves on the State and on public institutions, but they are neither defined as constitutional principles nor as overhanging values as is the case in France in respect of secularism, which is not only a constitutional principle but also a value that defines the Republic. To some extent, they appear as subordinate to the rights recognized as fundamental." M. Milot (2005, page 19). Open secularism resembles what Milot calls the secularism of recognition. According to her, secularism of recognition "is undoubtedly, among the different ways of instituting secularism, the most socially, ethically and politically demanding." M. Milot (2008, page 65).

C OBJECTIONS TO OPEN SECULARISM

As we have just said, we believe that Québec must broaden and clarify the open secularism model that it has elaborated over the years. Is this choice the right one? A number of Quebecers expressed their reservations about this model. In fact, the accommodation cases that have aroused the greatest discontent were based on religious reasons and implicitly related to this open secularism. What explains this malaise? We will review here five general arguments that were most frequently invoked to oppose accommodation for religious reasons and will indicate why these objections do not, in our view, warrant a break with the secularism model that Québec has chosen.

THE PUBLIC SPHERE, THE PRIVATE SPHERE AND THE DEMANDS OF SECULARISM

A number of citizens defended the position that religious practice must be confined to the private sphere. While we must recognize that all individuals are free to live according to their consciences in the private sphere, the public sphere must be free of any sign of faith. This requirement is deemed to stem logically and necessarily from the separation of Church and State that we examined in section A. This distinction between the public and private spheres, which is often presented as a clear response to questions that arise concerning the organization of religious diversity, is simple in appearance only.

The public/private distinction has at least two major meanings, not to mention minor variants. The first meaning of public, a legacy of Roman antiquity, concerns society overall in contrast with what affects private citizens. We speak to this effect of the public interest or the commonweal, from the Latin *res publica*, meaning the State or the government that attends to public affairs. We also speak of public corporations such as Hydro-Québec as public organizations. To this effect, public institutions serve in principle the common good.

The other meaning of public originated in the 18th century: it refers to as public what is open, transparent and accessible, as opposed to what is secret or of limited access. We publish a book, we make public information and the library is open to the public. It is to this effect that we refer to a public sphere made up of places of discussion and exchange between private citizens, according to the original meaning of the term. This means that we do not need a public responsibility, according to the original meaning, to participate in the public sphere, according to the second meaning.

The assertion that we often heard during the Commission's forums that we must "remove religion from public space" can thus have two markedly different meanings. It can mean that public institutions, according to the original meaning of the word, must be neutral: the State and the institutions that it embodies should neither identify themselves with a specific religion nor with religion in general. The non-confessional education system might deem itself to have resulted from this requirement. However, the same requirement for neutrality could also be understood in a much broader sense: we would then demand that public spaces, according to the second meaning, be free of all religious references. It is in light of this concept that we might prohibit individuals from wearing religious signs when they enter public spaces such as streets, businesses, parks, and associations in civil society.

This confusion of the two meanings tends to make us lose sight of the important difference between, on the one hand, allowing a student to display a religious sign in a public school and, on the other hand, fostering a specific religion through public authorities. We must, in fact, distinguish between, for example, the wearing by a student of a headscarf and denominational (rather than cultural) teaching of religions or the reciting of a prayer before classes begin. If we are to accord students equal respect and ensure the institution's neutrality, the main thing is not to completely remove religion from the school but ensure that the school does not embrace or favour any religion.

There is not doubt that a separate school system that favours Catholicism and Protestantism, as was the case prior to the adoption in 2005 of Bill 95,[19] departs from the rule of the neutrality of public institutions. However, does the school's being a public institution according to the original meaning also imply that it must be a space for meetings and exchanges that is free of any religious presence? Two conceptions of secularism clash here. According to the first conception, the requirement of neutrality is aimed at institutions and not individuals. Under the second conception, individuals must also impose on themselves a duty of neutrality by avoiding displays of their faith when they use public institutions or, in the minds of more radical individuals, when they enter public space.

This second position is especially restrictive for believers whose faith must be expressed in ritual or symbolic practices and behaviour. It also appears to assume the complete isolation of

19. Bill 95, the *Act to amend various legislative provisions of a confessional nature in the education field* (2005, chapter 20).

private life and public life and, therefore, between public spaces and private spaces. However, can this isolation always actually be maintained? Let us take the example of hospitals. In light of the decline of the extended family and the development of the welfare state, some people spend important times in their private lives in public spaces such as hospitals, residential and long-term care centres and hospices, most of them marked by suffering and vulnerability, including the period at the end of their lives. Most of these people wish to be surrounded by their loved ones and for some of them, religious rites are indispensable.[20] That is why the presence of chaplains and places of meditation in hospitals, prisons or the armed forces, is so important.[21] Consequently, the idea that we might simply banish religion from such spaces is unthinkable. The questions raised by this intertwining of the private sphere and public life demand wise, sensitive solutions that staff in establishments in the health care network often find with remarkable skill and subtlety.

In a number of instances, the public/private distinction proves to be too general to allow us to determine whether or not a given accommodation or adjustment request is compatible with the secularism of institutions. Moreover, there is a vast space between the State and private life, which we often call civil society, in which a host of social movements and associations sustain debate on questions of public interest. Certain of these institutions are motivated by a spiritual or religious spirit, not only churches but also occasionally interdenominational movements devoted to charitable and humanitarian causes or that fight for certain social changes. In a free society such as ours, religion can simply not be confined within the strict limits of the home and places of worship.[22]

THE DISTINCTION BETWEEN CHOICE AND CONSTRAINT

During our consultations, a number of participants called into question the legitimacy of accommodation requests for religious reasons. The rightfulness of an adjustment that allows, for example, a female or a male student to wear a headscarf or a kirpan, respectively, is not obvious to everyone. Similar exemptions may be granted for health reasons: a young girl must cover her head on her physician's orders or a diabetic child must bring a syringe and a needle to school. No one would dream of objecting to such exceptions. We also know that accommodation aimed at ensuring the equality of pregnant women or the physically disabled is readily accepted. Québec (and Western) public opinion thus reacts much more harshly to requests motivated by religious belief.

One of the most frequent arguments put forward to explain why requests justified by religious reasons and those motivated by health reasons cannot be put on an equal footing is that individuals who are disabled or sick have not chosen their condition while believers appear to have a choice between renouncing their religion or reinterpreting it in a manner that makes accommodation requests superfluous. In other words, we should make a distinction between situations that imply a choice and those that stem from circumstances that impose themselves on individuals. The diabetic is not voluntarily ill; the disease has imposed itself on him in the form of a constraint. However, a Muslim or a Sikh can always choose to no longer practice his religion or to practice it differently.

Liberal democracies such as Québec are normally willing to help or compensate individuals who are disadvantaged by circumstances. On the other hand, citizens are usually held responsible for their choices and personal decisions. The State will assume the cost of treating a cancer patient, for example, but a person with expensive personal tastes must assume the cost of them. A number of people thus ask themselves why society should adapt its norms to accommodate personal religious choices and occasionally assume the cost of such choices. Does this not come down to according religious choice unacceptable preferential treatment in relation to other personal choices?

However, is this not a rather precipitous or cursory manner in which to deal with the questions of identity and deep-seated convictions* that dwell in the human heart? The freedom that we must mutually secure in a democratic society is not solely the freedom of inestimable value of relinquishing or altering our

20. As the Fédération interprofessionnelle de la santé has noted, public institutions such as health care establishments can be "places where moments in the 'private' lives of individuals express themselves." The Fédération went on to say that "in the private realm, the patient's beliefs are part of his identity and well-being and account must be taken of them in a care and recovery approach, not only by virtue of a right to health or an empathetic conception of the self, but also because this consideration maintains the quality of the relationship between the healthcare professional and the patient." (page 11) See the brief presented to the Commission by the Fédération interprofessionnelle de la santé du Québec (pages 11-16).

21. It should be noted that in France provision is made expressly for chaplain services in such establishments by the *Loi concernant la séparation des Églises et de l'État* of 1905.

22. See the brief presented to the Commission by the United Church of Canada (page 13).

deep-seated convictions, but also that of being able to live with these convictions without undue hindrance provided that we do not encroach upon other people's freedom and that we do not thwart the smooth functioning of common institutions.

More fundamentally, it is important to emphasize that it is not religious convictions in themselves that enjoy special status in liberal democracies but instead all deep-seated convictions or convictions of conscience that allow individuals to shape their moral identity. The exemption from military service or from bearing arms by virtue of conscientious objection comes to mind. During a period of conscription, a pacifist for whom the refusal to resort to violence is intimately linked to his moral integrity may benefit from conscientious objector status and thus be exempted from bearing arms, in exchange for the duty to render other services to society. Let us remember here that **freedom of religion is an aspect of freedom of conscience,** one of the basic freedoms that liberal regimes seek to protect.[23]

For this reason, the decision of a Muslim girl to wear the headscarf in school cannot be put on the same footing as her male classmate's decision to wear a cap. In the first case, the girl feels subject to an obligation and to depart from this practice would mean going against what defines her (she would be betraying herself and her feeling of integrity would be affected). This is what we are attempting to convey by the notion of moral integrity.

Religious beliefs are not the only beliefs likely to play this role in an individual's life. As we saw for the pacifist, secular convictions of conscience can just as readily provide responses to the great questions of human existence or, more prosaically, allow the individual to give direction to his life. What links up these beliefs is that they engage the conscience of an individual, who cannot disregard or contravene them without affecting his moral integrity. This is precisely the type of belief that the freedom of conscience enshrined in our charters seeks to protect.

As we said, freedom of religion should thus be understood as an aspect of freedom of conscience. A person who has decided on principle to be a vegetarian thus has the right to demand in a closed environment such as a prison that he be offered meat-free meals. There is no valid reason to make a distinction from the standpoint of rights between a person whose vegetarianism stems from a secular moral philosophy (animals also have rights) or a religion (Hinduism). In both instances, to ask someone to relinquish his beliefs is equivalent to inflicting on him an excessive wrong, which would be tantamount to interpreting his requests as a simple whim.

There emerges here a perspective that reveals similarities between requests made for reasons of health and those made for reasons of conscience: if giving meat to a patient whose condition demands a vegetarian menu is equivalent to inflicting on him a physical wrong, forcing the vegetarian on principle to eat meat amounts to inflicting on him a moral wrong. We might also say that, in one case, the person is subject to a physical restriction and in the other, to a moral restriction or a restriction of conscience.

That being the case, even if we believe that we must make a provisional distinction between physical restrictions and restrictions of conscience, it nonetheless remains that convictions of conscience can allow individuals leeway in the interpretation of obligations stemming from their beliefs. Such leeway can enable them to adapt or adjust their practices. Moreover, religious traditions often make provision for exceptions to the rule when the life or well-being of individuals is threatened. In some instances, an individual guided by convictions of conscience can put himself in a state that allows for negotiation, compromise and the adjustment of his practices and, in so doing, reciprocity in the handling of accommodation requests (as we will see in the next chapter). However, this person remains sovereign as regards his choices of conscience.

RELIGION, OPPRESSION AND FREEDOM

One argument in favour of a more restrictive system of secularism starts from the undeniable principle that religion can be a source of oppression. A religion can demand of someone that he abandon most of his freedom of choice, for example by making the apostate liable to death. It can also prescribe inegalitarian rules or practices, as is the case when less value is attached to the testimony of a woman in relation to that of a man or when the rule of a church prohibits women from gaining access to certain functions.

Based on this observation, some people believe that it is legitimate to prohibit or limit not only religious practices that clearly interfere with human rights and freedoms but also those that appear, according to certain interpretations, to contradict the fundamental principles of our society.

23. The idea here is not to assert that freedom of religion has a moral and legal status inferior to freedom of conscience but that freedom of religion belongs to a broader class or category of freedom of conscience, which includes all deep-seated convictions.

The case of the wearing of the Islamic headscarf immediately comes to mind. In actual fact, many citizens told us that they believed that the wearing of the headscarf attests to the inferior status that women appear to be granted in Islam and their submission to the men in their family circle. There can thus be no question of allowing the wearing of headscarves in public establishments, one of whose missions is to promote common values.

However, this position assumes that we grasp the deep, unquestionable meaning of the wearing of the headscarf. In this perspective, the headscarf symbolizes the inequality between men and women and a Muslim woman who decides to wear it can only do so because she is consciously or unconsciously obedient to her husband, father, brother and community.

Is it reasonable to evoke these conjectures which, when all is said and done, are rather uncertain, on the profound, unique meaning of practices such as the wearing of the headscarf to restrict the freedom demanded by a female citizen?[24] What should be done if the woman in question objects to this interpretation and ascribes an entirely different meaning to her decision? Numerous Québec Muslim women told us that their decision to wear a headscarf was both voluntary and deliberate and that it was a matter of personal judgment to decide how they wish to live their lives and their faith.

The crucial question here is to ascertain who has the right to decide on the meaning of an individual's expressive acts. Is it the State or the individual himself? In certain cases such as hate propaganda, the State reserves the right to decide on the matter since the impact on the victims is too devastating to leave it up to the rationalizations of those who disseminate such propaganda. However, in the highly complex realm of religious symbolism that can eventually undergo changes of meaning, it is much less obvious that the State must judge instead of its citizens. It is essential that the State ensure that religious practice neither jeopardizes other people's rights nor the pursuit of legitimate legislative objectives that serve the common good, but it is incumbent on the individual to define his own position in relation to religion. As the Conseil du statut de la femme has quite rightly reminded us, we cannot assume "that girls wear the hidjab because they are forced to do so."[25]

Let us be clear: no Muslim woman must be forced against her will to wear a headscarf. We must protect the autonomy of women who find themselves in such a situation. However, we must also protect the autonomy of women who decide to wear it. As we will discuss in section E, we believe that the wearing by both users and government employees of the headscarf must be allowed in public institutions.

Moreover, fair treatment of religion and its place in public space cannot be confined to its harmful impact even if the latter has been devastating and, in certain cases, continues to be so. Religion and certain philosophies that do not incorporate a form of transcendence, such as rationalism and other modern humanisms, are a source of profound moral ideas that it would be difficult to relinquish. That is why secular religions and philosophies often borrow from other lines of thought certain of their basic ideas. The Hinduism of Gandhi, who drew on certain Christian currents, was reflected later, among other things, in the non-violent resistance movements of Martin Luther King and Nelson Mandela, which leads lay philosopher and rationalist Jürgen Habermas to say that certain moral ideas stemming from the Christian tradition have been translated into secular terms.[26] As a group of people of different denominations in the Estrie region wrote, "religions are institutions for the transmission of social and moral values."[27]

RELIGIOUS ORTHODOXY IN LIBERAL DEMOCRACIES

Another source of questioning and malaise in Québec as elsewhere concerns the place of religious orthodoxy in societies experiencing laicization and secularization movements. In light of the preceding section, some people, attached to the figure of the rational, free sovereign individual from the standpoint of his choices of conscience, appear to find it hard to accept that certain of their fellow citizens adhere to a series of religious precepts, e.g. prayers, dietary and dress code and religious holidays, as they would to as many rules of conduct that demand unconditional compliance. While religious feeling or the relationship to transcendence has far from disappeared in Western societies, as sociological studies on faith and spirituality attest,[28] the socially

24. See the brief submitted by the Faculté de théologie et de sciences des religions at the Université de Montréal. The authors refer to "words that tend to interpret the other person in light of oneself, as though the other person's semantics necessarily reflected the semantics that informs the dominant culture here." (page 17)

25. Conseil du statut de la femme (1997, page 42).

26. J. Habermas (2002).

27. See the brief submitted by André Castonguay and that of the Assemblée des évêques catholiques du Québec (page 9).

28. See J. Casanova (1994).

acceptable relationship to the religious is that which fairly readily harmonizes with individual freedom and autonomy. The many people who claim to have faith without being overly concerned about the exhortations and rules of the Church or whose spirituality stems from a combination of facets specific to different religions and spiritualities come to mind. This is an individualization of belief and religious practice.

This subjective relationship to faith is very different from the religious experience of the pious, orthodox or traditionalist believer and is often poorly understood. While it is wrong to assert that the latter has no leeway with regard to his religious practice and that his religious beliefs encapsulate his entire identity, faith nonetheless implies for him a considerable degree of obedience and respect for a number of rules of conduct. The orthodox believer seeks to achieve a high degree of conformity to the dogma underlying the religious doctrine to which he adheres. For the person of orthodox beliefs, religious belief is indissociable from its expression, thus from religious practice.[29] For this reason, the wearing of religious signs, compliance with a dietary code and the practising of certain rites are not precepts that he can abandon without consequences. Non-compliance with these rules causes, to different degrees, what we called earlier a moral wrong to the person concerned, which explains why orthodox believers of all denominations are more likely to request accommodation for religious reasons.

It is plausible to think that this different relationship to the religious, experienced as an obligation, shocks the conscience of certain citizens, who believe, in fact, that we must either emancipate ourselves from religion or experience it in the individual conscience, the most intimate of forums. The practices of orthodox believers diverge from what has become the new normative relationship to the religious in our society. This probably helps to explain why citizens believe that a person who requests an exemption or accommodation in order to practice his religions appears to display, in so doing, as we often heard, his refusal to integrate.

How can we explain this perception? At first sight, the young Sikh or the young Muslim girl who wishes to obtain an exemption to be able to study in a public French-language school while wearing a kirpan and a headscarf, respectively, obviously displays a desire to integrate into society. They will mix with young people from all milieus, learn French if they do not already speak the language, and so on. The person of orthodox beliefs contravenes, in a manner of speaking, the widely accepted social norm according to which the believer must experience his faith in his private life and remain master of his conscience. Do we want a society in which only one relationship to the religious is tolerated?

THE DISTINCTION BETWEEN RIGHTS AND FREEDOMS

Another reason that some people invoke to challenge the duty of reasonable accommodation in cases where religious practices come into play is based on the distinction that must be made been rights and freedoms.[30] Rights, from this point of view, appear to engender positive duties for the State, while freedoms seem to engender only negative ones. The duty that imposes itself on the State is negative when it prohibits the State from hindering through its intervention the enjoyment of individuals'

29. Some people regard religious practices, up to a point, to be more important than doctrines, i.e. orthopraxy rather than orthodoxy.

30. See the brief presented to the Commission by the Mouvement laïque québécois, page 11.

acknowledged rights and freedoms. The State can thus respect its negative duty by refraining from interfering with the exercising of rights and freedoms. The duty becomes positive when the State must not only refrain from interfering in the exercising of rights and freedoms but must also intervene to make available to all citizens the means necessary to enjoy a right or freedom or remove obstacles to the exercising of such a right or freedom. For example, the right to education demands that the State allocate public funds to the establishment and maintenance of educational institutions that make possible the exercising of this right. Similarly, legislation that limits a press monopoly may prove necessary to foster freedom of expression and freedom of the press.

As the last two examples show, the distinction between rights and freedoms does not play a decisive role here. In both instances, non-intervention by the State is not sufficient to guarantee the exercising of an acknowledged individual right or freedom. The State must intervene to ensure that the rights and freedoms stipulated are fulfilled in concrete terms. Thus, the relevant question is, instead, to ascertain whether or not the State must intervene to allow the exercising of a right or freedom. According to José Woehrling, "whether we are speaking of rights or freedoms, they have in common the State's duty to guarantee their effective enjoyment."[31] As we have seen, the duty of reasonable accommodation seeks precisely to remove the obstacles that prevent an individual from enjoying his recognized freedom of religion. This freedom does not require the State to fund the construction of churches or mosques but that it protect the enjoyment of this freedom when it is compromised by its own actions or those of other persons.

There are thus two ways for the State to intervene in a positive manner by *a)* giving citizens the means and resources that allow them to enjoy their rights and freedoms (the right to education) or *b)* intervening to remove obstacles to the exercising of rights and freedoms, e.g. freedom of expression and the press, freedom of conscience and religion, and so on. Thus, the semantic distinction between rights and freedoms does not call into question the legitimacy of accommodation practices in cases where requests are made for religious reasons.

We think that the five objections presented in this chapter should thus not encourage us to change course and to opt for a secularism model that would further limit freedom of religion and its expression.

31. Note submitted to the Commission by José Woehrling.

WHY OPEN SECULARISM?

Secularism is now an essential dimension of the modes of governance of democratic, liberal States, but it is always embodied in specific contexts. States interpret and apply the structuring principles of secularism in light of their specific situations. Different systems of secularism are thus part of a continuum ranging from the most restrictive to the most liberal, considering the place of religion and religious practice in the society.

In section B, we examined how an open secularism model implicitly imposed itself in Québec and reviewed the consensus that prevails among the majority of organizations and committees that expressed an opinion on the system of secularism best suited to Québec society. From the Parent report to the Proulx report and including the inclusive approach emphasized during debate in the 1990s on the wearing of the hidjab in the schools and reasonable accommodation practices in public and private establishments, Québec has moved towards a secularism model that aspires to treat everyone by not favouring any religion and guaranteeing individuals ample but reasonable protection of their freedom of conscience. We believe that Québec's choice of open secularism has proven to be the right one and wish, as we have stressed, to pursue this path initiated by our predecessors.

The basic reason for which we are opting for open secularism is that this model best fulfils, in our view, the four principles of secularism, i.e. respect for the moral equality of persons, freedom of conscience and religion, the reciprocal autonomy of Church and State, and State neutrality.

No one disputes that open secularism is the form that offers the broadest protection to freedom of conscience and religion. However, critics of open secularism believe that it attaches too much importance to freedom of religion, which seems to compromise the State's religious neutrality and, consequently, the equality of citizens. We believe, to the contrary, that from this standpoint, properly designed open secularism achieves the most appropriate balance and better serves the equality of persons. A statute linked to more restrictive secularism prohibiting, for example, the wearing of religious signs in public establishments can, of course, be deemed to be uniform, since it applies without exception to everyone. However, it could not be considered neutral since it favours individuals whose philosophical, religious or spiritual convictions do not demand the wearing of such signs. As for a system of open secularism, it favours equal access to public institutions both by users and employees by refocusing the analysis of State neutrality on the State's acts rather than on employees' and users' appearance. Open secularism thus better fulfils the principle whereby equal value must be granted to everyone independently of his philosophical or religious convictions. We believe that this characteristic of secularism is of fundamental importance in the context of societies that are constantly diversifying from a cultural and religious standpoint. Participation in public schools and the labour market (especially the public service), which are decisive institutions, is one of the factors most likely to reduce the risk of conflict and social fragmentation.[32]

Thus, open secularism does not sacrifice the separation of State and Church and State neutrality towards religions for the benefit of believers' freedom of religion. Instead, it offers an interpretation that achieves greater compatibility between the two purposes.

THE CHALLENGES POSED BY OPEN SECULARISM

The open secularism model is, however, being tested at present and must resolve new dilemmas and seek a new equilibrium. Québec is diversifying and will continue to do so. How, in such a context, can we allow citizens to live according to their conscience and ensure respect for the common public values that underpin collective life? How can we respect cultural and religious diversity while preserving historic continuity and the representation of the past in the present? The fears and criticisms that citizens voiced during the public hearings, while they do not in our view warrant a radical break, reveal grey areas in our current system and raise a number of questions that we must answer. These responses, in return, will enable us to flesh out our secularism model and broaden its definition and application in concrete cases.

At least two key questions constantly cropped up during public debate in the fall of 2007: may government employees wear religious signs in the exercising of their duties and how can we

32. Moreover, it would seem that the adaptation necessary for cultural diversity is, in point of fact, shifting France towards a more multicultural integration model* and more open secularism. Sociologist Jean Baubérot maintains that the French statute prohibiting the wearing of religious signs in public schools does not appear to be representative of the process in which France is involved. See J. Baubérot (publication pending).

distinguish between what relates to our historic heritage and what breaches the rule of State neutrality towards religions? In other words, must we wipe the slate clean as regards Québec's religious past to conform to the demands of secularism? Obviously, there is more than one acceptable answer to these questions. Here, nonetheless, are the responses that strike us as being best adapted to contemporary Québec.

- ## The wearing by government employees of religious signs

As we have seen, secularism demands that there be no organic link between the State and religion. The secular State must take its orders from the people through its elected representatives and not the churches. The religious neutrality of the State demands that public institutions not favour any religion, not that the individuals who frequent the institutions relegate to the private sphere displays of their religious affiliation. What are the implications of the religious neutrality of the State as regards agents of the State, who represent it and enable it to accomplish its duties?

This question does not pose a specific challenge to the most rigid conceptions of secularism. Since agents of the State prohibit in some instances the wearing by users of religious signs, it goes without saying that they may, generally speaking, display their religious convictions while performing their duties. In France, the principle of secularism is deemed to justify prohibiting agents of the State from wearing religious signs.[33] This question is a difficult one as regards open secularism models that seek to strike a balance between the demands of the strict protection of freedom of conscience and religion and the demands of the necessary neutrality of public institutions.

The reason most frequently invoked for prohibiting agents of the State from wearing religious signs is that the agents represent the State and must, consequently, embody the values that the State promotes. Since the State is neutral with respect to the religious affiliations of its citizens, its representatives must embody this neutrality.

At first sight, this stance seems reasonable and legitimate. Citizens, as individuals, are free to display their religious affiliation both in the private sphere and in the public sphere, in its broadest sense. However, as agents of the State, they must agree to embody or personify State neutrality towards religions. A State employee wearing a visible religious sign might give the impression that he serves his Church before serving the State or that there is an organic link between the State and his religious community, while a uniform rule prohibiting the wearing of religious signs avoids the appearance of a conflict of interest.

It is important to note at this juncture, before we examine this argument more closely, that prohibiting agents of the State from wearing religious signs has a twofold cost, i.e. the restriction of *a)* the freedom of conscience and religion of the individuals concerned and, possibly, of *b)* equality of access to jobs in the public and parapublic service. If, as we saw in Chapter V, no right is absolute, a liberal democracy must always have compelling reasons for infringing the basic rights and freedoms of part of the population. Is the appearance of neutrality aimed at by the rule prohibiting agents of the State from wearing religious signs a compelling reason?

The appearance of neutrality is important but we do not believe that it warrants a general rule that would prohibit agents of the State from wearing religious signs. If such a prohibition is better justified, as we will see later, in the case of certain specific functions, what is important, above all, generally speaking, is that agents of the State display impartiality in the performance of their duties. A State employee must seek to accomplish the mission attributed by legislators to the institution that he serves. His acts must neither be dictated by his faith nor his philosophical beliefs but by the desire to achieve the purposes inherent in the position that he occupies. Why should we think that the person who wears a religious sign would be less likely to display impartiality, professionalism and loyalty to the institution than the person who does not wear such a sign? Why, therefore, dwell on external displays of faith? Should we not also demand of State employees that they relinquish any conviction of conscience?[34] It would obviously be absurd to do so. Why think *a priori* that people who display their religious affiliation are less likely to take things into consideration than those who do not externalize their convictions of conscience or who externalize them in a much less visible manner (the wearing of the Catholic cross comes to mind)? Why refuse one person the presumption of impartiality and grant it to the other one?

33. Here and in the sections that follow, we are speaking of religious signs that are, if not ostentatious, at least visible to other people.

34. M. Milot (2008, page 99).

In our view, we must evaluate agents of the State in light of their acts. Do they display impartiality in the performance of their duties? Do their religious beliefs interfere in point of fact with the exercising of their professional judgment? The restriction of the freedom of conscience and religion of certain citizens is a solution of last resort. In the case at hand, it is possible to evaluate the neutrality of the acts of agents of the State without restricting their freedom of conscience and religion. For example, in the case of an employee wearing a religious sign and engaging in proselytism in the workplace, it is proselytism that should be prohibited and not the wearing of a religious sign, which in itself is not an act of proselytism. It goes without saying that we can associate a specific duty of circumspection in respect of the words and acts associated with certain positions. Consider, for example, the staff who will teach the new Ethics and Religious Culture Program.

It may well be, it is true, that some people are shocked by the vision of an agent of the State displaying his religious affiliation, regardless of his skills. How can we explain this reaction? Might it be, in many instances, that it stems from a suspicion or indeed an intolerance of religion in general or of minority religions in particular? Should we restrict on this basis certain citizens' free exercise of religion? In a diversified society such as ours in which numerous religions and relationships with religion mix, we must instead rely on learning to live together that fosters mutual understanding and respect.[35] How might we become accustomed to religious signs with which the majority is not familiar if a number of key occupations are closed to individuals for whom faith must express itself in the wearing of such signs? Does not a more rigid secularism risk, once again, fostering community withdrawal rather than integration?

However, let us point out that our position does not mean that we must accept the wearing of religious signs by all agents of the State. Instead, it assumes that we must not prohibit the wearing of a religious sign simply because of its religious nature. Other reasons may, however, justify the prohibition on wearing certain religious signs. This brings us into the realm of undue hardship that we examined in Chapter III. The wearing of a religious sign must not hamper the performance of the employee's duties. For example, a female teacher cannot wear a burka or a niqab in class and properly perform her teaching duties. On the one hand, teaching relies by definition on communication and covering the face and body excludes non-verbal communication. On the other hand, one of the teacher's missions is to contribute to the development of the student's sociability. It seems reasonable to think that the wearing of a full-body veil establishes too great a distance between the teacher and her students. In short, pedagogical reasons can, among others, be invoked to justify the prohibition on female teachers' wearing the burka or the niqab.[36] Analogous considerations obtain for the vast majority of duties in our public institutions, where full, open communication between colleagues and with the public is essential.

The headscarf, on the other hand, compromises neither communication nor socialization. However, some people maintain that a student in the first cycle of elementary school has not yet developed the autonomy necessary to understand that he does not have to adopt the religion of his female teacher, who is in a position of authority. This is a serious argument and while we are unable to do so here it warrants investigation in light of research in educational psychology. On the other hand, we would also have to bear in mind that young people who are exposed at a very early age to the diversity that they will encounter outside the school can more readily demystify the differences and will consequently be less likely to perceive them as a threat. Successful cohabitation in a diversified society demands that we learn to perceive as normal an array of identity-related differences.

In our view, a general rule that applies to all agents of the State, from the employee who performs simple technical tasks and has no contact with the public to the Chief Justice of the Superior Court of Quebec would be excessive. The prohibition of the wearing of religious signs in respect of a restricted range of duties is nonetheless more justifiable. In the brief that it presented to the Commission, the Bloc Québécois maintained, for example, that the wearing of religious signs should be prohibited in the performance of duties that "embody the State and its necessary neutrality."[37] Some examples are judges, Crown prosecutors, the president of the National Assembly of Québec, police officers, and so on. In support of this nuanced proposal we can maintain that the separation of Church and State must be marked symbolically

35. We believe that the new Ethics and Religious Culture Program will facilitate such learning. See G. Leroux (2007).

36. We are not excluding that there might be other reasons for prohibiting female teachers from wearing these signs, but we believe that the reasons mentioned here are largely sufficient to justify such a prohibition.

37. We have drawn this expression from the Bloc Québécois brief, page 36, which mentions "functions, which, by their very nature, embody the State and its necessary neutrality to ensure respect for the basic freedoms of conscience and religion of all citizens."

and that this is a principle that we must highlight and promote. We can also suggest that the requirement of the appearance of impartiality imposes itself at the highest level in the case of judges, police officers and prison guards, all of whom possess a power of punishment and even of coercion in respect of individuals such as defendants, accused persons and inmates, who are in a position of dependence and vulnerability.

Everyone will agree that this type of situation must be broached with the utmost caution. The case of judges is probably the most complex and the hardest to decide upon. It is essential that the parties involved in a trial, especially the respondent, who may be punished, can assume the judge's impartiality. Could a Muslim respondent assume the impartiality of a Jewish judge wearing a kippah or a Hindu judge displaying a tilak?*

The right to a fair trial is one of the acknowledged basic legal rights of all citizens. We can argue that it is not necessary to prohibit signs to make this right effective. In fact, a judge must first ascertain whether he is fit to hear a case. If he doubts his ability to preside impartially over a trial, he must disqualify himself.

Similarly, it is also difficult to decide on the case of police officers, who also exercise a power of punishment. On the one hand, we can claim that the prohibition on religious signs is, in certain contexts, a functional necessity in respect of the performance of the police officer's duties. On the other hand, we should also take into consideration the hypothesis that a police force is likely to more readily gain the trust of a diversified population if it is diversified and inclusive.

What stance should we adopt in light of these contradictory considerations? We believe that a majority of Quebecers accept that a uniform prohibition applying to all government employees regardless of the nature of their position is excessive, but want those employees who occupy positions that embody at the highest level the necessary neutrality of the State, such as judges or the president of the National Assembly, for example, to impose on themselves a form of circumspection concerning the expression of their religious convictions. Some people maintain that the separation of Church and State must be embodied in certain symbols, in this case the appearance of agents who occupy positions that tangibly represent the different powers of the State. This expectation appears reasonable to us.

Having weighed up these considerations, we believe that the imposition of a duty of circumspection to this limited range of positions[38] achieves the best balance for contemporary Québec society. These are positions that strikingly exemplify State neutrality and whose incumbents exercise a power of coercion.

Such is our conclusion. We admit that we can achieve this end by following different lines of reasoning. For example, we can deem this proposal to be the most appropriate in the context of contemporary Québec society, although it is understood that this context can change over time. Or, we can also maintain that the proposal has a more permanent character that goes beyond the current context inasmuch as it embodies the principle of the separation of the State and the churches. We do not have to decide this debate since the two lines of reasoning lead to the same conclusion.

38. The president and vice-president of the National Assembly, judges and Crown prosecutors, police officers and prison guards.

• Religious heritage

A number of Quebecers do not understand why accommodation must be granted to individuals belonging to minority religious groups while the majority must accept in the name of secularism the modification of certain of its symbols and institutional practices. Generally speaking, the preceding discussions allow us to answer the questions stemming from this feeling of unfairness. On the one hand, the State or public institutions must not make of a precept or a practice specific to a given religion, even that of the majority, a norm that is restrictive for the population overall. Thus, the statute prohibiting stores from opening on Sunday had to be abolished, since it reflected a Christian norm in positive law. Atheists, agnostics and the members of other religious communities had to respect a statute stemming directly from the Christian religion. The latter were thus not treated by the State with equal respect. On the other hand, accommodation or adjustments that allow individuals to practice their religion at work or in public establishments do not, if they are warranted, call into question State neutrality. These practices are only binding on themselves.

Does secularism demand that Québec's historic religious heritage be sacrificed? In particular, must we purge public institutions and places of public use of all traces of religion and, first and foremost, the religion of the majority? Would that not be tantamount to adopting a clean slate approach?

An adequate conception of secularism must, in our view, seek to distinguish between what constitutes a form of establishment of religion and what is part of the society's historic heritage.[39] The old statute governing working on Sunday, the privileges granted Catholics and Protestants concerning the teaching of religion in public schools, the reciting of a prayer before municipal council meetings, and swearing an oath on the Bible in court are forms of affirmation of the religion of the majority. Practising Christians are favoured in all of these cases while non-Christians are obliged to respect a law or norm that is at odds with their convictions of conscience.

However, certain practices or symbols may originate in the religion of the majority without necessarily genuinely restricting those who are not part of this majority. This is true of practices and symbols that have heritage value rather than playing a regulatory role. For example, the cross on Mount Royal does not signify that Montréal identifies with Catholicism and does not demand of non-Catholics that they act against their conscience. It is a symbol that reflects a chapter of our past. A religious symbol is thus compatible with secularism when it is a historic reminder rather than a sign of religious identification by a public institution.[40] As the Commission des droits de la personne et des droits de la jeunesse du Québec has emphasized, a symbol or ritual stemming from the religion of the majority "does not infringe basic freedoms if it is not accompanied by any restriction on individuals' behaviour."[41]

This criterion is widely accepted. Quebecers of immigrant origin and the members of religious minorities who participated in the Commission's public hearings did not, moreover, plead for the elimination of Québec's religious heritage. However, we must avoid maintaining practices that in point of fact identify the State with a religion, usually that of the majority, simply because they now seem to have only heritage value.[42] The prayers recited at the beginning of municipal council meetings[43] or the crucifix hanging above the president's chair in the National Assembly of Québec come to mind. This crucifix, which Maurice Duplessis installed in 1936, suggests that a very special closeness exists between legislative power and the religion of the majority. It seems preferable for the very place where elected representatives deliberate and legislate not to be identified with a specific religion. The National Assembly is the assembly of all Quebecers.[44]

39. The State establishes a religion when it maintains organic links with a religion or when the State's action originates in a specific religion. The establishment of a religion contradicts the rule of the separation of the State and religion.

40. This also applies to practices whose religious content is limited or non-existent. For example, the Christmas tree is a symbol of pagan origin without any real religious resonance adopted by a number of highly secularized societies. Some non-Christian consumer societies such as Japan celebrate Christmas.

41. P. Bosset (1999), page 20.

42. As M. Milot (2008) emphasizes, page 92.

43. Since 1976, the prayer in the National Assembly of Québec has been replaced by a moment of contemplation.

44. The same reasoning applies to the crucifixes on the walls of public schools. What should be done with the crosses engraved in the very walls of certain Québec schools? The idea here is obviously not to destroy the walls but to no longer build public schools that bear the mark of the religion of the majority.

Having said that, cases will remain in which the State cannot be perfectly neutral. For example, all societies need a common calendar that enables citizens and institutions to coordinate their actions. Such calendars are usually of religious origin, which explains why businesses had for a long time to close on Sunday[45] and that most statutory holidays coincide with Christian religious holidays. In this case, there cannot be any question of remaking a sanitized calendar cut off from history. As we saw in Chapter IV, the path to follow is instead that of reasonable accommodation practices that allow members of other religions to take leave on their most important religious holidays as Christians do. Here, accommodation measures allow both for the maintenance of historic continuity and the remedying of indirect discrimination.*

Open secularism thus allows us to fairly answer questions surrounding the wearing of religious signs and historic heritage, which arise in all diversified societies.

A WHITE PAPER ON SECULARISM

To summarize, Québec must, in our view, broaden its open secularism model instead of changing it. What is the Québec government's role in this undertaking? A number of individuals and organizations asserted that the time has come for Québec to adopt an instrument or mechanism that allows it to affirm loud and clear its secularism and to clarify the terms of this secularism. Several people supported the idea of adopting a charter of secularism whose status would be equivalent to that of the *Charter of the French language*, or to incorporate into the Québec *Charter of rights and freedoms* an interpretive clause affirming the secular nature of the Québec State. The idea underlying these proposals is that secularism should become, as in France, a (quasi-) constitutional principle.

Quebecers are right to want the key parameters of our society, especially those stemming from our system of secularism, to be more clearly defined and asserted. However, we do not believe that the adoption of a provision or a legal mechanism such as a section or interpretive clause in a charter is the best way to respond to this request for reference points. As we have shown in this chapter, the Québec State is secular. The equality of persons before the law and freedom of conscience and religion, which both demand that the State be autonomous in relation to religions and neutral towards them, are already enshrined in our charters of rights and freedoms. The courts already have the tools necessary to reject accommodation requests based on freedom of religion that would jeopardize the separation of Church and State or the State's neutrality in respect of religion.

That being the case, if the Québec State is *de facto* and, indirectly, *de jure* secular, it is true that successive governments have remained remarkably silent on the Québec secularism model. While they have often legislated to reaffirm Québec's secularism (take, for example, the introduction of non-denominational teaching of religion in public schools), an elected government has never adopted a text in which the key directions of the Québec secularism model are defined. We believe that it would be timely for the executive branch of government to take over from Quebecers, examine this question and discuss such a text, which could take the form of a white paper on secularism. A white paper is a document that the government can submit to the National Assembly focusing on a question of public interest in which it

45. Legislation still restricts the hours of operation of certain businesses on Sunday. The courts have established that the legislation could regulate this facet insofar as the objective pursued is the employees' well-being and not the imposition of a religious precept.

presents a problem, the objectives pursued, the means that can be implemented, and its preferred option.[46]

It is important at this stage in Québec's history for the State to formalize and spell out the conception of secularism that already exists in practice and, in so doing, to confirm and clarify the guidelines that define it. Contrary to the situation that prevailed prior to the adoption of the *Charter of the French language*, the current situation does not require the adoption of a series of legislative measures aimed at promoting and ensuring respect for secularism. Instead, a white paper should:

1. define secularism by distinguishing its four principles, what we have called its two purposes and its two essential institutional structures;

2. review the major choices that Québec has made in respect of secularism;[47]

3. defend the conception of open secularism adopted and implemented by Québec;

4. clarify and submit for public debate questions on which a consensus has yet to be achieved.[48]

As we have shown in this chapter, the legislation in force in Québec and Canada, including the charters of rights and freedoms, and recognized by jurisprudence already assures the secularism of the Québec State. The State must seek to clarify the foundations and objectives of its secularism model and make available to its citizens a common frame of reference that helps to structure public debate on the question.

We therefore recommend that the government initiate a process that leads to the tabling in the National Assembly of a white paper on secularism that clarifies and formalizes the implicit secularism model patiently edified in Québec. This statement would specify the terms of the debate and partly satisfy the need voiced by Quebecers for clarification concerning the organization of religious diversity. The white paper would review the key choices that Québec has made and could clarify the questions that must be examined during future discussions. Without ending debate in Québec on secularism, the white paper would contribute significantly to structuring it.

46. See http://www.formulaire.gouv.qc.ca/cgi/affiche_doc.cgi ?dossier=1532&table=0.

47. We are thinking here of the importance accorded the protection of the freedom of religion of all citizens and of reasonable accommodation practices in respect of religious differences, the establishment in Québec of a non-confessional school system, the inclusive approach adopted with regard to the wearing by users of public institutions of religious signs, and so on.

48. For example: the wearing by agents of the State of religious signs, the status of historic heritage, the place of religious orthodoxy in our society and the sometimes difficult reconciliation of, on the one hand, freedom of religion, and on the other hand, of other people's rights and common public values.

PART IV
TAKING STOCK OF HARMONIZATION PRACTICES

CHAPTER VIII

PRINCIPLES, REFERENCE POINTS AND GUIDELINES

INTRODUCTION

In Chapters V, VI and VII, we reconstituted and clarified the fundamental norms of collective life in Québec. In addition to outlining the existing key legal parameters, we also spoke in favour of an interculturalist integration model based on integrative pluralism and a system of open secularism. We are thus banking on the broadening of the choices that Québec society has made in recent decades. The importance of harmonization practices in general and the duty of reasonable accommodation in particular stem, by and large, from these collective choices. In fact, a society that decided to implement a more assimilatory integration policy would be reluctant to adapt its norms and institutions to allow newcomers to preserve and reproduce aspects of their cultural identity. Similarly, a very rigid system of secularism would not acknowledge any obligation to accommodate the religious beliefs and practices of minority groups. As we have seen, such a system deems the confinement of religion to the private sphere to suffice to ensure the freedom of conscience and religion of all citizens.

The need for harmonization practices thus stems from the major orientations of our society. However, this need must not be understood solely as an obligation. Harmonization practices also enable us to pursue outcomes and collective ideals such as equality, cooperation and social cohesion, the creation of new forms of solidarity and the development of a feeling of belonging to an inclusive Québec identity.

That being the case, requests for accommodation or adjustment occasionally raise difficult questions. Does the acceptance of the request risk imposing an onerous burden on other individuals or engendering excessive costs? Can it jeopardize other people's rights, the institution's mission or, even, public order? The duty of accommodation or adjustment is not absolute and not all requests can be accepted. However, what criteria are available to evaluate the requests and manage harmonization practices overall? Do mechanisms and procedures exist that foster the attainment of negotiated solutions between the concerned parties and therefore allow us to avoid escalation and the judicialization of conflicts?

Chapter IV concludes with a list of difficulties and unresolved questions, problems that interveners experienced mainly in the education and health care sectors. One such problem concerned the resolution of conflicts resulting from the application of two rights, e.g. freedom of religion and gender equality or public safety. Another problem arose because of a lack of guidelines that would allow interveners to more confidently handle certain problem cases (on what basis must requests be accepted or rejected?). A third problem concerned the evaluation of the alleged religious demands on which adjustment requests are based. A fourth problem centred on what we called the wager of the applicants' acculturation (discussed later in this chapter). Concern was expressed about the framework for handling requests and the flexibility or leeway that managers are demanding.

We will examine each question in turn and will attempt to respond to each one in relation to the normative framework described earlier. To conclude, we will review, for illustration purposes, examples of adjustments and accommodation that have attracted considerable public attention to indicate how, in light of the approach proposed here, we might have settled these cases.

A WHAT IS THE PURPOSE OF HARMONIZATION PRACTICES?

Our proposals might be regarded as aspects of a policy on harmonization practices. However, once again, our initiative perpetuates a tradition. Most of the key parameters have already been formulated over the past 20 years in various government documents such as the 1975 Québec Charter, the 1990 moral contract, and so on.[1] Our contribution is primarily one of formalization and summarization.

As for the definition of basic concepts such as accommodation, adjustment, and so on, we invite the reader to refer to the first part of Chapter III.

To start with, it is a good idea to ask ourselves from whence the general idea of harmonization comes. **The question of the management of diversity inevitably arises in any society in which two or more cultures meet.** This question has always arisen. Until recently, it was usually resolved in an authoritarian manner: one more powerful culture attempted either to dominate the others by marginalizing them or to eliminate them through assimilation. Even so, practices aimed at relaxation or reconciliation have always existed, even in empires. However, for several decades, above all in the West, attitudes and the law have changed as the democratic nations have, as we noted earlier, become much more respectful of diversity. **The method of managing cohabitation that is taking shape is based on a general ideal of intercultural harmonization.***

First, this new orientation essentially promotes pluralism, which enables individuals or groups to achieve fulfillment according to their choices and traits and to participate in the dynamic of intercultural exchanges. Second, it also seeks the complete integration of all individuals (or at least those who wish to integrate) into collective life. This international trend, which is instituting the world over respect for diversity is engendering a responsibility for all bodies in a society, i.e. the government and public institutions, enterprises, churches, voluntary associations, and so on.

This new vision or sensitivity underpins the principle of harmonization practices. We note that it has gradually gained ground among intellectual and political elites and the activists who have spurred key social movements in the West. Through different approaches and at different paces, in fits and starts, it is now penetrating national cultures. In Québec, for example, our investigation reveals that **harmonization measures are now part of the day-to-day life of public institutions** such as the public service, health care establishments, schools, universities, and so on.

1. Mention should be made, in particular, of three truly fundamental documents, among others, that are still very topical: M. McAndrew and M. Jacquet, *La Gestion des conflits de normes par les organisations dans le contexte pluraliste de la société québécoise,* Conseil des communautés culturelles et de l'immigration, 1992, 111 pages; and ministère des Communautés culturelles et de l'Immigration, *La gestion de la diversité et l'accommodement raisonnable,* 1993, 27 pages. In them we already find the distinction between the judicial and civil spheres, between reasonable accommodation and optional or reasonable arrangements, a statement of guidelines, a procedure for handling requests, and so on. We should also point out that the notion of reasonable accommodation appeared in the government document published in 1990: ministère des Communautés culturelles et de l'Immigration, *Let's Build Québec Together,* pages 82 and 84-85.

At the same time as this change (and perhaps in its wake), a new tradition has taken shape in the realm of law. The traditional conception of equality, which assumed uniform treatment, has given way to a conception that pays closer attention to differences. Little by little, the law has come to recognize that the rule of equality sometimes demands differential treatment. Over the past 25 years, this change has taken concrete form, in particular, in a legal tool or provision called reasonable accommodation, which is basically dictated by the general principle of equality and fairness. In fact, the duty of accommodation seeks to make the rules fair in accordance with section 10 of the Québec Charter and article 15 of the Canadian Charter.[2] The result is **a reconciliation ethic that encompasses all social interveners** and, in particular, public and private managers.

Initially, the objective was to counteract certain forms of discrimination that the courts described as indirect, which, without directly or explicitly excluding an individual or a group of people, nonetheless lead to adverse effect discrimination. This type of discrimination stems from the rigid application of a norm under certain circumstances in the realms of employment, public and private services, housing, and so on. Since then, according to certain recent court judgments, some forms of direct discrimination can also lead to solutions that fall under reasonable accommodation.[3] In short, the courts now focus on discriminatory impact, whether it is deliberate (direct) or fortuitous (indirect).

By way of illustration, consider the rule that prohibits students from bringing syringes into the classroom. A diabetic child's life could thus be endangered, which explains the relevance of a relaxation of this rule. Similar concerns guide the adjustment of certain rules in the workplace, e.g. the relaxation of a compulsory dress code for pregnant workers. The same principle applies to parking spaces, toilets and access ramps for the disabled.

In the absence of an adjustment of the rules, all of these individuals could be put at a disadvantage or excluded, which would jeopardize their right to equality. In these situations, **the duty of accommodation created by law does not require that a regulation or a statute be abrogated** but only that its discriminatory effects be mitigated in respect of certain individuals by making provision for an exception to the rule or a specific adaptation of it. In addition to prohibiting discrimination, the courts ask managers and employers to adopt a preventive attitude by seeking concrete measures likely to foster equality in society.

In accordance with the law, the harmonization measures requested or granted for religious reasons proceed from the same logic. For example, let us mention the case of Jews or Muslims who have obtained leave to celebrate their religious holidays in the same way as Catholics, who, almost without exception, have always had permission to be absent from work on Sunday, Christmas Day and at Easter.[4] Here, too, it is the rule of equality or fairness that prevails: what is legitimate for one faith is legitimate for the others. In this instance, as part of freedom of practice, more specifically the right of any citizen to exercise his religion, a secular State will fund the installation of chapels in detention centres because of the captive (in all senses of the term) nature of the prison population.

Each of these cases illustrates the logic inherent in harmonization. Sociologically speaking, we observe that **a number of seemingly neutral or universal norms reproduce in actual fact worldviews, values and implicit norms* specific to the majority culture or population,** e.g. restaurant, airline or cafeteria menus, which, in bygone days, did not take into account vegetarians or individuals with food allergies. **Even if they do not exclude *a priori* any individual or group, these provisions can nonetheless lead to discrimination towards individuals because of specific traits** such as a temporary or permanent physical disability, age, or religious belief. It follows that **absolute rigour in the application of legislation and regulations does not always guarantee fairness.**

2. Reasonable accommodation originated in the United States and stemmed from a 1971 Supreme Court judgment and the *Civil Rights Act* of 1972. It appeared in Canada through labour law (the Ontario Human Rights Commission recognized at that time a Sikh employee's right to wear his kirpan in the workplace). However, it was the Supreme Court of Canada judgment in the O'Malley case in 1985 that sanctioned the existence of reasonable accommodation. A Seventh Day Adventist employee claimed that she was subject to discrimination because her employer compelled her to work on Saturday, which her religion prohibited her from doing. The court decided in her favour. Reasonable accommodation subsequently expanded to other organizations in the private sphere and in public institutions. See P. Bosset (2007b) for a more detailed discussion of this topic.

3. Some examples of direct discrimination based on religious reasons are a rule stipulating that a practice linked to a given religion leads to the denial of access to schools and a hiring policy that explicitly excludes individuals belonging to a particular religion without the exclusion's being warranted.

4. It should be noted that practising Catholics have also successfully submitted accommodation requests to be absent from work for religious reasons. In the Smart *c.* Eaton case, a Catholic employee obtained from the Human Rights Tribunal authorization not to work on Sunday.

DEFINING WHAT IS REASONABLE: GUIDELINES RESPECTING ACCOMMODATION OR ADJUSTMENT REQUESTS

We can thus see that equality and freedom of religion do not necessarily have as a corollary uniformity or homogeneity. According to jurists, a given right may sometimes demand adjustments in treatment that must not be equated with privileges or exemptions since they remedy a flaw in the application of a statute or a regulation. As the experts have expressed it, **a treatment can be differential* without being preferential.** Or, according to another formula, it is a question of respecting "the right to difference without promoting the difference of rights."[5] Here we have two conceptions, not of the right to equality, but the procedures for its application, i.e. *a*) a formal, doctrinal, very rigid conception; or *b*) a nuanced, flexible more inclusive conception because it pays closer attention to the diversity of situations and individuals. It is this second conception that Québec, like many other nations, has decided to adopt.[6]

The question of the criteria that can guide harmonization practices is one of the key issues that emerged from public debate that led to the establishment of the Commission and public consultations in the fall of 2007. A number of Quebecers asked themselves whether the beliefs or practices that underlie accommodation or adjustment requests for religious reasons are compatible with Québec society's common values, including gender equality, which serve secularism and fairness. Managers in both the private and public sectors are obliged to examine the accommodation requests of an employee or a user who claims to be the victim of discrimination because of his religion. However, do they have at their disposal sufficiently clear criteria to refuse unreasonable accommodation or adjustment requests? What is reasonable? In other words, what guidelines can be used to manage what we have called harmonization practices? Here, we are interested not only in legal guidelines but also guidelines of use to front-line decision-makers in the informal realm of concerted adjustments. Our consultations revealed to us that analogous guiding principles already apply in different milieus. We will attempt to formalize them in this section.

Decision-makers can rely on three main categories of guidelines and reference points, whose functions and impact differ, to handle accommodation requests: *a*) restrictive guidelines; *b*) ethical reference points; and *c*) incentives. The boundaries between these categories are porous. As we will see, the same values or reference points can fulfill different functions.

RESTRICTIVE GUIDELINES: UNDUE HARDSHIP

Restrictive guidelines are those that can be invoked the most directly to reject an accommodation or adjustment request and delineate the limits of such requests. As we have seen, the legal obligation has been created by case law: without being explicitly enshrined in the charters of rights and freedoms, it stems from the right to equality and, in the case of requests for religious reasons, from freedom of conscience and religion. However, the courts have never imagined this obligation as being absolute. The request must be reasonable. However, how can we decide between what is reasonable and what is unreasonable?

5. Y. Geadah (2007, page 11). The remark made by Clément Claveau at the Rimouski hearings on October 2, 2007 also comes to mind: "Citizens are equal in their differences."

6. For a more detailed discussion of this question, see the guide prepared by the Ligue des droits et libertés (2007). See also P. Bosset (2007a), J. Woehrling (1998) and M. Jézéquel (2007).

In law, a request is deemed to be reasonable when it does not lead to **undue hardships.** The first thing that must be said about this concept is that its content is open-ended and can change depending on the context. If, as we will see, we can pinpoint transverse principles, i.e. principles that can apply to all milieus, this is nonetheless an open notion that can adapt to various institutions and interactions. As the Supreme Court indicated in the Bergevin judgment, the factors that allow us to evaluate undue hardship "are not engraved in stone" and "should be applied with… flexibility."[7] The content of the undue constraint will vary depending on the public or private nature of the institution, the applicant (a client, a user or an employee), whether the clientele is captive and vulnerable, the human and financial resources available, and so on.

The notion of undue hardship was first defined in the realm of labour relations and it is thus in this field that the criteria that define it are the most developed. The cost of the accommodation, the hindrance to the operation of the enterprise and the rights of co-employees are the key considerations that can warrant the rejection or the reformulation of a request.[8]

The criteria used to ascertain undue hardship must take into account the particularity of the situations. Moreover, we note that jurisprudence in contexts other than labour relations is rare.[9] Through analogy-based reasoning, it is nonetheless possible to anticipate the form that undue hardship might take in other contexts. We note, moreover, that other milieus, including public institutions, have already begun to adapt these criteria to their conditions. For example, in its brief, the Centre de santé et de services sociaux (CSSS) de Laval formulated the four reference points below as a frame of reference for interveners who must respond to adjustment requests:

1. a request for the personalization of care must not run counter to clinical judgment, best practices and the professional code of ethics and must be evaluated in light of clinical urgency;
2. a request for personalization must not run counter to safety rules, e.g. the prevention of infection, risk management, and so on;
3. a request for personalization must not engender undue costs or costs that exceed organizational limits from a human, physical and financial standpoint;
4. a request for personalization must not be harmful to the rights and freedoms of other users and interveners.[10]

Similarly, interveners and managers in the educational milieu can rely on three criteria to evaluate the requests they receive. As Professor Marie McAndrew has suggested, a request must not:

1. violate the student's other rights or the rights of other students;
2. run counter to the rigorously restrictive requirements of the *Education Act,* program organization or other statutes;
3. impose undue hardships on the school with regard to its operations and budget.[11]

The logic at work in these two milieus is not unlike that found in the realm of labour relations. The contents change but in all instances *a*) the institution's purposes (treat, educate, make profits, and so on); *b*) financial costs and operating constraints; and *c*) other people's rights can all be invoked to reject an accommodation request. These considerations are transverse guidelines. However, since they are general, it is incumbent upon interveners in different milieus to interpret and apply them according to their specific context. As we will see in the following section, the formulation of general guidelines, while necessary, can never replace the judgment of the interveners and managers who must respond to harmonization requests.

7. Commission scolaire régionale de Chambly *v.* Bergevin, [1994] 2 S.C.R. 525, page 546, quoted in P. Bosset (2007b, page 22).
8. See *ibid.* See also C. Brunelle (2001).
9. However, the Multani judgment contributed to the introduction of the notion of undue hardship into public institutions. See Multani *v.* Commission scolaire Marguerite-Bourgeoys, [2006] 1 S.C.R. 256.
10. For additional explanations of the notion of the personalization of care, see the subsequent section of this chapter devoted to it and the brief submitted by the CSSS de Laval (page 3).
11. M. McAndrew (2006, page 16). The training module entitled *La prise en compte de la diversité culturelle et religieuse à l'école* intended for school managers includes an earlier formulation of these guidelines. See ministère de l'Éducation (1995, section 2.2.2.).

- ## Are common public values part of undue hardship?

It thus appears that the criterion of undue hardship can be applied to individual harmonization requests in institutions in which conditions and purposes differ. However, a number of Quebecers have asked themselves whether common values, which transcend the unique conditions in which the requests arise, might also be invoked to refuse requests that call them into question.[12]

Since different meanings are ascribed to the notion of common values, it is not easy to answer this question. Some people regard common values as principles that have been expressed in law, i.e. the charters of rights and freedoms, statutes, official policies, and so on. According to this viewpoint, common values are those that public institutions seek to foster. They are common public values or, as the Québec Charter would have it, democratic values. Other people believe that common values also encompass the values and practices of the majority, i.e. the norms, conventions and ways of doing things embraced by a number of people but that go beyond the sphere of law and public institutions. Both meanings of the term were often used, sometimes by the same people, during public debate on accommodation. For example, we can object to the wearing of visible religious signs in public institutions because this practice *a*) is deemed to be incompatible with the secularism of the State or *b*) runs counter to a widespread social convention in Québec whereby religion is practiced in private life, i.e. in the home and in religious communities.

In light of this distinction, it is now possible to respond to the question of whether common values are guidelines for accommodation requests. Only common values, according to the original meaning of the expression (common public values), may be invoked to reject a request. Common values that can serve as restrictive guidelines are those that are expressed through public institutions, i.e. those that have successfully passed the test of public deliberation and political decision-making. Such values underpin institutions and legislation governing cohabitation, e.g. the equal rights of all citizens, the strengthening of French as the common public language, respect for diversity in the spirit of interculturalism, and so on. This does not necessarily mean that social conventions or customary values are illegitimate but they cannot justify the use by the State of its coercive power against individuals who do not conform to them. For example, we cannot ask the State to prohibit the wearing of visible religious signs by invoking a social norm ("That is how we live here") as the sole justification.

As we saw in Chapter V, individual rights and freedoms are not absolute. They can be limited not only in the name of other people's rights but also in the name of the **collective interest.** The Québec *Charter of human rights and freedoms* states that "[i]n exercising his fundamental freedoms and rights, a person shall maintain a proper regard for **democratic values, public order** and the **general well-being** of the citizens of Québec. In this respect, the scope of the freedoms and rights, and limits to their exercise, may be fixed by law."[13] The legal duty of reasonable accommodation stems from the more general rights enshrined in the charters (freedom of conscience and religion and the right to equality and non-discrimination). The duty of accommodation stems from basic rights and cannot be absolute. As we have just seen, a request may be rejected not only because it infringes other people's rights (gender equality, fairness among employees or users, individual safety), but also when it violates the collective interest or "general well-being."[14]

Common public values are usually included in the undue hardship criterion only if they are based on law. To mention but a few examples, the *Education Act*, the *Act respecting health services and social services* and the *Act respecting occupational health and safety* serve social objectives of the utmost importance and all of them may be invoked to reject an accommodation or adjustment request. Common public values such as the promotion of the French language, public health or worker safety, for example, also have their place in the criterion of undue hardship. An accommodation request from French-speaking or allophone parents aimed at allowing them to evade the *Charter of the French language* and send their children to an English-language public school might, in the absence of exceptional circumstances, be rejected in the name of one of the school's purposes and, by extension, the status of French, a common public value.

12. The question is relevant. As Professor Pierre Bosset, who teaches law at the Université du Québec à Montréal, has written, "while practical considerations already limit the scope of this obligation through the notion of undue hardship, the limits of the obligation are rarely defined with explicit reference to the *values* that basic rights express. The legitimacy of legal solutions based on reasonable accommodation is sometimes called into question on this basis, especially as regards religion, from the point of view of gender equality." See P. Bosset (2007a).

13. S. 9.1.

14. Professor Woehrling maintains that when a duty of accommodation imposes itself on legislators or, more generally, on a public authority, the limits of this obligation must be evaluated not only from the viewpoint of the undue hardship defence but also in terms of the restrictive clauses of the two charters. See J. Woehrling (1998, pages 360-364).

ETHICAL REFERENCE POINTS

Managers can thus refer to general principles to evaluate adjustment requests and separate what is reasonable from what is unreasonable. However, the handling of requests is not confined solely to the application of rules and also implies an interpersonal relationship. As we will see in the following section, certain behaviour and attitudes can foster the emergence of mutually satisfactory solutions while others are more likely to lead to withdrawal, the hardening of positions and, ultimately, judicialization.

The interested parties in negotiation initiated by a request can seek to express in their behaviour what we can call ethical reference points that maximize the chances of achieving a negotiated solution. These ethical reference points are dispositions and attitudes reflected in the behaviour of the parties concerned.[15] Here we will retain two of these values or reference points, which mutually reinforce each other, i.e. **openness to the Other** and **reciprocity.**[16]

Openness to the Other is embodied in the willingness to understand other people on their own terms or in their own frame of reference instead of interpreting their point of view according to a pre-established, inflexible mindset. While discussion does not always make it possible to alter the participants' initial stance, it is more likely to do so if the participants are receptive to the idea that it can prove to be transforming. In the absence of such predispositions, the discussion is reduced to strategic negotiation, indeed to haggling.

Reciprocity is a principle that demands of the parties that they show or demonstrate through their acts what they expect of others. For example, respect for others, open-mindedness, good faith and the ability to compromise are dispositions that we would like our interlocutors to display and that, consequently, we must also put into practice. Reciprocity is essential for the institution of a culture of dialogue that fosters the coordination of actions and the peaceful, concerted resolution of disputes.

Openness to the Other and reciprocity are not sufficient to guarantee that harmonization will necessarily lead to a negotiated solution to which the applicants and decision-makers will enthusiastically adhere, but it does seem reasonable to think that they will foster the emergence of mutually acceptable solutions, both in respect of reasonable accommodation and concerted adjustment. In the following section, we will see how these practical norms give rise to the processes and mechanisms pertaining to the handling of harmonization requests.[17]

INCENTIVES

In addition to restrictive guidelines and ethical points of reference, we can also bring into play another type of consideration to handle harmonization requests. Such considerations, without being as decisive as restrictive guidelines are, can nonetheless contribute under certain circumstances to the evaluation of a harmonization request. The key idea here is that accommodation or adjustment practices can serve other purposes that society might seek in addition to eliminating certain forms of discrimination and allowing the exercising of rights and freedoms. The example of integration comes immediately to mind. Several people emphasized that one of the arguments in favour of harmonization practices is that they foster the integration into society of the members of minorities. In several instances, they allow, for example, the members of minority religious groups to be part of certain social institutions, in particular the labour market and the health care and education systems, which play a key role in individual lives. The first reason that justifies accommodation measures is their ability to remedy the adverse effects of a seemingly neutral statute or norm. Furthermore, such measures often contribute to the integration of the members of certain minorities. Consider the example of young Sikhs, Muslims and Jews who attend French-language public schools instead of private English-language or religious schools, where they are allowed to wear visible religious signs. Consider, too, reasonable accommodation and concerted adjustments that allow isolated, vulnerable immigrant women to obtain health care and social services. By fostering integration, these measures also contribute

15. As we have noted, the boundaries between the categories of guidelines are porous. Ethical values or considerations also form the core of restrictive guidelines and incentives. Here, we will focus more specifically on the attitudes and dispositions of the parties participating in the deliberation.

16. Furthermore, these practical norms are closely linked to other values and dispositions, in particular mutual respect, the ability to listen and the willingness to rely on discussion to resolve a stalemate.

17. While we are more in the realm of virtues rather than the field of rules here, let us note that the jurisprudence has established that the parties must negotiate in good faith and constructively seek an acceptable solution. When it hands down its decision, the court will take into account whether or not negotiations took place and the attitude of the parties concerned. For example, in the Autobus Legault case, the plaintiff's accommodation request was dismissed because she did not allow her employer the time to propose a reasonable accommodation measure. This marks a point of contact between legal guidelines and ethical points of reference.

to the attainment of other, related collective objectives such as the learning of French, socialization and interculturalism, social cohesion, the attainment of autonomy by immigrant women in precarious situations, and so on.[18]

The same reasoning applies to the realm of labour relations in the private sector. In light of manpower shortages and worker mobility, it is imperative for business managers to show concern for the well-being of their employees. Accommodation and adjustment practices can be part of a broader perspective aimed at satisfying employees' needs while fostering their productivity. Thus, it can be entirely in employers' interests to ascertain their employees' needs and aspirations in order to instil greater flexibility in their corporate culture. It is also a question of attracting competent, productive staff, inspiring staff loyalty and mobilizing employees. In this perspective, the management of accommodation reflects new strategies to manage diversity and workplace voluntarism with a view to offering inclusive, attractive workplaces.[19]

Whether we consider the public or the private sector, here we are in the realm of the positive side effects of harmonization practices. While these are not grounds that can be invoked to refuse requests (some of which may be justified in law even if they do not foster integration), they may nonetheless contribute to tilting the scales in cases that are hard to resolve.

In other words, it may be useful to refer to positive impact when the application of restrictive guidelines does not lead to an obvious response or when it is hard to establish whether the request is for accommodation or adjustment. A request whose reasonable nature is controversial should have less chance of being accepted if it fosters ghettoization than if it promotes integration or another important collective purpose.

Managers are thus not at a loss when it comes to assessing accommodation and adjustment requests. They have at their disposal restrictive guidelines (undue hardship, including common public values), ethical reference points (openness to the Other and reciprocity) and incentives. These criteria do not have equal weight and do not play the same role: the first ones, which managers use to evaluate the reasonable nature of requests, are the most decisive; the following ones must govern the deliberation process that leads to decision-making; and the last ones encourage managers to reflect on the consequences of a positive or negative response in light of the objectives to be attained collectively.

Now that we have clarified these different types of guidelines, let us examine the procedures and mechanisms that can foster enlightened management by the milieus in which they arise of harmonization requests.

18. Incentives are occasionally in line with the institution's purposes, which is one of the criterion of undue hardship and is thus part of the restrictive guidelines. For example, the school must contribute to the student's socialization and give him the tools that will enable him to understand difference, which contributes to integration and interculturalism.

19. M. Jézéquel (2008a) and (2008b) has explained and defended this perspective.

C MANAGEMENT BY THE MILIEUS CONCERNED OF HARMONIZATION REQUESTS

There is a broad consensus in Québec concerning the need to clarify the guidelines that interveners and managers must follow in the handling in their milieus of harmonization requests. Some people believe that the existing guidelines are inadequate or insufficiently affirmed. Here, it would be a question of adopting new norms and more firmly supporting them. One of the predominant positions put forward during our consultations concerns what might be called regulation from above. It has been said that disquiet stemming from adjustment requests for religious reasons revealed the inadequacy of our social regulation measures, which we should now make up for by adopting new legislation and new public norms. It is in this light that we must grasp proposals for the adoption of a Québec Constitution, Québec citizenship, a charter of secularism, legislation that quashes certain requests for religious reasons, e.g. prayer rooms and religious holidays, and amendments to the Québec *Charter of human rights and freedoms*. According to this perspective, the handling of harmonization requests would benefit from stricter government regulation and codification.

Interveners and managers from different milieus took the opposite position and maintained instead that they already have to contend with enough norms and rules from above and that, above all, they must not be deprived of the essential leeway that they need to exercise their profession. This leeway or margin of freedom allows professionals to interpret existing general norms in light of the requirements and imperatives of their specific context.

The Association québécoise d'établissements de santé et de services sociaux summarized this position well:

"Bearing in mind that any desire to structure practices would curtail if not make more complex the application of cultural accommodation, adjustment or harmonization; … the AQESSS requests that the Bouchard-Taylor Commission include in its report a recommendation to the government to the effect that the frame of reference not be imposed concerning the forms of intercultural harmonization. This framework would risk leading to the application of a collective treatment of what are, nonetheless, individual, unique situations, thus putting at risk existing practices, and engendering more extensive recourse to the courts."[20]

As we emphasized in Chapter IV, the most prevalent opinion among interveners and managers is that existing reference points must be clarified and that we must encourage structured management of harmonization requests by the interveners concerned, who are more familiar than anyone with conditions in their milieu.[21] General rules are deemed to be necessary, but they must be sufficiently flexible to allow for the individualized handling of requests, whether students, patients, employers or users make them. While we did acknowledge in Chapters V, VI and VII that the key parameters of collective life should be clarified and explained, we unreservedly support the desire expressed by professional milieus to maintain their autonomy and accountability. We believe that an approach aimed at equipping the interveners to whom adjustment requests are submitted and fostering dialogue and the search for compromises between the interveners concerned is the surest way to avoid one of the party's resorting to the courts. In our opinion, a sound harmonization practices policy must reduce as much as possible the judicialization of interpersonal relations.[22]

That being the case, how can we promote management by the milieus concerned that is at once structured and enlightened? How can we ensure that the case-by-case approach does not leave interveners to their own devices and promote arbitrariness?

A STRUCTURED, ENLIGHTENED CASE-BY-CASE APPROACH

As we have said, while the rules, norms and institutions that frame collective life in Québec would gain by being explained and adapted to the current situation, they have been elaborated with considerable political wisdom. When decision-makers handle harmonization requests, they can refer to the different categories of guidelines and reference points that we discussed in the preceding section. That being the case, the challenge any intervener inevitably faces is the transition from the general to the specific. How can we apply general norms in specific cases? How can we move from abstract principles to an enlightened decision in a given, often unique, situation? Even the interveners and managers who look unfavourably on the adoption of restrictive general norms emphasized that it would be eminently desirable to establish a frame of reference and procedures and to offer tools designed to support decision-making by professionals.

20. Brief submitted by the AQESSS, page 11.

21. For example, the Ville de Montréal leaves it up to the boroughs to elaborate their own policies governing the management of adjustment requests.

22. Judicialization naturally tends to polarize positions and fuel antagonism between the parties. The Commission des droits de la personne et des droits de la jeunesse has already called for the dejudicialization of questions related to the organization of religious diversity. See Commission des droits de la personne et des droits de la jeunesse (1995). The Barreau du Québec also advocates such an approach. See the brief submitted by the Barreau du Québec, pages 26-28.

The shift from the general to the specific will always imply some degree of vagueness and uncertainty. The principles to which we refer in decision-making are, by definition, general. Their general nature is at once their strength and their limitation: they offer judgment criteria that apply to a vast range of situations but it is sometimes difficult to ascertain precisely what they mean in specific cases. It is here that problems arise concerning the interpretation and application of general norms, to which must be added the possibility that disagreement persists even after discussion on the meaning of the principles in specific situations.

In other instances, the norms or principles to which we can refer are numerous and sometimes impossible to harmonize perfectly. We must then find the means of reconciling them, often imperfectly. Competing norms therefore add to the difficulty of interpreting and applying them.

These difficulties are inherent in practical reasoning, focused on action, judgment or decision-making. While no procedure can eliminate them completely, it is nonetheless possible to introduce mechanisms and mobilize resources that promote sensible, enlightened decision-making by the interveners and managers who are facing accommodation and adjustment requests. An approach that we might describe as **contextual, deliberative** and **reflexive** allows for such reasoned management of requests. Let us define these three terms.

1. A **contextual** approach seeks to do justice to the singular and potentially unique nature of individual situations and, consequently, to avoid unwarranted generalizations. It acknowledges that sensible decision-making necessitates recourse to general principles but judgment must be exercised in light of a subtle understanding of the facts specific to each situation. It is a case-by-case approach enlightened by recourse to general norms and comparison with analogous cases.[23]

2. A **deliberative** approach relies on dialogue between the interveners concerned by a harmonization request. This is a two-tiered dialogue comprising discussion between, on the one hand, users and professionals, and on the other hand, discussion between the professionals themselves (interveners, managers, resource persons, and so on). A deliberative approach is based on the premise that genuine discussion that allows all of the parties to express and justify their positions and structured by general principles fosters mutual understanding and the adoption of mutually acceptable compromises.

3. A **reflexive** approach is open-ended, self-critical and self-corrective. It acknowledges that all reasoning is not infallible and that new dilemmas always arise in practice. It constantly calls itself into question, revisits its premises and seeks constantly to grasp concrete cases and introduce new tools, including professional development for interveners and decision-makers. In keeping with the contextual component, it calls for the development of the equivalent of jurisprudence so that interveners can base themselves on decisions reached previously in comparable cases. The establishment of reference centres that assemble and make accessible the practical wisdom developed from one case to the next is encouraged.

A contextual, deliberative and reflexive approach thus banks on a case-by-case approach relying on dialogue and self-criticism and structured by general principles to maximize the likelihood of sensible, enlightened decision-making. It eliminates neither all risks of mistakes nor the difficulty of deciding borderline cases but it does offer parameters and resources that promote the exercising of judgment. This approach allows for a smoother transition from the general to the specific.

• The example of the health and social services sector

The Commission's public hearings revealed the extent to which certain organizations have innovatively, lucidly elaborated models for handling harmonization requests adapted to conditions in their milieu. For this reason, the example of the health and social services sector immediately comes to mind and variants of its model have already been implemented in other milieus.

As we emphasized in Chapter IV, the health care sector has lengthy experience of the ethical questions linked to the delivery of health and social services. For example, clinical ethics or bioethics committees have been established in this context to fairly, rigorously resolve the ethical dilemmas that arise in professional practice. These committees are necessary since the interveners, who are bound to comply with different, occasionally conflicting

23. Physician and ethicist Eugene Bereza presents an especially telling example of this approach in the brief that he presented during the regional hearings in Montréal on November 28, 2007.

norms (professional mission, clinical and scientific judgment, code of professional conduct, patient rights, time, human resources and financial constraints, and so on) and who must reconcile often contradictory imperatives cannot in certain cases singlehandedly assume responsibility for sensitive ethical decisions. The professionals can thus submit difficult cases to a committee that has a mandate to evaluate the ethical acceptability of possible interventions or treatments in a given context. These committees, like university research ethics committees, comprise members with varied, complementary skills and experience, e.g. practitioners, ethicists, jurists, administrators, and representatives of the public, thus doing justice to the complex situations with which the interveners must contend. Enlightened decision-making in these situations demands the pooling of knowledge and viewpoints. According to the postulate at the heart of this structure, the exchange of information and arguments is the surest way (although this does not mean that it is infallible) to reach an enlightened ethical judgment. The health care sector has thus been able to rely on its experience of ethical questions to adopt an approach that also allows it to handle harmonization requests based on religious or cultural reasons.

Moreover, as we have seen, professionals in the health and social services sector deem harmonization requests based on religious or cultural reasons to be a type of request included in the broader personalization of care category, which is a requirement stipulated in the *Act respecting health services and social services*: "Every person is entitled to receive, with continuity and in a personalized and safe manner, health services and social services which are scientifically, humanly and socially appropriate."

In their brief, representatives of the CSSS de Laval described personalization in this way:

"It is an essential component of the delivery of care and services and has both a clinical and ethical basis. The clinical foundation recalls the need to provide care and services adapted and appropriate to the individual's condition and state of health. It demands of interveners that they focus on the individual's needs and take into account his whole being (biopsychosocial and spiritual dimension) in order to offer him quality care and services. The ethical foundation of personalization derives from respect for the person, his dignity, his beliefs and the meaning that he gives to his life. It engenders care and service delivery centred on the person. To summarize, personalization occurs in everyday life through the adaptations of care and services that take into account the individual's clinical condition, life history, needs and beliefs."[24]

The personalization of care and interventions includes but extends beyond reasonable accommodation. It can be based on a broad range of grounds, ranging from convictions of conscience to personal preferences. A user may request an adjustment to engage in a prayer ritual, comply with a dietary code or preferences, be accompanied by a loved one, speak to a spiritual or psychosocial intervener, and so on. As the representatives of the CSSS de la Montagne noted in their brief, "we encounter diversity daily in the health and social services network. However, it must be dissociated from an exclusive relationship with cultural adaptation. All clienteles may make requests or display specific behaviour that affects the staff."[25] Pursuant to the Act and the purposes of their profession, interveners seek to offer hospital patients care that will contribute as much as possible to their general well-being.

However, since this desire to satisfy the users' needs is not the sole criterion to which interveners must refer when they exercise their professional judgment, they cannot always satisfy requests. As we saw earlier, the handling of a request for the personalization of care must also take into account clinical judgment, the *Act respecting health services and social services,* the professional code of ethics, safety, human and financial resources, the rights of other patients and staff, and so on. Thus, the refusal of a Caesarean section can jeopardize the mother's or the baby's life; the choice of male or female interveners can create an excessive burden for the establishment; an exemption to allow a loved one to remain with a patient beyond visiting hours can disturb the tranquillity of another patient or be unfair to other families, and so on. Interveners must thus weigh the principles and imperatives in question in a given situation before they reach a decision. It is at this stage that the contextual, deliberative and reflexive approach presented earlier can offer a framework and reference points that facilitate decision-making.

24. See the brief submitted by the CSSS de Laval (page 6).

25. See the brief submitted by the CSSS de la Montagne (page 5).

For this reason, the approaches adopted by the CSSS de Laval and the CSSS de la Montagne are exemplary. We believe that, with the necessary adaptations, they warrant being disseminated and publicized in other milieus. By way of illustration, let us examine the approach adopted by the CSSS de Laval. The CSSS was grappling with a number of intractable situations. It first decided to set up a task force with a mandate to reflect on requests for personalization based on religious and cultural reasons and to draw from then reference points to guide interveners in decision-making. The task force surveyed interveners in CSSS establishments to inventory the types of requests made by users and staff, then elaborated a reference framework that it submitted subsequently for discussion to the clinical and administrative bodies in the CSSS. In this way, the task force proposed the four guidelines concerning the evaluation of requests that we presented in section B. The very procedure that led to the elaboration of this approach was inspired by the deliberative approach described earlier.

The CSSS is aware of the difficulties posed by the shift from the general to the specific and recognizes that the statement of the four general reference points cannot replace an analysis that takes into account the peculiarity of individual cases. For this reason, the CSSS initiated a five-step procedure to handle requests for the personalization of care:[26]

1. Establishment of intercultural communication: display receptiveness to the Other, obtain information by adopting a positive attitude and become aware of the reaction that the request arouses in me. (Have I fully understood the request? What is my reaction to it?)

2. Analysis of the request: perceive the possible choices in response to this request and evaluate them in light of the consequences for the parties involved (myself, the applicant, the family, interveners, the team, the organization, other people) and bearing in mind the applicable norms. (What are the choices possible and their consequences?)

3. Decision-making and justification: determine and justify one's choice and describe the steps in the implementation of the decision. (What decision has been made and how can it be implemented?)

4. Communication of the decision: clearly, appropriately inform the persons concerned by the decision and indicate what is expected of them. (Do they fully understand the decision? Are the concerned parties' expectations also fully understood?)

5. Implementation and evaluation of the decision: apply the decision and ascertain whether, over time, it still applies or whether it is necessary to clarify reciprocal expectations. (Is this decision still the best one?)

These steps are intended to structure and not to replace reflection by the intervener to whom the request for the personalization of care is submitted. They allow health care teams to engage in the structured management of the requests. Training sessions are offered to staff to familiarize them with these steps. The decision-support process gives substance to the contextual dimension of the approach outlined above while incorporating into it the deliberative and reflexive dimensions.

The CSSS de Laval is aware that intractable cases will continue to arise even after this approach is applied. It asks interveners to turn to their hierarchical superiors in their establishment when they are facing such cases. The suggestion by the CSSS de la Montagne to combine the ethical approach already implemented in health and social services establishments with the intercultural approach is especially noteworthy.[27] The more systematic integration into the mandate of clinical ethics committees of the questions raised by cultural and religious diversity or the establishment of consultation services devoted to requests for personalization based on religious reasons strikes us as a promising avenue. These bodies should also have at their disposal a virtual reference and documentation centre through which experience and knowledge acquired throughout Québec can be shared.

CAN THE APPROACH BE GENERALIZED?

The approach implemented, in different ways and to different degrees, in several Québec health and social services establishments is inventive and creative. It is based on the observation that general norms alone do not allow for reasoned, structured management of the harmonization requests that arise from day to day in health care establishments. Interveners and managers must obtain support that allows them to interpret and

26. Brief submitted by the CSSS de Laval (page 10).

27. See the brief submitted by the CSSS de la Montagne (page 10). See also the document *Recommendations from the National Transcultural Health Conference,* Montréal Children's Hospital, McGill University Health Centre, November 2007. An analogous, hybrid approach is also being proposed in the education sector. See B. Fleury (2004, pages 30-31).

apply general norms in the specific cases that arise in their practice. We believe that the contextual, deliberative and reflexive approach presented earlier allows different milieus to engage in such management of harmonization requests.

Can this approach elaborated by health and social services establishments be generalized? Is it applicable to other milieus? If so, which ones and under what conditions?

We believe that this structured case-by-case approach can inspire, with the necessary adjustments, the implementation of analogous mechanisms and procedures in milieus other than the health and social services sector. As we have said, this milieu was especially favourably disposed to implementing innovative processes to handle harmonization requests. That being the case, it is not the only milieu to have reflected on methods of managing requests. As we saw in Chapter IV, the education sector has also adopted request handling procedures. As the report of the Advisory Committee on Integration and Reasonable Accommodation in the Schools (the Fleury Committee) emphasized in its report, most school administrations deem diversity management practices to be, on the whole, a success.[28] In these conditions, the expectation most strongly voiced by the educational milieu concerns the need for clear guidelines to handle requests based on religious reasons.[29] Educational institutions expect the appropriate offer of support.[30]

If this offer of support depends, once again, on the clarification of the reference points that must structure harmonization practices, it must not be confined to them. The Fleury Committee also proposes a request handling approach that resembles the approach already implemented in certain health and social services establishments. This approach, based on the values of mutual respect, openness and dialogue, comprises 10 steps designed to structure the decision-making process adopted by teaching staff and managers.[31]

This approach emphasizes dialogue with the requester's family and intervention by interlocutors in the community, such as imams, rabbis, pastors and other leaders. This collaboration often makes it possible to find solutions to adjustment requests.[32]

Schools have set up consultation committees to foster sound relations with their community environment. Such initiatives are geared to fostering fruitful deliberation in these milieus. Managers strongly emphasize the mutual search for compromise, the conception of formulas that, while they are in keeping with educational norms, avoid rejecting outright the request and marginalizing the requester.[33] Tools have been produced to support these orientations and facilitate the task of staff and managers.[34]

To this we must add that many schools teach their students peaceful conflict resolution, based on a culture of peace and the principles of citizen responsibility. Indeed, this responsibility is proposed to all of the interveners concerned. Space is unfortunately lacking to do justice to the numerous initiatives elaborated in the education sector.

All of these approaches appear to have several points in common with the contextual, deliberative and reflexive approach. Since school administrations are already accustomed to consulting their school team, school board, governing board or board of directors in respect of the handling of adjustment requests,[35] it seems desirable to establish *ad hoc* or permanent consultation committees or services in this realm, not only in elementary and secondary schools but also in Cegeps and universities.

28. B. Fleury (2007, page 26).

29. *Ibid.*, page 29.

30. *Ibid.*, page 30.

31. *Ibid.*, pages 37-40. See also the brief submitted by the Commission scolaire Marguerite-Bourgeoys (page 4). Several schools already support peaceful conflict-resolution approaches and citizen responsibility.

32. For example, by agreeing upon certain rules or directives pertaining to the observance by young students of Ramadan, the wearing of a kirpan-shaped pendant, and so on.

33. See B. Fleury (2007, pages 26-28).

34. For example: B. Fleury (2004), M. McAndrew (1995b, 1995c) and M. Jézéquel (2007). Workshop guides and training sessions are also available (see B. Fleury, 2007, pages 63-64). Similarly, let us also mention a guide prepared by R. Azdouz (2007a) for the Ville de Montréal.

35. *Ibid.*, page 25.

OTHER MILIEUS

The key strength of the contextual, deliberative and reflexive approach is that it can, by definition, adapt itself to conditions in different contexts. It is an approach that acknowledges the peculiarity of milieus and individual cases and relies on the responsibility and attainment of autonomy by interveners in a spirit of mutual respect and dialogue.[36] Institutions such as municipalities, the army, police forces, prisons, small and medium-sized enterprises, and so on, can consequently elaborate their own mechanisms and procedures that allow them to implement this approach. While all institutions and organizations have neither the human and physical resources of health care and educational establishments nor the same relationship with their users, they can nonetheless adopt more flexible, streamlined procedures adapted to their milieu. We must bear in mind that the legal duty of accommodation for religious reasons prevails in all public and private institutions. Against a backdrop of growing religious diversity in contemporary Québec, it is in the interests of all institutions to develop the know-how that will enable them to fulfil their obligation and maintain a harmonious working environment. While private enterprises, whose purpose is not to provide public services (treat, educate, ensure order, and so on), obviously cannot establish the same request handling measures as public institutions, they can nonetheless seek inspiration in the general philosophy that we have presented here to adopt suitable mechanisms and procedures. Conversely, the arsenal of management strategies and tools implemented in the private sector could be adapted to conditions in public institutions.

Despite the significant differences between various contexts, we believe that three key initiatives can be taken to successfully implement the contextual, deliberative and reflexive approach:

1. the institution of a **culture of participation and dialogue** between concerned parties (users, interveners, managers, and so on). Discussion between the interveners concerned must be an integral part of the process leading to decision-making;

2. the introduction of mechanisms to institutionalize the practical knowledge acquired from one case to the next. This knowledge, accumulated over time, must remain in the milieu despite inevitable staff movements. In other words, the milieus must establish an evolving memory:

    - the establishment of a body responsible for *a*) the elaboration of a **frame of reference** and *b*) the **handling of harmonization requests** that cannot be resolved by front-line interveners. This body, which can take the form of a consultation committee or service, can also be responsible for training staff in the realm of interculturalism and the handling of requests;

    - the establishment of a **reference centre** that collects and makes accessible previous decisions pertaining to the handling of harmonization requests (the "jurisprudence") and best practices. This type of possibly virtual centre can be set up at the local, regional and provincial level in the case of educational and health care establishments;

    - the establishment through a coordinator of **liaison and coordination services** aimed at establishments with the same vocation;

3. the elaboration of **professional development and evaluation** tools aimed at giving substance to the reflexive dimension of the proposed approach.

36. Let us note that the principles of this approach tally remarkably with the training objectives of the ethical section of the Ethics and Religious Culture Program that will come into force in September 2008.

D CONTROVERSIAL QUESTIONS: CONFLICTING RIGHTS AND THE SUBJECTIVE CONCEPTION OF FREEDOM OF RELIGION

Thus, the response to the need voiced by Quebecers for guidelines does not depend solely on the clarification of the existing guidelines. It also depends on structured, enlightened management by interveners and managers, i.e. by those who know better than anyone else the conditions in the milieus where they are working, of harmonization practices. While the adoption of new legislation fosters by definition the judicialization of questions related to harmonization requests, the empowerment of the interveners maximizes the chances that recourse to the courts will prove to be unnecessary, which must be the objective of any policy governing harmonization practices.

The foregoing discussion has left unresolved a number of questions concerning freedom of religion. Several of them, which were raised during our public consultations, focus on the relationship between freedom of religion and other basic rights and the subjective* or personal conception of freedom of religion that the courts have adopted. Does the status accorded freedom of religion put at risk Québec society's core values, in particular gender equality? We will first examine the reasoning that the courts employ when they are grappling with conflicting rights and will then broach the question of the relationship between freedom of religion and general equality. To conclude, we will focus on the ins and outs of the subjective conception of religion that has imposed itself in jurisprudence and will weigh certain of its advantages and drawbacks.

CONFLICTING RIGHTS

Modern liberal democracies are based on the principles of the equality and freedom of individuals. They seek to establish institutions, including human rights charters, that allow them to give life to these principles and express them concretely. Rights and freedoms protect values and practices that are deemed to be crucial to the conduct of human life, including recognition of the equal dignity of persons, the freedoms of conscience, expression and association, the right to vote, the right to a fair trial, and so on. In addition to the basic rights and freedoms, Québec has also included in its charter certain so-called economic and social rights aimed at ensuring that individuals have the means (basic income, education, housing and so on) to genuinely enjoy their acknowledged rights and freedoms.[37]

However, as we saw in Chapter V, rights and freedoms, even the most basic ones, are not absolute. We know that rights can conflict: one person's freedom of expression can infringe another person's reputation, freedom of assembly can threaten public order and, in so doing, individual safety, and so on. Rights form a coherent whole and the objective of a constitutional state is to offer **all citizens** the **full panoply** of rights. Some people's rights and freedoms must occasionally be restricted to maintain the full panoply of rights that the State must offer all of its citizens. Individual rights may thus be restricted to allow the State to achieve important collective purposes such as contributing to the common good, ensuring public order, and so on. For example, this

37. As we will see later, some people want legislators to accord greater legal weight to economic and social rights.

is true when the government decides to restrict certain rights to foster the survival and vitality of the French language in Québec.[38]

What must be done when rights actually conflict? We saw in Chapter V that the charters and the courts do not organize basic rights along hierarchical lines. The protection of the legal dignity of persons demands the recognition of the full panoply of rights. Basic rights are equal in value, indissociable and interdependent. The *a priori* assertion of the greater value of one right in relation to another one is not the solution to the arbitration of conflicting rights.

Instead, the courts weigh and reconcile the conflicting rights, with a view to arbitrating in a manner that maintains to the utmost the parties' rights. This means that the infringement of some people's rights for the benefit of other people or collective well-being must be **kept to a minimum** and be **proportional** to the desired objective. In other words, a court may deem the restriction of a right to be reasonable if it allows for the attainment of a very important objective and the means adopted infringes as little as possible the rights of the person concerned.[39]

That being the case, we must acknowledge that it is not always possible to reconcile rights. There are cases where conflicting rights cannot apparently be exercised jointly. One example is the case of the Ontario parents (Jehovah's Witnesses) who, in the name of their freedom of religion, refused a blood transfusion for their son. The blood transfusion was vital to the child's survival and the hospital management decided to disregard the parents' refusal, thereby infringing their freedom of religion. The case was brought before the courts and the Supreme Court of Canada declared that the hospital's decision was valid in law although it had indeed infringed the parents' freedom of religion.[40] The weighing of rights and the means available revealed that the child's right to life, on the one hand, and the parents' freedom of religion and parental authority, on the other hand, were irreconcilable. No other medical treatment could replace the blood transfusion since Jehovism, at least according to the parents' interpretation of it, does not allow any exception to the rule prohibiting the injection of another person's blood. In this specific instance, respect for the parents' rights was obviously detrimental to the right to life of their child, a minor.[41] On the other hand, the hospital's decision infringed the parents' freedom of religion in a specific, limited context without necessarily eliminating it. The infringement was serious but it did not force the parents to relinquish their religion or their authority over their child. This case thus shows that serious restrictions on freedom of religion are sometimes legally acceptable in constitutional states.[42]

However, all conflicting rights do not engender such incompatibility. Compromises are often possible. In the kirpan case, the Supreme Court decided that the safety of the students and staff and the student Gurbaj Singh Multani's freedom of religion could be reconciled. This is precisely what the compromise sought through which the kirpan was to be worn in a sealed sheath, wrapped and sewn under the student's shirt. The weighing of rights and the evaluation of means revealed that the total prohibition of the wearing of the kirpan unduly infringed the appellants' freedom of religion and was disproportionate to the objective pursued. The total prohibition on the wearing of the kirpan could be replaced by a less prejudicial solution, i.e. an acceptable arrangement for wearing the kirpan.

The blood transfusion and kirpan cases reveal that the absence of a hierarchical ordering of rights does not leave the courts without resources in the arbitration of conflicting rights. Indeed, the courts can attempt to obtain the means favourable to the maximum reconciliation of the competing rights and reject requests that impose an overly heavy toll on certain of the parties involved.

FREEDOM OF RELIGION AND GENDER EQUALITY

The Commission's public consultations enabled Quebecers of all origins to express their deep-seated attachment to the principle of gender equality. A number of Quebecers, who are disturbed by the situation of women in certain countries and by court judgments, fear the invoking of freedom of religion to justify practices that

38. As we saw in Chapter V, the Supreme Court of Canada, one of whose missions is to examine the constitutionality of legislation, has recognized the legitimacy of the restrictions imposed by Québec's current linguistic policy.

39. The Oakes judgment.

40. See B. (R.) *v.* Children's Aid Society of Metropolitan Toronto, [1995] 1 S.C.R. 315.

41. It should be noted that an adult person may refuse a medical treatment.

42. The statute contained other provisions concerning the prior notice to be given, the proof to be submitted, the duration of the Crown's guardianship and other orders, and the procedural safeguards to be offered to the parents.

contradict that principle of gender equality. Some people regard as lax or overly permissive the courts' interpretation of freedom of conscience and fear that it will condone practices that should not be accepted in a liberal democracy. In this context, some people looked favourably on proposals to amend the Québec *Charter of human rights and freedoms* in order to include in it an interpretative clause asserting the importance of gender equality.

This anxiety is understandable. The equality in law of men and women was obtained after a hard fight and its expression in point of fact is incomplete. The Catholic Church has, in some respects, hindered the emancipation of women and some people in Québec and elsewhere fail to understand why access to the priesthood is restricted to men. Moreover, some people find it hard to accept the behaviour of certain Muslim or Hasidic Jewish men who refuse to interact with employees because they are women or do not accept that their wives have contact with men.

While the vast majority of interveners acknowledge, for the reasons presented in Chapter V, that the organization along hierarchical lines of basic rights is not desirable, a number of Quebecers would regard as a positive step the addition to the Charter of an interpretative rule asserting the importance of gender equality. Moreover, the Québec government has proposed in Bill 63 that the following section be included in the Charter: "The rights and freedoms enunciated in this Charter are equally guaranteed to women and men."[43]

Given that the proposed provision does not appear to organize rights along hierarchical lines, and bearing in mind that the rights and freedoms spelled out in the Québec Charter are already recognized to women and men and that discrimination based on sex is already prohibited (section 10 of the Charter), we support such an amendment. It may well be that its true usefulness is, above all, of a symbolic nature. In fact, the courts have already elaborated criteria that allow them to reject a reasonable accommodation request based on religious reasons that would unduly infringe gender equality. That being the case, the proposed amendment may nonetheless be useful, especially if it encourages legislators to adopt more effective measures that foster the attainment of genuine equality between men and women.[44]

Moreover, interveners who appeared before the Committee on Social Affairs, which is responsible for examining Bill 63, said that the best way to contribute to the advancement of women's rights was to bolster the economic, social and cultural rights already recognized in the Charter. Concrete public policies should thus follow the possible adoption of such an amendment.[45]

While we believe that the proposed amendment can serve as a catalyst to encourage new initiatives in favour of gender equality, it is important to point out that the *Charter of human rights and freedoms* is one of the most valuable institutional tools that we have at our disposal and that any amendments that we make to it must be carefully thought out and subject to a consensus in the National Assembly. It would be advantageous to incorporate any amendment to the Charter into comprehensive reflection on the full panoply of rights that it affirms and the relationships between them.[46]

THE SUBJECTIVE CONCEPTION OF RELIGION

Freedom of religion is one of the basic freedoms recognized in the Canadian and Québec charters and in international conventions. As article 18 of the *Universal Declaration of Human Rights* states:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."[47]

What does freedom of religion mean? The Supreme Court of Canada has defined it as follows:

43. The proposed amendment is analogous to section 28 of the *Canadian Charter of Rights and Freedoms.*

44. See the briefs submitted in February 2008 by the Ligue des droits et libertés and the Commission des droits de la personne et des droits de la jeunesse to the Committee on Social Affairs, which is responsible for examining Bill 63.

45. The action plan entitled *Pour que l'égalité de droit devienne une égalité de fait* that the government launched in 2006 is a step in this direction. See Secrétariat à la condition féminine (2006).

46. As the Barreau du Québec noted in a brief that it submitted in February 2008 to the Committee on Social Affairs, which is responsible for examining Bill 63, "we must bear in mind that the instruments that guarantee human rights centre on a fragile balance achieved at great cost and that we must display considerable caution to preserve it." (page 4)

47. *Universal Declaration of Human Rights,* section 18 (www.un.org/Overview/rights.html).

"The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination."[48]

Freedom of religion thus allows individuals to adopt the religious beliefs of their choice and, as the case may be, to put them into practice. As we have seen, reasonable accommodation requests for religious reasons often seek to remove impediments to religious practice. However, are all religious beliefs likely to be protected by freedom of religion? Must the individuals who invoke freedom of religion prove that the beliefs with which they identify are well and truly part of the religious doctrine that they espouse?

For a long time, the requester of an adjustment or an exemption was required to demonstrate the objectivity of his belief, i.e. the existence in his religion of the obligation or the precept invoked. In other words, the requester had to show that the religious belief cited complied with the dogma established in the texts or recognized by religious authorities.

Recent jurisprudence devoted to freedom of religion has rejected this approach. In the Amselem judgment (the sukkah affair), the majority of the justices ruled that the plaintiffs were not bound to "show some sort of objective religious obligation, requirement or precept."[49] What is essential, the court opined, is that the plaintiff sincerely believe that his religion proscribes a practice or a particular act. There is no need for authorized religious representatives or experts to confirm the existence of the precept invoked in order for an accommodation request based on freedom of religion to be examined. The court adopted the criterion of the **sincerity** of the belief: the requester must show that he genuinely believes that he is bound to conform to the religious precept in question. The court has called this a **"personal and subjective conception of freedom of religion."**

The main advantage of a subjective conception of freedom of religion is that it enables the courts to avoid acting as the interpreters of religious dogma or as arbitrators of inevitable theological disagreements. By relying on personal belief, the courts avoid having to settle contradictory interpretations of a given religious doctrine. They thus circumvent the risk of falling back on the majority opinion in a religious community and contributing to the marginalization of minority voices.

The subjective conception of religion thus marks one of the most striking changes today in the relationship between religion and spirituality, i.e. the phenomenon of the **individualization of belief,** which we examined in Chapter VII. What matters to some people is less respect for established religious orthodoxy than the chords that religious beliefs touch in their personal quest for meaning. More and more people are turning to an array of religious, spiritual and secular traditions to draw from them elements that allow them to structure their worldview.[50]

The subjective interpretation of religion also concurs with the position that we defended in Chapter VII, according to which freedom of religion must be regarded as an aspect of the broader category of freedom of conscience, which seeks to ensure that individuals are free to adopt the religious, spiritual or secular beliefs or fundamental reasons of their choice and that they are not compelled to act contrary to their convictions of conscience. We cannot see any moral justification that would allow for the establishment of a hierarchy between deep-seated religious and secular beliefs. Instead, the relevant distinction to be made is between convictions of conscience and personal preferences. Only the former are likely to underpin a legal duty of accommodation since they are closely linked to what we have called the moral integrity of individuals. Furthermore, the subjective conception of freedom of religion and the inclusion of the latter in freedom of conscience allows the courts to circumvent the possibly insolvable problem of the definition of what a religion is. In fact, it is very hard to find a common denominator of all religious and spiritual traditions and it is not uncommon for the definitions adopted to favour the three great historic monotheisms.

Despite its advantages, the subjective conception of religion does raise its share of questions, the most important one being the possibly opportunistic or fraudulent invocation of freedom of religion.[51] To justify a request, the requester, who does not have to prove the objective existence of his belief, might more easily

48. See R. *v.* Big M Drug Mart Ltd., [1985] 1 S.C.R. 295, paragraph 94.

49. Syndicat Northcrest *v.* Amselem, [2004] 2 S.C.R. 551, 2004 SCC 47.

50. On the personalization of belief, see, among others, R. Bibby (1998).

51. J. Woehrling (2007, pages 111-120).

invoke a fictitious religious belief or a belief to which he does not sincerely adhere. This possibility is all the greater because the sincerity test on which the courts rely must not be overly restrictive and must acknowledge that an individual's beliefs and religious practice can change over time. Does the subjective conception of freedom of religion not risk paving the way to abuses and the untrammelled proliferation of requests?

This is a serious problem, but we do not believe that it conclusively jeopardizes the subjective conception of freedom of religion. On the one hand, the courts are accustomed to gauging the sincerity and credibility of the parties' testimony. As the majority opinion in the Amselem case notes: "Assessment of sincerity is a question of fact that can be based on criteria including the credibility of a claimant's testimony, as well as an analysis of whether the alleged belief is consistent with his or her other current religious practices."[52] Moreover, as we have seen, the courts can always reject an accommodation request for religious reasons because it engenders excessive costs, compromises the institutions' mission, or infringes other people's rights. To rely on personal beliefs rather than religious dogmas does not mean that a request, which, in a specific context, is unreasonable, cannot be refused.

The courts thus have at their disposal the means to assess the sincerity of beliefs and the reasonable nature of requests. What about front-line decision-makers in the citizen sphere, who have neither the means nor the authority to probe the sincerity of requesters of adjustments? While they are obliged to seriously examine all requests submitted to them, they can rely on a more objective conception of religious belief to establish their procedure. Let us quote in this respect the opinion of law professor José Woerhling:

"[From the standpoint of front-line decision-makers], the best solution consists in establishing in advance with the assistance of religious authorities or other experts the nature of the religious beliefs and practices deemed to truly objectively exist in the communities of faith concerned and, if need be, serve as a legitimate basis for an accommodation request. The position of the majority of the Court in the Amselem case does not prohibit this procedure inasmuch as the directives that the Court spells out on recourse to the subjective criterion of sincerity rather than the objective criterion of the existence of beliefs is not intended for front-line decision-makers but for the courts to which requests based on freedom of religion are referred.

It is thus legitimate for front-line decision-makers to draw up a list of religious beliefs and practices that are deemed to objectively exist in a community of faith and forms of accommodation that are considered acceptable, while accepting some individual variability in individual interpretations of beliefs and practices. The courts should be left to decide cases where an individual invokes an unknown belief of practice that is strictly personal."[53]

This information can also help front-line decision-makers manage adjustment requests submitted in their milieu. As we saw earlier, the realm of concerted adjustment is broader than that of reasonable accommodation and can involve greater numbers of considerations. For this reason, we must not overlook that, in the last analysis, individuals remain sovereign as regards their convictions of conscience and that the approach that the courts have adopted is such that an accommodation request may not be rejected *a priori* because it does not correspond to the objective information collected on the requester's religion. In these cases, we believe that it is, instead, in the interests of front-line decision-makers to refer to the contextual, deliberative and reflexive approach that we presented earlier. This approach fosters negotiated compromises and makes it possible to avoid the legal route in the vast majority of cases.

52. Syndicat Northcrest *v.* Amselem, [2004] 2 S.C.R. 551, 2004 SCC 47.

53. *Ibid.*, page 120.

ILLUSTRATION

In this chapter, we have focused on the second part of our report to outline a policy respecting harmonization practices. We now wish to return to several accommodation or adjustment cases to show how, in practical terms, our approach might be used to resolve them.

This exercise will, necessarily, be limited not only for want of space but also for another reason. By definition, these requests stem from very singular, highly diversified contexts and it is impossible to decide on them without referring to the contexts. We can even assert that, on the whole, decisions stemming logically from norms or guidelines are always likely to be influenced by one or more specific circumstances, which have all the more impact on decision-making since there is no hierarchy *a priori* that puts in particular order the guidelines to be considered. Here, we can see why it is necessary to decentralize the handling of requests and allow managers some leeway.

Subject to this important limitation, the brief overview that follows is useful as a simulation. Our choice of examples focuses on cases that received widespread media attention or that reveal the impact of the different guidelines adopted and are confined to public institutions.

Adjustment requests that infringe gender equality would normally have little chance of being accepted because such equality is a core value in our society. In the health care sector and in all public services, this value disqualifies, in principle, all requests that would result in a woman's being accorded inferior status to a man, e.g. police interrogations or driving tests. However, situations do exist in which exceptions are unquestionably warranted.[54]

Similarly, coeducation is another criterion that must be considered when a request is assessed. Here, however, we are speaking of a value that is not as basic as gender equality and the list of acceptable exceptions is broader, e.g. in the schools, for educational reasons, or in the health care sector, in the case of serious illness or social distress.[55] As for the rest, by way of a general guideline, coeducation should prevail wherever possible, for example in the arrangement of students in a classroom, during exercises in the swimming pool, and so on.

As for prayer rooms in public establishments, our position reflects the resolution that the Commission des droits de la personne et des droits de la jeunesse adopted on February 3, 2006.[56] Based on this resolution, we can conclude that educational institutions are not obliged to set up permanent prayer rooms. The decision they make must reflect their situation. On the other hand, it is entirely in keeping with the spirit of adjustments or accommodation to authorize for the purpose of prayer the use of rooms that are temporarily unoccupied. However, we know of at least three examples where the granting of permanent prayer rooms is compulsory: in penitentiaries, a prayer room is available to inmates since their movements are obviously restricted. The same is true of hospitals, where patients are confined for a time to a limited space, and in airports for passengers in transit.

In the name of both the separation of the State and the churches and State neutrality, we believe that the crucifix should be removed from the wall of the National Assembly, which is the very embodiment of the constitutional state.[57] For the same reason, the saying of prayers at municipal council meetings should be abandoned in the many municipalities where this ritual is still practised. On the other hand, the installation of an erub does not infringe the neutrality of the State and thus may be authorized provided that it does not inconvenience other people.

The same reasoning leads to respect for dietary prohibitions and to allow in class the wearing of an Islamic headscarf, a kippah or a turban. The same is true of the wearing of the headscarf in sports competitions if it does not compromise the individual's safety. It should be noted that all of these authorizations promote integration into our society. The latter argument has more general import: on the one hand, the repeated rejection of requests from religious groups can alienate such groups and push them to the fringes of society, where fundamentalists usually take root;[58]

54. Here are some examples of decisions that legitimately go against the rule of gender equality: a young woman who has just been raped will naturally want to confide in a female rather than a male police officer; in senior citizens' homes female staff provide intimate care for female residents. Another more complex example is the case of a woman who, for religious reasons, requests that she take her driving test with a female driving examiner because she claims taking the test with a male examiner will provoke reprisals from her husband.

55. See in Chapter II the initiative taken by the CLSC Parc-Extension.

56. A dispute between the École de technologie supérieure and a group of Muslim students.

57. One reasonable solution would be to display it in a room devoted to the history of Parliament.

58. It has been said that social exclusion spawns dropping out, radicalization and violence.

conversely, we can deem all adjustments to promote integration insofar as they are intended to ensure equality and protect the rights of minorities.[59]

Requesters who, contrary to the rule of reciprocity, display intransigence and refuse negotiation seriously compromise their approach. The example that comes to mind is that of a student who was unable to wear a bathing suit and refused any compromise on attire to swim in the school swimming pool.

Requests must seek to protect or restore a right. Thus, we believe that non-Christian religious holidays are legitimate since they rectify an inequality. Conversely, requests must not infringe other people's rights. This forbids the exclusion of certain scientific works, for example, devoted to evolution, from a classroom bookcase, the request by an Orthodox Jew who refuses to stand in line in a CLSC on the Shabbat,[60] or a parent's opposition to a blood transfusion vital to his child's survival, and so on.

In the name of the aims of the education system, students should not be exempted from compulsory courses. However, a student may be authorized to abandon a music course for another equivalent course when the activity is optional. Conversely, the wearing by a teacher of the niqab or the burka would be counter to the rules of sound pedagogy. Similarly, in the health care sector, many adjustments can be made provided that they in no way breach Québec legislation and the code of clinical practice.

The frosted windows and the visit by Muslims to the sugarhouse came under informal agreements. In the first instance, it was up to the management of the YMCA to clearly make known its disagreement and the matter would have ended there. In the second instance, the entire problem stemmed from disinformation.

Let us conclude with an especially difficult case, that of the kirpan. The Supreme Court judgment in this affair (which began in 2001 and ended in 2006) aroused massive opposition by Quebecers of all origins, 91% of whom said they objected to it.[61] We can assert that this decision tinged the entire debate on accommodation in addition to discrediting the courts. Let us review its key elements.

Most Quebecers expected the court to decide in favour of the school board rather than the Multani family. Compelling factors pointed in this direction. There is remarkably little violence in Québec society, which was deeply disturbed by the massacres in 1984 in the National Assembly and in 1989 at the École Polytechnique. Let us also point out that the massacre in Columbine, Colorado in 1999 was still fresh in everyone's mind. The September 11, 2001 attacks instilled in the public a climate of fear. Under the circumstances, the security argument was of prime importance. In the minds of the vast majority of Quebecers, the Supreme Court should have grasped the opportunity to send a strong message in favour of non-violence. All things being equal, if the kirpan is only a symbolic object, why demand that it be made of metal and 20 cm long?

The justices perceived the matter otherwise and for reasons that are no less convincing. It is true that Sikhs regard the kirpan as being purely symbolic. We are unaware in the history of Canada of any violent incident in a school in which a kirpan was involved.[62] The weapon was to be worn in such a way that it no longer presented the slightest threat, i.e. sheathed at all times under the student's clothing, subject to periodic inspections by school officials, and so on. Moreover, other more dangerous objects such as scissors, compasses, skates and baseball bats are allowed in classrooms or the schools. The agreement that the court ordered was practically the same as the one that the school had initially concluded with the student's family. Since education in pluralism is part of the school's mission, it would have been preferable to better explain the religious obligation to wear the kirpan.

This, we believe, is a fine example of a request that would benefit from being handled through negotiation in the field. In the abstract, none of the principles in play appears to have prevailed over the others. It is the context and dialogue that become

59. That being the case, it is not always easy to use the integrating nature of a request as an evaluation criterion. For example, in the name of integration, a university may reject the establishment of independent students' associations based on religion outside the official association. However, again in the name of integration, we can also advocate such associations since they help these students adapt to university life.

60. Unless, of course, the other individuals concerned agree to grant him this favour.

61. More precisely, 94% of French-speaking Quebecers and 79% of non-French-speaking Quebecers, according to a SOM survey conducted between September and October 2007 on behalf of *Le Soleil* and *La Presse*. See Cyberpresse, October 9, 2007.

62. In a focus group, one of the judgment's rare defenders said: "Have we ever considered prohibiting members of the Knights of Columbus from wearing their swords in church?"

decisive. In schools in the Commission scolaire de Montréal, two similar requests have been made since the Supreme Court handed down its judgement and they were rejected without further legal proceedings. In both cases, it was negotiation with the family that altered the course of events.[63] In 1998, a similar, little publicized incident occurred at the Polyvalente Lucien-Pagé. The affair ended through negotiation and the student accepted a compromise (the wearing of a small chain around his neck to which was attached a small symbolic kirpan[64]). As for the handling of adjustment requests, here we can clearly see the advantages of the citizen route over the legal route.

One last word on contextual information and the exceptions that it can engender. When requesters are newcomers who are having difficulty adapting, some managers believe that they must sometimes be more permissive than they might otherwise be in order to make things easier. They are banking on the requesters' adopting, sooner or later, the host society's rules and their no longer needing adjustments. This reasoning (or wager) is shrewd, since its objective is to facilitate the newcomer's integration and adaptation. According to the testimony we heard, it seems effective.

However, we must examine the other side of the coin. Indeed, for some people it assumes that the immigrant will, in a manner of speaking, not only integrate into Québec culture but also become assimilated. On the one hand, this is not always the case and adjustment can then sustain a form of intransigence. On the other hand, to expect the immigrant to simply abandon his culture is at odds with the true spirit of interculturalism. Farther along this slope, harmonization practices could become an instrument of assimilation, all of which illustrates once again the very great complexity of situations and the difficulties that managers are facing.

63. Brief submitted by the Commission scolaire de Montréal, page 7.

64. See *La Presse,* May 29, 2006, page A4.

CONCLUSION

To conclude, we can see in all of these examples the application of the key guidelines stemming from our frame of reference: the rules of law (freedom of religion and equality and, in particular, gender equality), interculturalism (integration, interaction, reciprocity, cooperation and compromise), secularism, the purposes of institutions, and so on. However, we must always return to the weight of contexts, which are often complex and unpredictable. Once again, the foregoing exercise remains somewhat theoretical inasmuch as a specific circumstance can alter the balance of an affair. In other words, the context can influence even a seemingly non-negotiable norm.

CHAPTER IX

ETHNOCULTURAL DIVERSITY AND ANXIETY OVER IDENTITY

A IDENTITY-RELATED ANXIETY OR THE ROOTS OF THE CRISIS

Before we examine the state of intercultural relations in Québec in Chapter X, we would like to propose an analysis of the roots of the controversy surrounding accommodation. In the preceding chapters, we saw that an examination of the situation does not support the thesis of a crisis in respect of our society's foundations or institutions from the standpoint of the integration model or harmonization practices. In concrete terms, **we have not noted any upheavals in this regard**. For this reason, we must seek elsewhere the causes of the crisis, in this case, the identity-based dynamic.

Let us point out that we will concentrate our analysis on Quebecers of French-Canadian origin, given that it is in this segment of the population, above all, that the very sharp reactions that fuelled the accommodation crisis emerged. It is also the source of most expressions of uncertainty. We heard this testimony even from managers convinced of the need for adjustments, who handle requests with conviction and skill, who took pleasure in recounting the difficult situations that they successfully resolved and who nonetheless confided in us at the conclusion of the discussion their fears and reservations: "Is this really what we must do? Are we not going too far? What is happening as a result to our culture?" A detailed analysis would undoubtedly lead us to distinguish here between two threads, i.e. values and customs. We will not do so because they are so inextricably intertwined that it is hard to examine them separately.

In Chapter I, we asserted that the media did not create the accommodation crisis but that their message fell on fertile ground, which we will now seek to analyse. As the reader may suspect, there is no simple answer to the question that we are posing here. An array of factors has obviously coalesced to provoke the crisis. That being the case, the most important factor is certainly related to the insecurity that the member of a minority group experiences, which is an invariant in the history of French-speaking Québec. It is revived or becomes dormant depending on the circumstances, but it is (and undoubtedly always will be) at the heart of Québec's future. This is now apparent with the resurgence of the language debate, new questioning on the identity and integration of immigrants, the fear of ghettoization in Montréal, and misgivings about globalization.[1] During our consultations, several interveners made very gloomy comments and even evoked the disappearance of French-language culture.

All of these anxieties reveal a feeling of fragility that expresses itself in various ways.[2] **It must be noted that the French-Canadian past has been and always will be fraught with tension**. A concern for survival has been a hallmark of this past, which has sustained a keen awareness of failures and a desire for affirmation. These factors figure very prominently in Québec's collective memory and some Quebecers experience them as a form of commitment and loyalty.

Other factors exacerbate this chronic insecurity. Various studies have shown that the feeling that reference points have been lost is now very widespread. Other studies have concluded that the Quiet Revolution destroyed the founding traditions and that the great ideals that sustained it have not been replaced. Here, as elsewhere, the September 11, 2001 attacks gave rise to a climate of suspicion towards Muslim citizens (several of whom told us that their lives have not been the same since that day). To all of this must be added sources of disappointment and reasons for discontent: the frustration of social environments that have experienced a drop in social standing because of job insecurity, economic deregulation and business relocations, a feeling of alienation or dispossession as citizens in light of what is deemed to be the invasive action of the courts in public space,[3] the futile search for a consensus on a social blueprint for Québec, the impression that the national memory has been erased, and, among the most nationalistic Quebecers, the outcomes of the 1980 and 1995 referendums and the decline in popular support for sovereignty.

We might say that the stage was thus set. The perception that certain segments of the population had of adjustments (more so

1. In a survey conducted between March 2006 and March 2007 among 749 students from all Québec universities, only one-third of the respondents said they were optimistic about globalization. Female students are more pessimistic than male students and no difference was noted between French-speaking and English-speaking students. See the Canada Research Chair in Comparative Dynamics of Collective Imaginary (2008), Document I-E-27.
2. This is sometimes done in the minor mode. For example, during our forums, an immigrant who took the floor to say how determined he was to master French received sustained, warm applause.
3. This feeling is perhaps exacerbated by the growing difficulty that Quebecers are experiencing in relying on the judicial system because of its excessive cost (the Barreau du Québec has made this problem a priority for action).

than reality itself, it might be said), ignited the controversy and the media fanned the embers. Everything was in place to provoke a sharp reaction. Some people saw in the Supreme Court's decisions another form of authoritarian encroachment by federal bodies in Québec's affairs. What was interpreted as a rejection of and even disdain for French-language culture rekindled the memory of the colonized, humiliated French Canadian. Adjustment requests for religious reasons aroused fears for the Quiet Revolution's most valuable legacy, in particular gender equality and secularism.[4] Controversy surrounding prayers at municipal council meetings, the crucifix in the National Assembly and Christmas rituals, largely fuelled by Quebecers of French-Canadian origin, has been perceived as putting at risk national traditions. The impression (unfounded, as we will see in the next chapter) that most immigrants are devout believers, that their culture is thus sustained by a wealth of symbols, revealed among some people the perception of a void that appears to prevail among French-Canadian Quebecers. Rapid secularization in recent decades, which is deemed to be too radical, has thus been called into question.

Moreover, some people think that the emergence in public space of new religions is occurring at a time when Québec is completing its laicization.[5] Finally, the double or even triple affiliation claimed by several members of the ethnic minorities has sometimes been perceived as a threat of fragmentation, a form of dissociation or of non-integration into Québec culture and thus as an additional threat to its survival.

In short, in opening up these apparently unhealed old wounds, the wave of adjustments simultaneously struck several emotional chords among French-Canadian Quebecers, which provoked an identity counter-reaction movement. In addition to the rejection of harmonization practices, this counter-reaction movement expressed itself through retreat into the heritage value of Catholicism or a radical* vision of secularism that confines religion to the private sphere.[6] To this backdrop was added, here and there, nostalgia for the past. Moreover, this process had already been under way for some time and vestiges of it are apparent in some recent films that have revived old symbols of identity (*Le Survenant*, *Un homme et son péché*, *Aurore*, and so on). Research has also revealed fairly marked anxiety over identity in the intellectual class.

To a large extent, this identity-related anxiety targeted immigrants, who, for some Quebecers, became a sort of scapegoat. This well-known and very old reflex is, furthermore, almost universal.

One last factor that must be mentioned is the extent of the xenophobia and racism that have combined with the other causes.[7] However, we believe that it must be evaluated cautiously. In addition to the anxiety experienced by the members of a minority, we must also blame an erroneous perception of harmonization practices and a lack of information on the religion and culture of the ethnic minorities. To this list must be added fear of fundamentalism, which, in some people's minds, is linked to the threat of terrorism. In other words, the shocking comments that we heard in the forums were attributable more to fear than actual hostility towards foreigners.

This is apparent in the way adjustment requests are handled in the regions. Research that we conducted on this topic in the municipalities, educational institutions and the health care sector reveals that the few requests received are almost always accepted and never give rise to controversy.[8] The regional media scarcely dwell on such requests. The reason for this harmony is that local populations do not feel threatened. If xenophobia were present, we might think that local populations would take advantage of it to reject the requests, but it is just the opposite that occurs.

4. As we noted in Chapter VII, a hardly favourable attitude towards the religious in general is also part of this legacy.
5. "Québec suffers from its non-Christian minorities," in the words of Touhami Rachid Raffa in a brief presented to the Commission in Québec City.
6. Let there be no misunderstanding: this is not the only path that led minds to republican secularism. For a long time in Québec, this school of thought had its adherents, including the pioneers of the non-confessional education system in the 1960s.
7. We will examine in the next chapter other factors that led a number of French-Canadian Quebecers to reject harmonization practices.
8. The findings are recorded in the documentation elaborated by the Commission's analysts, who prepared a demographic, socioeconomic and cultural profile of each region of Québec.

Several of the factors or causes just mentioned coalesced in the kirpan affair, i.e. the solution that the Supreme Court of Canada (tied to multiculturalism in the interpretation of the Canadian Charter) imposed, contrary to the Court of Appeal of Québec (its highest court), the impossibility of appealing the decision, the putative subordination of the safety dimension to religious considerations, the exotic, unusual nature of practices at the centre of the dispute, an immigrant's singlehandedly laying down the law and upsetting the popular will, and so on. It is not surprising that this controversy sparked such strong disapproval (see Chapter X), thus contaminating the entire debate on harmonization practices.

We must await more detailed analyses to discern a singular trait of the arguments that we have just reviewed, which reflects osmosis between ideological affiliations or families. Thus, with regard to opposition to adjustment requests for religious regions, on several occasions we heard hard-line secularists and conservative Catholics use the same language. Elsewhere, we sometimes observed hostility towards foreigners cloak itself in liberal values such as gender equality and the protection of civic space. We witnessed moderate-left militants combine their voices with those of rightwing nationalists in criticizing multiculturalism. Individuals of different allegiances, including proponents of certain feminist currents, republican egalitarianism and intolerance (of which we heard certain expressions) denounced the Islamic headscarf.

The analyses in this chapter reveal to some extent the members of a strong ethnocultural majority who fear being overwhelmed by minorities that are themselves fragile and worried about their future, especially immigrants who are endeavouring to take root in their adoptive society. The conjunction of these two anxieties is obviously not likely to foster integration in a spirit of equality and reciprocity, the model for which we noted in Chapter VI. It also impedes the institution of a majority-minority relationship that conforms to the ideal of interculturalism. In fact, what has just happened in Québec sometimes gives the impression of a face-off between **two minority groups, each of which is asking the other to accommodate it**.

However, it must be understood that for French-Canadian Quebecers, the combination of their majority status in Québec and their minority status in Canada and North America is not easy. It is a difficult apprenticeship that began in the 1960s and, which, obviously, is ongoing. However, this duality is another invariant with which Québec society will always have to contend.

As regards accommodation or adjustments, it is important to emphasize that a number of people in the ethnocultural minorities disagree with the requests that members of their group make. Once again, we observe here a form of rejection for reasons that partly overlap with those that we have reviewed (the fear of fundamentalism, anxiety over secularism, gender equality, and so on). The power of stereotypes is such that these individuals are also singled out and arouse mistrust. Theirs is an even more traumatic experience that not only hampers their integration but marks a step backward.[9]

Let us return to the identity-related anxiety that we mentioned. It is complicated, basically, because French-speaking Québec embodies traditions and values related to reception and solidarity, perhaps the legacy of over three centuries of Catholicism, perhaps also of the lengthy experience of settlement. This is a message that everyone has read or heard on several occasions for some time. We believe that these values do indeed exist but that they cannot fully express themselves[10] because of anxiety over identity. We also think that this impediment in itself adds to the existing malaise. There is tension and even a rift among a number of opponents of harmonization practices.

9. Testimony of this nature, as eloquent as it was distressing, was delivered during the public hearings.

10. We say "fully" since we heard extensive testimony at our hearings about generous, fraternal initiatives in favour of immigrants.

It is perhaps in this light that we must understand Hérouxville's initiative. An attentive reading of the "life standards" document in fact reveals two messages: first, it is a gesture of openness, the expression of a desire to welcome immigrants but at the same time and in an almost caricatural manner, it reflects a defensive reflex. The Hérouxville "life standards" expressed in an immoderate manner a tension and an ambivalence that a number of French-Canadian Quebecers harbour. This duality perhaps partly explains the document's astonishing reception.

Changes in prevailing ideas in the West over the past 15 or 20 years have exacerbated this problem. In Québec, as elsewhere, a very influential train of thought has criticized national identities: the collective memory of outstanding achievements, the celebration of heroic figures, national founding myths, collective representations of the self and others, and so on. There is no doubt in our minds that such criticism was necessary and that it has been beneficial in several ways. For example, it has revealed in national mythologies distortions of reality, ruses, simple ethnographic traits imposed as norms, and customs and rituals elevated to the status of absolutes.

It often happens that the alternative notion of identity proposed, i.e. civic identity, is devoid of ethnicity and confined to a common public culture defined primarily if not exclusively in terms of rights and universal values.[11] Many people scarcely recognized themselves in these constructions that were deemed to be overly theoretical, detached and unsuited to supporting traditional affiliations based on a symbolic heritage. The element of emotion and imagination that, in any community, sustains the collective consciousness was largely removed from it. More specifically, it is the element of ethnicity that usually underpins identities that was sacrificed.

It is timely to note here that, sociologically speaking, **ethnicity is a neutral concept.** As we indicated in Chapter VI, it simply refers to ways of doing things or living, such as customs, traditions, representations or worldviews, and so on, which, over time, take shape in any community and sustain its identity. **For the scientist, it imposes itself as a social fact, and it is not a matter of choice.** Where ethnicity and, by the same token, identity, become suspect and blameworthy is when they turn into **ethnism,*** the affirmation of an ethnicity's superiority and, concomitantly, the negation of other people's rights.

We must obviously rekindle sociological reflection on the social functions of identities as the symbolic foundations of the social bond and affiliation. Once again, identity, as an amalgam of reason, ethnicity and imagination, is present in any community and is an irrepressible figure. If it is not expressed openly, it survives on the margins of society, even if it means resurfacing later, perhaps as repressed content.

French-speaking Québec has experienced something similar in recent years, i.e. the fairly widespread feeling that a sort of opprobrium has been weighing down the identity question, as we have described it.[12] Consequently, public discourse and politicians have avoided this question,[13] which has recently expressed itself among certain French-Canadian Quebecers in three forms: *a)* the return of the figure of the diffident French Canadian who is mistrustful of the Other (as was apparent, especially during our forums); *b)* a disproportionate reaction to what has become the accommodation crisis; and *c)* the resurgence of ultra-conservative attitudes. A pluralistic Québec focused on interculturalism has lost ground on all three counts.

Identity is a fundamental, inevitable sociological process that can break down but that we can reshape and redefine, like any other process, in particular by removing from it all ethnism. It thus functions against a backdrop of plurality in the midst of different threads that intertwine, confront each other, intermingle or merge, as the case may be. This is the perspective that we have decided to adopt in this report and that is mainly emphasized in Chapter VI. A cultural minority in the Americas, Québec as a French-speaking society needs a strong identity to allay its anxieties and behave like a self-assured majority. This is the first lesson that we should draw from recent events.[14]

11. Here, we recognize the traits of the civic nation model mentioned in Chapter VI.

12 Here is one comment often read or heard recently: "We can't talk publicly about what we are without being accused of being backward" (an intervener from Montréal in a focus group in March 2007).

13. Even the Parti Québécois, the paramount custodian of identity-related questions for several years, for some time turned away from it by once again equating identity with citizenship. It is revealing that in the wake of the March 2007 election, Pauline Marois explained in this way the defeat of her party, which had failed to "assert and defend the Québec identity" (comment reported in *La Presse*, August 30, 2007, page A6).

14. "We are a minority people that is constantly struggling for its survival, which makes us anxious, naturally somewhat timid and suspicious" (testimony given at the hearings in Saint-Georges-de-Beauce on November 1, 2007).

However, this identity must be able to accommodate universal rules (historicized, as we have mentioned) and the demands of pluralism. The challenge that we are facing is to sustain through symbols and imagination the common public culture, which is made up of universal values and rights, but without disfiguring it. In other words, **the identity inherited from the French-Canadian past is perfectly legitimate and it must survive because it is a source of diversity, but it cannot alone define the Québec identity and must take into account the other identities present, in a spirit of interculturalism.** Québec must seek to pursue this difficult task, initiated several decades ago.

On another level, French-Canadian Quebecers who spoke out during the accommodation crisis did not always do justice to the qualities of mutual aid, cordiality and reception that are also part of their culture.[15] It is important to do the groundwork to ensure that these very positive dispositions can from now on be expressed unreservedly and without fear. Furthermore, we observed that the ethnic minorities also abundantly display these qualities. In other words, **do we want to combine our doubts and fears or the best of what we have to offer?**

We believe that it is possible to reconcile all Quebecers with harmonization practices, once it has been clearly demonstrated to them that *a)* these practices respect our society's core values, especially gender equality; *b)* they do not seek to create privileges but fully understood equality and respect for individual rights; *c)* they encourage integration, not marginalization; *d)* they are structured by guidelines and protected from spiralling out of control; *e)* they are based on the principle of reciprocity; *f)* they do not play into the hands of fundamentalism; and *g)* they do not jeopardize the past achievements of the Quiet Revolution.

We have already outlined the context in which we wish to discuss intercultural relations in Québec. However, this very context must be inserted into a broader context that extends beyond Québec and Canada. At present, some of the unease voiced during public debate on reasonable accommodation is arising in other Western nations. We might say that such unease stems from the growing ethnic and religious diversification of societies. During the 1950s, certain Western nations such as Denmark were virtually homogeneous. Other nations such as France, the United States or, in a different manner, Canada, were already fairly diversified. However, all of them evolved in a similar way and absorbed growing differences. Canada, for example, comprised mainly Catholics, Protestants and Jews. Its population now includes Muslims, Hindus, Buddhists, in short, representatives of all the major religions.

The same situation prevails from an ethnic standpoint. Here again, diversification grew, by and large, because immigration to Canada has changed significantly since the late 1960s. In 1971, only 12% of immigrants came from Asian countries, as against 58% between 2001 and 2006.

Countries that are traditionally more homogeneous often experience greater difficulty in facing these changes. Thus, the feeling of unfamiliarity is perhaps keener in Denmark than in England or even in France.[16] However, all of these societies are finding it difficult to adjust.

Québec's situation in relation to these countries that were more or less homogeneous is unusual. On the one hand, Québec is a longstanding country of immigration that has welcomed many newcomers, mainly from Europe, since the late 19th century. On the other hand, the English-speaking community assimilated most of these immigrants. For French-speaking Quebecers in bygone days, the reference society was French-Canadian society, which was obviously much less diversified than Québec society today. Newcomers who integrated into this French-speaking society were a minority of the immigrants overall because the vast majority of them integrated into the English-speaking community. French-Canadian society thus did not have to manage massive diversification.

15. This idea was also expressed by Jean-Marc Charron from Trois-Rivières in a brief that he presented to us.

16. Sweden, on the other hand, which was as homogeneous at the outset as its Scandinavian neighbours, seems less disconcerted.

Everything changed when Quebecers ceased defining themselves as French Canadians and mainly regarded themselves as Quebecers. The diversification of Québec overall then became a major phenomenon. Measures to defend the French language, symbolized by Bill 101, ultimately shifted towards the French-speaking component and its institutions the diversity stemming from immigration. This diversification resulted at once from soul-searching and new policies. It occurred fairly rapidly and ultimately provoked fears and pessimism that are reminiscent of certain reactions in Europe today.

Furthermore, these analogies were mentioned during our consultations. Some interveners believe that fears about the future of Québec's identity and culture are all the more warranted since similar anxieties are being expressed in more populous countries such as Germany and England, which, what is more, are not subject to the same linguistic and cultural pressures as Québec is. The demand by certain Germans to grant their traditional culture the status of *Leitkultur* or dominant culture and serious questioning by certain English people of their national identity seems *a fortiori* to justify our being seriously concerned about the future of Québec culture.

It is healthy and useful to think that our situation is not unusual and that it shares a number of common traits with all Western cultures today. It is nonetheless important to distinguish the differences and not take it for granted that fears that are warranted elsewhere are necessarily justified here.

First of all, Québec has for a long time received immigrants who integrate into society and acquire Canadian citizenship.[17] These newcomers,[18] who are contributing significantly to the development of Québec society, are increasing our population. This understanding of the situation has been integrated in Québec, which perceives itself as a host .

The trajectory of certain European countries in the post-war period was very different. Millions of immigrants entered the countries, which did not perceive themselves as countries of immigration. To the contrary, they regarded the newcomers as simple visitors, temporary workers who, in exchange for the wages that they could not obtain in their country of origin, performed tasks essential to the economy but that natives of the country were unable or did not wish to perform. From the outset, the idea was that the workers would one day return to their own country, which some of them did indeed do, to retire or invest in a shop or a small business the money earned in the wealthy countries of Europe. The German expression *Gastarbeiter* (guest worker) says a great deal about the status accorded these workers.[19] This scenario, which, in retrospect, proved to be impracticable, was shared both by the European host society and the *Gastarbeiter*, most of whom intended to return to their country of origin.

However, with the benefit of hindsight, the utopian nature of this arrangement is readily apparent. These immigrants never accumulated the savings necessary to return to their countries of origin; new needs arose; their children did not want to leave a country that had become their homeland, and so on.

Very large numbers of these temporary workers thus remained in their country of immigration. In many instances, their descendants now belong to the third generation. In the meantime, little (or very little) has been done to integrate them and ensure that their children learn the host society's language and obtain qualifications in order to take advantage of a better future. For example, in Germany, it was only in 1992 that the country paved the way for the naturalization of individuals born abroad, with the exception of those of German ethnic origin, although the first *Gastarbeiter* arrived from Turkey in the 1960s. However, even after 1992, it was necessary to have lived for 15 years in Germany before being naturalized, a requirement that was reduced in 2000 to eight years. Without citizenship and without the education necessary to succeed, it was impossible for these workers to improve their lot and prepare a better future for their children.

As we have just seen, these immigrants often took jobs that natives did not want because they were poorly paid and unrewarding. Many newcomers in countries of immigration in the Western

17. According to the 2006 Census, 85% of individuals born abroad who satisfied naturalization criteria became citizens.

18. It also indicates that 17.5% of the 1.11 million immigrants who arrived in Canada between 2001 and 2006 settled in Québec. In 2001, this proportion (for the period 1996 to 2001) stood at 13.7%.

19. Even if this status was not formalized in this way in other European countries, none of them foresaw the consequences of the massive influx of workers from poor countries.

hemisphere, in particular Canada, the United States and Brazil, met the same fate. This is still true today (think of Latin Americans in the United States). However, immigrants on this side of the Atlantic at least had a hope of building a decent future for their children.

The result is now well known: in certain major German cities and the Paris suburbs live young people who have lost a good part of their culture of origin without being able to integrate into the host society. They live in prosperous consumer societies without being able to participate in them. They feel that they are the victims of discrimination, alienated and stripped of their rights. Some of them are on the brink of revolting. Blazing Paris suburbs in 2005 and rioting in Bradford in the UK in 2001 come to mind.

Some European countries are facing serious problems stemming from the creation of underprivileged urban zones inhabited by under-qualified populations where a strong feeling of injustice and rejection exacerbates tensions. Mistrust and resentment crush the potential benefit of social programs that are initially well designed but often poorly received by the communities for which they are intended. Gestures of discontent and revolt irritate the more privileged classes and undermine the majority's goodwill (it becomes hostile to this search for solutions). Consequently, strong xenophobic right-wing movements flourish.

We also note a certain marginalization of immigrants in Québec, but to a much lesser extent. However, there is no reason to be proud. It would be wrong to perceive here the effect of more generous, liberal provisions, since we have created this type of relationship centred on a lack of understanding and alienation with several aboriginal communities. We must also remember the fate of Black slaves at the time of New France and, more recently, the condition of Afro-American and Afro-Caribbean Quebecers, who continue to suffer from certain racist behaviour displayed by other Quebecers. However, we must also point out that relations between immigrants and the host society in Québec do not display the same level of tension and socioeconomic exclusion found in certain European countries and we must do everything to avoid drifting in this direction.

This is thus an important difference between Québec society and certain European societies. There is a second difference that, moreover, explains the first one: nearly 70% of immigrants to Québec are selected in light of their occupational and language skills, so that they are generally better educated than the average members of the host society (this is especially true of Muslims). This is a far cry from the situation of under-educated immigrant populations in certain German and Dutch cities or in certain French suburbs.

The third difference, which stems from the first two, is of a cultural nature. A number of immigrants are middle class and, consequently, share in many ways the way of life of many Quebecers, which is not the case in other countries such as Sweden, which receives more refugees (often poorly educated) than other categories of immigrants. It is a known fact at present that the members of the middle classes resemble each other in their lifestyles, more than less privileged populations. For example, the lives that immigrant women from the middle classes lead is often similar to that of middle-class women in host societies. Qualified immigrants integrate more readily from a cultural standpoint in a host country such as Québec, which selects most of its immigrants, provided that there are not systemic obstacles to employment.

We must emphasize a fourth difference: immigrants in European countries are often the nationals of the host society's former colonies, e.g. Indians and Pakistanis in England and North Africans in France. To all of the other grounds for alienation must be added the painful recollection of colonization and exploitation. During our consultations, many North Africans told us that they had chosen Québec rather than France precisely because they felt more accepted here and released from the weight of the recollection of a longstanding tradition of domination.

D THE RISK OF EROSION

How, therefore, can we understand the fear that a number of countries, including Québec, are now experiencing of seeing their identity and culture of origin erode or simply disappear? Cultural and religious diversity will continue to grow in Western societies, at the same time as anxiety stemming from the unity, cohesion and weakening of democratic life. The fears voiced by a number of Quebecers about the fragmentation of society or the loss of essential aspects of identity and traditions reflect the concerns now apparent in all Western countries. Certain Québec intellectuals have embraced them, adapted to our context.

These concerns are sustained by certain emerging developments or phenomena found in all Western nations, i.e. first of all, exacerbated individualism that draws inspiration from two sources. On the one hand, a lifestyle is emerging centred on consumption and fuelled in part by the ever-expanding array of new products and luxury items that become necessities. Advertising and the rapid dissemination of new lifestyles imbue these products with an aura of prestige: we buy Nike running shoes partly because they embody the energy relayed by the slogan "Just do it!"

Several analysts maintain that such growth in consumerism appears to undermine the life of democratic institutions and political and social movements. The decline of political parties and the drop in voter turnouts in all Western democracies appear to be linked to the dissemination of these new lifestyles in which personal expression and increased consumption become inseparable. We are witnessing, to some extent, a sort of cult of consumption-based individualism.

However, we are also witnessing a moral transformation of the political world inasmuch as emphasis is shifting from major collective projects to certain causes that are of an essentially defensive nature, such as the protection of individual rights or the rights of oppressed groups, the defence of the environment against destruction by unbridled capitalism, and the defence of certain underprivileged minorities. Against this backdrop there emerges a political and social landscape in which we endeavour, above all, to challenge established authority or thwart the actions of the powers that be, whether governments or corporations. In the latter instance, it is not, strictly speaking, individualism that is in question, although the defence of individual rights figures prominently in the construction of challenges to established authority. However, its impact nonetheless appears to converge with that of consumption-based individualism.

These two phenomena, i.e. various forms of individualism and the moral transformation of the political world, are contributing to the fragmentation of large entities such as nations, political communities and national parties. The identity-based energy that sustained such entities is shifting towards individuals or partial solidarities such as ecological movements, the defence of the aboriginal peoples, and alter-globalism, even if these movements allow to filter through an attachment to a more universal solidarity.

This twofold transfer also appears to threaten the feelings that underpin a strong national identity. They undermine such feelings in two ways: first, from within, since individualism deflects interest for the whole towards the parts; then from without, since the new political culture of rights and causes, which we have described as defensive, promotes universal principles and diminishes the status of the nation, a specific reality. Moreover, the defence of minorities risks in its own way dividing society and emphasizing the importance of parts at the expense of the whole. Since this defence is usually made in the name of universal principles, it often combines the two trends likely to reduce national cohesion, i.e. fragmentation and the shifting of emphasis towards the universal.

In a number of countries, some people believe that what we often call multiculturalism aggravates this fragile situation. In fact, it is a caricature of multiculturalism. Multiculturalism is presented as though it solely takes into account recognition and affirmation of difference with no regard for integrating elements such as the teaching of national languages and intercultural exchange programs. It is this truncated version of multiculturalism that often prevails in Québec, as though this model had not evolved in Canada since its adoption nearly 40 years ago. It is this perspective that is also invoked in Germany, the Netherlands and England to explain, in particular, the failings of policies to integrate immigrants.

A number of European countries have, of course, practised highly unilateral multiculturalism without a genuine concern for

integration. This can be explained, in particular, by the perspective according to which newcomers were visitors for varying lengths of time and not potential citizens called upon with their descendants to become an integral part of their new country. These countries thus had to alter their approach and acknowledge that they are countries of immigration.

However, before they made this shift or, occasionally, even afterward, people worried that the new diversity might exacerbate the fragmentation process already under way (relaxation of the social bond, the loss of a feeling of solidarity among citizens, and the risk of seeing social programs and support for the welfare state erode). Let us quote here a contemporary English writer: "The argument is simply that the more different we become from each other–the more diverse our ways of life and our religious and ethnic background–and the less we share a moral consensus or a sense of fellow feeling, the less happy we will be in the long run to support a generous welfare state."[20]

Moreover, diversity was not perceived as the only threat. People also feared that a philosophy of recognition of difference would again shift the policy's emphasis towards individual rights at the expense of a policy centred on the common good and concerned with satisfying the entire society's problems. In France as in Québec, this recognition of difference has often been stigmatized as an implicit invitation to communitarianism,* understood as a policy of identity withdrawal by each ethnocultural group that would ultimately fragment society overall into a series of juxtaposed ghettoes in a communications void.

There is much to be learned from debate in France surrounding the law of 2004, adopted in response to the recommendations of the Commission de réflexion sur l'application du principe de laïcité dans la République (Stasi Commission), which prohibits "the wearing in public schools, colleges or secondary schools of signs or garments that display religious affiliation."[21] It is noteworthy that the displaying of religious affiliation might be linked to the presumed desire to fracture the republican space. President Jacques Chirac, in his December 17, 2003 speech before the French parliament, put it very clearly: The school is a "republican sanctuary since it is, first and foremost, the locus of the acquisition and transmission of the values that we share. It is the paramount instrument for instilling the republican idea. It is the space in which we train the citizens of tomorrow in the realms of criticism, dialogue and freedom and where we give them the keys to develop and master their destiny. It is the space where each individual sees open before him a broader horizon."[22]

French rhetoric is readily apparent but the essential ideas in this speech would be accepted almost everywhere in the democratic, liberal world. The conclusion that President Chirac drew would undoubtedly not so readily rally support: "In all conscience, I believe that the wearing of garments or signs that conspicuously display religious affiliation must be prohibited in public schools, colleges and secondary schools."[23] Unlike "discreet signs, conspicuous signs that lead to remarking upon and immediately recognizing the individual's religious affiliation cannot be allowed."[24] Why? People see in conspicuous signs the expression of an intention, that of setting oneself apart. Consequently, those who wear the signs are regarded as not fully belonging to the same space for citizen exchange. In short, these symbols are interpreted as signs of withdrawal, indeed of aggressiveness.

There is the risk of an especially harmful misunderstanding arising here. Muslim women in France protested by arguing in vain that the wearing of the hidjab did not express an intention. They maintained, in fact, that they were not seeking to assert anything, other than an attitude of obedience towards what they understand to be God's will. Public and political debate continued without taking into account how the women concerned interpreted their gesture.[25] Prime Minister Jean-Pierre Raffarin could thus state without hesitation: "We are convinced that the school is the foremost space of the Republic and that we must ensure that we protect this paramount value that is the Republic and that there are

20. D. Goodhart (2006, page 16). On the other hand, a recent empirical study of 21 countries notes that there is no systematic relationship between the presence of multicultural policies and the erosion of the welfare state (K. Banting *et al.* [2006, page 83]).

21. Law 2004-228 of March 15, 2004. The circular of May 18, 2004 concerning the implementation of law 2004-228 stipulates in section 2.1 that "the signs and garments that are prohibited are those the wearing of which leads to immediate recognition of the individual's religious affiliation, such as the Islamic headscarf, regardless of the name given to it, the kippah or a cross of obviously excessive dimensions."

22. Speech delivered by President Jacques Chirac concerning respect for the principle of secularism in the Republic, December 17, 2003, page 8.

23. *Ibid.*

24. *Ibid.*, pages 8-9.

25. See the discussion in John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space*, Princeton University Press 2007, page 187.

no conspicuous signs of communitarianism."[26] Let us point out that Québec Muslim women also protested against the same misunderstanding that has also arisen here. They insist that the headscarf is not a sign.

In non-French-speaking countries such as Germany, the Netherlands or England, the same fears were voiced about multiculturalism (although the term was not used). Thus, people thought that the universal principle of the recognition of difference would ultimately mean that fragments (different cultural groups) would take precedence over the whole (the entire society). The nation would be undermined both from above (a supranational order of values enshrined in the charters) and from below (the cultural communities). We can readily understand why such a perspective has led to a policy designed to assimilate difference rather than intercultural or multicultural policies. This explains the assimilative reactions that have appeared both in Europe and in Québec.

In the case of Germany, the Netherlands and England, the condemnation of multiculturalism reflects a recent shift. These countries were formerly quite favourable to it. The about-face stemmed from recent setbacks in integration,[27] confirmed above all by the alienation of Muslim populations, itself exacerbated by the geopolitical climate in the wake of September 11 (in England, the July 7, 2005 attacks on London's mass transit system also had a considerable impact). The reaction engendered a series of proposals aimed at tightening up in each of these countries conditions governing immigration or the acquisition of citizenship.

In 2005, the United Kingdom introduced a test entitled *Life in the United Kingdom* to measure English language skills and knowledge of the country and its way of life as a condition for acquiring citizenship.[28] In the Netherlands, similar conditions governing the knowledge of the Dutch language and social orientation were introduced in 2006 in respect of the acquisition of an entry visa.[29] In these countries, the legislation thus imposes some degree of integration, but a concern has also been noted in them for the conditions of voluntary integration, encouraged by the host society.

Various commissions have been set up to implement the appropriate measures in this field. Mention should be made, in particular, of the Commission for Racial Equality and the Race Equity Scheme in the UK Department of Education. Generally speaking, the policies adopted reflect a philosophy that proceeds both from a constraint and persuasion. For example, in the Netherlands, constraint first prevailed following the assassination of filmmaker Theo Van Gogh. However, since November 2006, following a change of government, it is persuasion that has come to the fore.[30]

26. Quoted in Bowen, *op. cit.*, pages 105-106 (the original appeared in *Le Figaro*, April 30, 2003).

27. Largely tied to the absence of proactive integration policies.

28. Leslie Seidle, study on "Commissions on the Accommodation and Integration of Immigrants and Minorities," page 2.

29. *Rapport de recherche nº 2* – "Country Profile, The Netherlands," page 2.

30. *Rapport de recherche nº 2* – "Country Profile, The Netherlands," page 3. Just prior to the 2006 election, the former government committed itself to prohibiting the wearing of the burka everywhere in public. The current government announced that it intends to amend legislation to introduce such a prohibition solely in schools and government offices.

CONCLUSION

Certain fears that Quebecers have voiced concerning the cultural and religious diversification of their society thus resemble those expressed elsewhere. However, it is clear that in Québec problems related to social cohesion and the continuity of identity arise in a very different context. In the European countries that we have mentioned, considerable segments of the population are at once part of cultural-religious minorities and confined to impoverished zones from which they find it hard to emerge. These populations suffer from deep-seated alienation that occasionally expresses itself in open social conflicts such as brawls, riots and the destruction of property. In response, sizeable movements or political parties emerge whose main hobbyhorse is their determination to channel fear and xenophobia.

It is indeed fortunate that Québec is not contending with such tensions. As we have said, we owe this relative good fortune to two factors, i.e. Canada's immigration policies over a long period and, even more so, the integration policies that Québec has implemented since the 1960s, and second, certain values and reception habits that have marked Québec throughout its history. We owe to these values and favourable provisions the level of social harmony that we have established here, which we should all strive to consolidate and perfect.

PART V
AN EVOLVING QUÉBEC

CHAPTER X

WHAT IS THE STATE OF INTERCULTURAL RELATIONS?

INTRODUCTION

In Chapter VI, we examined the model that Québec has adopted in the realm of intercultural relations. We will now take stock of the model. In other words, what is the current state of interculturalism? How can it be improved? What remedial measures are necessary? We will confine ourselves here to the cultural aspects of integration and will focus in Chapter XI on an analysis of its socioeconomic facets and of discrimination.

In societies that achieved integration by means of assimilation or exclusion, the learning of diversity in a pluralistic spirit required a significant shift and engendered major difficulties. Overall, it might be said that Québec has managed fairly well in both respects, especially when we consider its state as a minority French-speaking community in North America. Let us add that ethnic diversification has very rapidly become more pronounced here over the past 20 or 25 years.

It should be noted that, demographically speaking, the allophone minorities, i.e. minorities whose mother tongue is neither French nor English, have now superseded the English-speaking minority (12.3% compared with 8.2%).[1] The countries of origin of the immigrant population are much more diverse and now cover all regions of the world. Religious affiliation also reflects this diversification. Over 100 religions are now represented in Québec, not to mention numerous sects and tiny splinter groups, which some observers estimate number 600. Among the main religions, Islam has progressed the most rapidly: it accounted for 0.7% of Québec's population in 1991, 1.5% in 2001 (when 10.6% of the immigrant population was Muslim) and, according to various estimates, roughly 2% in 2008.[2]

Ethnocultural diversity is thus a structural coordinate of Québec's population. Moreover, we know that it is overwhelmingly concentrated in the Montréal census metropolitan area* (88% of immigrants in 2001, and 86.9% in 2006[3]). According to 2006 data, immigrants account for 20.6% of the population of the Greater Montréal area and 30.7% of the population of Montréal Island. These percentages seem high but they are far lower than those in Metropolitan Toronto (45.7%) and Metropolitan Vancouver (39.6%). Let us add that the proportion of immigrants is very uneven in Montréal boroughs, ranging from 10% to over 40% depending on the district, with Côte-des-Neiges and Notre-Dame-de-Grâce heading the list. In comparison, it should be noted that immigrants account for only 3.7% of the population of Metropolitan Québec City (according to the 2006 Census).

That being the case, these indicators of diversity mask key similarities. For example, the 2001 Census revealed that 9 Quebecers out of 10 claimed to belong to a Christian denomination and over four out of five (84%) said they were Catholic. Similarly, over two-thirds of immigrants said they were Christians.

According to census data, it should be emphasized that in 2006 immigrants accounted for 11.5% of Québec's population, as against 6.6% in 1871 and 8.8% in 1931. This proportion is fairly low when compared with that in Canada (19.8%), Ontario (28.3%), British Columbia (27.5%) and Alberta (16.2%). However, it is equivalent to the figure for all of the so-called developed nations and slightly higher than that for the European countries.[4]

More concretely, cultural diversity has imposed itself in the life of institutions. The Commission scolaire de Montréal manages a student population from 180 countries and representing 150 languages (in Québec as a whole, over 200 languages are spoken). Two-thirds of the students at the École secondaire Saint-Laurent were born outside Québec. Over half of the Québec students attending Montréal public schools come from families in which one or both parents are immigrants. Roughly 40% of the patients at the Hôpital Sainte-Justine are allophones. In the patient care unit at the Montreal Jewish General Hospital, there are often more than 10 ethnic origins represented among 20-odd patients.

This observation reflects a fairly longstanding change that has accelerated in the past 15 or 20 years. The intercultural model was elaborated in this context. To answer the questions that we posed at the beginning of the chapter, we are going to examine what this model has achieved, its progress, and, above all, its limitations, the obstacles that it is facing and certain topics that have aroused criticism and anxiety.

1. According to data from the 2006 Canadian Census.
2. Data on religious affiliation are only produced every 10 years and the next data will be available in 2011.
3. This concentration is very high. For example, Metropolitan Toronto accounts for only 68.3% of the immigrants who have settled in Ontario (2006 Census).
4. See the *Rapport de recherche nº 11* produced by the Commission for data on immigration and diversity.

First, let us briefly examine the concepts that we will use. We reject the expression "old-stock Quebecer" to indicate Quebecers of French-Canadian origin, an expression that carries a negative connotation in two opposite directions: *a)* from the perspective of Quebecers of origins other than French-Canadian it seems to affirm a sort of hierarchy based on seniority; *b)* from the perspective of Quebecers of French-Canadian origin, it can evoke an image of withdrawal, a rather folkloric, timid one with which they would like to dispense. The term is ambiguous inasmuch as the aboriginal peoples also refer to themselves as being old stock, as do English-speaking Quebecers. In this broadened sense, it would be better to say French-Canadian Quebecers or Quebecers of French-Canadian origin to avoid any hierarchical connotation. We will also take into account the observations of the United Nations, which rejects the use of the expression "visible minority" because of its biological reference.

A cursory examination of the past half century reveals that pluralism has progressed spectacularly. As we saw in Chapter VI, Québec's intercultural quest displays considerable continuity in the pursuit of a few key objectives that have scarcely varied. Bill 101, which was aimed, in particular, at the francization of the immigrant population, was in this respect a decisive milestone insofar as it instituted an indispensable framework for communication and integration. It did so by opening up the French language to various cultural traditions and sensitivities,[5] which is the condition for its playing a unifying role. At the same time, of course, it ensured the perpetuation of the French-speaking Québec community, but its civic function must also be recognized. Sociologist Guy Rocher, one of the statute's promoters, likes to point out that, without this measure, Québec society was probably destined for many upheavals.

Here are some figures that illustrate the changes that occurred. In 2003-2004, 79.5% of allophone students, i.e. students whose mother tongue was neither French nor English, were studying in French, compared with 20.3% in 1976-1977.[6] In 2006-2007, 80.7% of 5 640 businesses with 50 employees or more had obtained a francization certificate, as against 71.4% in 2001-2002.[7] At the same time, a knowledge of French among newcomers increased from 37.2% to 57.7% between 1995 and 2006.[8] Among allophone immigrants, language transfers, which played heavily in favour of English, now favour French in an equally strong proportion (this question is discussed later in this chapter).

Overall, interculturalism's impact is of three kinds. First, mention should be made of the end of the system of assimilation-exclusion that Québec, like most Western nations at that time, practised until the Quiet Revolution. The French-Canadian nation counted on a homogeneity based largely on ancestry (or blood), the customs inherited from New France, and religious affiliation. Citizens who

5. Expressed, for example, in the literature: see C. Mata Barreiro (2006).
6. Ministère de l'Éducation, du Loisir et du Sport data.
7. Office québécois de la langue française data.
8. Ministère de l'Immigration et des Communautés culturelles data.

refused to relinquish their culture in order to assimilate these traits were marginalized or, more likely, became anglicized.[9] We are thinking here of the Jewish or Greek communities, although in Québec's entire history it is the aboriginal peoples who have obviously suffered the most from assimilation.

Second, the intercultural philosophy has extensively penetrated pedagogy and educational practices. Indeed, Québec schools have made considerable advances towards the ideal of rapprochement and citizen understanding centred on equality and the prevention of discrimination.[10] It has evidently contributed to lowering social barriers and fostering the integration of certain racialized groups.[11] Francization has drawn to the public schools clienteles who, by mixing with each other and communicating in the same language, have gotten to know each other.[12] We can see the outcome in contemporary young Quebecers' perceptions of the Other (the contrast with their elders is striking, as we will see later in this chapter). Other indicators, centred on scholastic or occupational performance, point in the same direction, for example, immigrant girls succeed better on the labour market than girls from native families.[13] In January 2008, a study conducted by the ministère de l'Éducation, du Loisir et du Sport also revealed that the children of immigrant parents succeed better in the classroom than other school children.[14] In the same vein, the breakthrough that numerous artists and writers from the ethnic minorities have made is no less revealing.

Third, the intercultural philosophy has permeated broad segments of the public administration and has inspired several government policies, starting with the diversification of the countries in which immigrants are recruited. We are also thinking of the financial support granted to private denominational schools, the inclusive discourse of government representatives and elected municipal representatives, which promotes the dissemination of a pluralist culture, harmonious interethnic relations in Montréal, the peaceful coexistence of different churches, and the negotiations under way with the aboriginal peoples based on recognition of their ancestral rights, in a nation-to-nation framework. In recent years, let us mention the end of denominational instruction in public schools (enacted in 2005 and which will come into effect in the fall of 2008), the adoption of the new Ethics and Religious Culture Program, and the offensive announced against racism, which is to be reflected shortly in a government policy.[15]

The values and principles of interculturalism, i.e. equality, cooperation, mutual respect and reciprocity, pervade the procedure for handling adjustment requests in the education sector, like that in the health care sector and the business community.

These results have been attained through a number of institutions that have become powerful vectors for integration. In addition to the schools, this is true of the local community service centres (CLSCs), which, by force of circumstance, have assumed an array of social functions in the pursuit of their prevention objectives. In underprivileged neighbourhoods where immigrants are heavily concentrated, prevention consists in reaching out to individuals and families who would not otherwise consult a health professional. In this way, significant adaptation, socialization and integration are taking place, above all in certain sectors of Montréal Island. This is, more generally, true of all community groups, which, in one way or another, are working directly with the different populations. From this standpoint, certain initiatives are noteworthy, in particular Rapprochement des communautés culturelles de Villeray, an organization that has become, according to its facilitators, the crucible of a veritable "culture in the making."[16] The Fédération québécoise des organismes communautaires Famille reports the same type of experience and speaks of microsocieties and islets of socialization.

9. See ministère des Communautés culturelles et de l'Immigration (1981, page 10). Let us express an important reservation: a number of Catholic immigrants, for example of Italian or Irish origin, were not assimilated but nonetheless remained integrated, in particular through the school system. However, the French-Canadian elites never truly considered them to be part of their nation.
10. See in this regard the *Rapport de recherche n° 4* produced by the Commission and the Fleury Committee report (2007, pages 7-10).
11. We have borrowed this term from the Centre de recherche sur l'immigration, l'ethnicité et la citoyenneté (Université du Québec à Montréal).
12. A study conducted in Montréal over 15 years ago by Marie McAndrew focusing on a sampling of 3 500 secondary school students in Montréal revealed that immigrant children were integrating well there: see M. McAndrew (2001).
13. B. Palameta (2007).
14. Ministère de l'Éducation, du Loisir et du Sport (2008).
15. Ministère de l'Immigration et des Communautés culturelles (2006).
16. Brief presented at the Montréal hearings by Rapprochement des communautés culturelles de Villeray.

Places of worship such as temples, mosques, pagodas and synagogues can also foster mediation and integration, as research has revealed, including that conducted by Marie-Andrée Roy from the Université du Québec à Montréal. Let us also mention libraries, starting with the Bibliothèque et Archives nationales du Québec (BAnQ), which a highly diversified clientele uses.[17]

We are now going to explore the other side of interculturalism, i.e. its flaws, shortcomings, obstacles and the questions it raises.

Much remains to be done to reduce the cultural rifts that divide Québec society. However, rather curiously, certain fracture lines do not appear where we expect them.

SPATIAL RIFTS: MONTRÉAL AND THE REGIONS

If most commentators and analysts (like most interveners who spoke before the Commission) are to be believed, the polarity between Montréal and the regions[18] appears to be very clear and indubitable. However, this is far from certain. Indeed, this thesis of polarization, which is well documented as regards economic and social differences,[19] calls for important reservations in respect of perceptions linked to accommodation and the attendant themes, as various surveys and studies reveal. It is true that indicators reveal differences between Montréal and the regions. Thus, we have noted that support for assimilation as an integration model is markedly higher in the regions (24%) than in Montréal (4%[20]). Similarly, the fears that globalization arouses are more pronounced in the regions.[21] Similar findings have been obtained concerning electoral choices, religious practices, and so on.

However, several surveys conducted over the past year devoted to the theme of accommodation did not reveal any spatial difference between perceptions and attitudes, levels of support or rejection, and so on. This is true of harmonization practices in general, denominational public schools, subsidies for ethnoreligious schools, the wearing of turbans or Islamic headscarves at school or during soccer matches, adjustments pertaining to prayer rooms, leave for religious holidays, separate phys ed classes for boys and girls, voting with the face covered, and so on. On several other points, Montrealers are more permissive than the populations of the regions. However, it should be noted that surveys conducted to estimate the xenophobic or negative comments heard during our forums do not reveal significant discrepancies between Montréal and the regions. A survey conducted by the Centre d'études sur les médias de l'Université Laval analysed perceptions of and reactions to the accommodation crisis in six focus groups in

17. It should be noted that these users, who prefer to read in French or English, do not extensively consult the multilingual collection of newspapers, magazines and books for newcomers and members of the ethnic minorities (interview with Lise Bissonnette, Chair and CEO of the BAnQ.).
18. This is sometimes confused with the urban/rural polarity, which appears to assume that there are no cities outside of Montréal.
19. See the now classic study *Deux Québec dans un. Rapport sur le développement social et démographique* (Conseil des affaires sociales, 1989).
20. SOM (2007). It should be noted that this survey was conducted among Québec municipal elected representatives.
21. Québec is, however, an exception. According to a survey conducted among 749 students from all Québec universities: see Canada Research Chair in Comparative Dynamics of Collective Imaginary (Document I-E-27).

Montréal, Trois-Rivières and Montmagny.[22] It did not reveal any discrepancy. A slight difference was noted with regard to the proportion of individuals who did not declare any religious affiliation (7.6% in Montréal, compared with 5.8% in Québec overall[23]).

To conclude, all of these data should be treated cautiously. It is certain that future studies will find it advantageous to further refine the spatial stratification grid by distinguishing Montréal Island, suburban cities, the Québec City area, the central regions (Estrie, Lanaudière, Laurentides, and so on) and outlying regions such as the Côte-Nord, Gaspésie, and Abitibi regions.

SPATIAL RIFTS: IS MONTRÉAL BEING GHETTOIZED?

Here is another widespread notion: a number of interveners during our consultations maintained that the Montréal area appears to be subject to extensive compartmentalization, the combined consequence of *a)* Canadian multiculturalism; *b)* a refusal by immigrants and ethnic minorities to integrate; and *c)* the flight of French-Canadian Quebecers to the suburbs. From various sources we learned that the number of ethnic enclaves in Canada is rising very rapidly and that the same thing seems to be happening in Montréal. During our consultations, we also heard on several occasions that ghettoization appears to have reached a worrisome stage. What is the situation? Are we witnessing the durable establishment of new solitudes anchored in spatial enclaves?

Here, it is advisable to rely on rigorous studies conducted by various researchers, the key (concordant) findings of which can be summarized as follows:[24]

- The ethnic ghetto is an extreme form of residential segregation. Three criteria define it: a) a strong ethnic concentration of a minority group in a given zone; b) the group's ethnic homogeneity; and c) a (generally) underprivileged population. From a qualitative standpoint, a ghetto exists when ethnic communities form a large majority in a neighbourhood and the most numerous community accounts for over two-thirds of the neighbourhood's population. Below these thresholds, we speak of ethnic concentrations, of which different types are distinguished, depending on the weight of the dominant communities in the neighbourhood considered.

- In light of these definitions and criteria, it emerges that there is no ghetto in Montréal and that ethnic enclaves, i.e. census tracts in which ethnic communities account for over 50% of the population, are much rarer than in Toronto and Vancouver. Moreover, between 1981 and 2001, the proportion of immigrants in these two cities increased much more rapidly than in Montréal, where the ethnic concentration remained stable during the same period.

- The comparison with Toronto and Vancouver also reveals that racialized groups in Montréal have more extensive contact with the members of the host society.

- The neighbourhoods on Montréal Island where the immigrant population is concentrated are characterized by considerable geographic mobility, e.g. Côte-des-Neiges.

These data call for comment. The cursory overview that they provide is incomplete insofar as community contacts are rarely confined to a residential sector. In other words, ethnic concentration is not always synonymous with isolation or exclusion. Here, we believe there is a need for additional measures that are sadly lacking. As for the adverse effect of concentrations, it is important to distinguish between those imposed by society, e.g. the zones in which racialized groups living in poverty are relegated and which residents want to leave, from those sought by the residents themselves (the Hasidim* come to mind). In the latter case, it seems that concentrations do not always hamper integration. Moreover, among newcomers, grouping together in the same neighbourhood can contribute to gradual adaptation to the host society through integration into employment networks, the learning of cultural codes, and so on.[25] We must also bear in mind the dynamic facet of integration. Researchers have observed a tri-generational model of gradual integration according to which the first generation lives in highly ethnically concentrated neighbourhoods, the second generation disperses slightly and the third generation settles in the suburbs.

22. M. Lemieux (2007).

23. Chapters 2 and 7 of the *Rapport de recherche nº 6* produced by the Commission indicate the sources of these data.

24. See the *Rapport de recherche nº 5* produced by the Commission for a more detailed examination of the situation.

25. That is why it can be useful, as we have said, for immigrants to avoid precipitously making a break with their culture of origin, which acts as a cushion.

Let us make a final comment on this topic. Without challenging the findings of these analyses, several observers have noted that it would be advisable, in a spirit of interculturalism, to draw ethnic groups closer together by fostering exchanges and collaboration between institutions and milieus. We share this opinion, while recognizing that, in a democratic society, we must also respect the right to marginality of certain individuals or groups.

SOCIAL AND CULTURAL DIVIDES

Among the other sociocultural polarities that mark Québec, there is a generational divide between people under 30 or 35 years of age (especially the 18-24 age group) and older people. This disparity is especially pronounced and emerges from virtually all studies and surveys devoted to harmonization practices and related themes.[26] It suggests major changes within a few years in ways of seeing things and experiencing intercultural relations. In particular, it attests to a certain break in respect of the secular anxieties of French-Canadian Quebecers, which are at once much less pronounced and experienced differently by young people.[27] For the time being, these are only extrapolations but this change warrants close monitoring.

As extensive testimony has revealed, another rift seems to have established itself in the form of a lack of trust between, on the one hand, the population (especially, it appears, the middle classes) and, on the other hand, the governing class, the managers of public establishments, and intellectuals. Elected representatives are accused of having failed to do their duty in the accommodation crisis, judges are harshly criticized for not taking into account the population's expectations by handing down verdicts that are contrary to society's values, suspicion is cast on the media, managers in the schools and other public establishments are castigated for displaying spinelessness in the handling of adjustment requests, intellectuals ("out of touch" in their "ivory tower") are singled out for discounting the culture of the majority group and displaying indifference to its history, heritage and everything that makes up its identity.[28]

The events of the past two years have revealed signs of another polarity that has grown between some French-Canadian Quebecers and immigrants and ethnic minorities. Various investigations had already noted traces of this polarity,[29] but it has obviously become more pronounced recently. Our analyses have revealed different expressions of it. We can perceive another sign in the ambiguity that the term Quebecer implies more than ever before: some people believe that it encompasses all Québec citizens while others maintain that it must be reserved for French-Canadian Quebecers. Still other people shift from one meaning to the other depending on the circumstances. While we acknowledge the legitimacy of these different identity markers, they do present a difficulty. The appropriation by French-Canadian Quebecers of the designation "Quebecer" creates an ambivalence that gives rise to detachment if not to exclusion. It encourages a number of members of the ethnic minority to reserve (or concede?) the term to old-stock French-speakers and to fall back on their first identity as members of a minority, if not marginal ones.

Of all of the divisions mentioned here, it is perhaps the one that we must fear the most because it arises in the field of ethnicity. This is where tensions usually spawn stereotypes, xenophobia, discrimination and racism. Those in power and the entire governing class must accord this topic priority attention in the coming years. Researchers and media professionals, in particular, will have to show what is misleading in this polarity. In reality, French-Canadian Quebecers[30] display considerable diversity from the standpoint of religion, ideology and customs, as do immigrants and ethnic minorities. We have also noted numerous points of similarity and rapprochement likely to be emphasized.

Moreover, we are well aware of the traditionally difficult and never fully resolved relationship between Québec French-speakers and English-speakers, although it has improved in recent years. Bill 101 is increasingly accepted, the sovereignty project no longer causes a scandal, the intense controversies surrounding the theme of the partition of Québec have been put on the back burner and the

26. See Chapters 2 and 7 of the *Rapport de recherche nº 6* produced by the Commission.

27. In the intellectual realm, the new review of ideas *Les Cahiers du 27 juin* clearly illustrates this new awareness.

28. "We miss Félix Leclerc and Pierre Bourgault" (comment from a participant in a focus group in the Saguenay region). What is certain is that the intellectuals did not foresee the accommodation crisis, although they are not alone in this respect. Everyone was taken by surprise. As Professor Marie McAndrew observed: "Reality caught up with us" (paper delivered at the L'interculturel : théorie et pratique symposium, organized jointly by the Association for Canadian Studies, the Conseil des relations interculturelles du Québec and the Canadian Jewish Congress in Montréal on March 17, 2008).

29. For example, M. Labelle and J.-J. Lévy (1996, page 341).

30. Strictly from the standpoint of the reactions displayed during the accommodation crisis, French-Canadian Quebecers are far from unanimous.

anxiety that the English language has aroused among French-speaking Quebecers has shifted to other sources, as we will see later. We also note that this rift, a potential source of tensions, was not revitalized during the accommodation crisis. Another polarity, which is older than we think but which has only recently risen to the surface of the collective conscience, resides in the relationship between Caucasians and racialized groups (examined in Chapter XI).

There are also all of the other disparities and tensions that are rarely mentioned and that divide the minorities themselves. Some leaders endeavour to project a unified, highly integrated image of what we call the cultural communities. These minorities are anything but homogeneous. As is true of any population, we observe in them differences from the standpoint of standard of living, level of education, and religious and secular worldviews. Moreover, we find in them questioning on identity, disagreement on harmonization practices, in particular requests for religious reasons, the system of secularism, the status of women, Québec's political future,[31] and painful intergenerational estrangement. Parents are nostalgic for the country they have left and wish to perpetuate its memory if not its customs among their children, who are completely immersed in the culture of the new country and who do not share their elders' loyalty. At another level, we note the existence of scores of nationalities and languages. Even within a given religion, traditions, schools and currents are numerous and often compete with each other.

Let us turn briefly to Muslim Quebecers. For various reasons, this group is under suspicion. The tragic September 11, 2001 attacks, perpetrated in the name of Islam, and Islamic terrorist acts throughout the world in recent years have suddenly tarnished Muslims' image and, here in Québec, have altered the lives of many immigrants. This is what a number of them told us during our consultations.[32] A stereotype has taken shape, that of the radical Muslim who does not wish to integrate, who rejects our society's core values, who wants to introduce the religious into public affairs and uses harmonization practices to promote an aggressive project of conquest with the help of our charters, pluralism and other liberalities.

However, during our consultations, we heard extensive testimony quite to the contrary concerning Muslims, widely reported by the media, about moderate, well-educated citizens who wish to integrate, who display solidarity in the struggle to promote French and a French-speaking Québec in general, and who respect the core values of Québec, which they have adopted as their new home. On several occasions we heard people say: "Québec is very important to us since it is the land of our children." It is precisely for their children that a number of these immigrants endure in silence a drop in economic and social standing, humiliating comments and discrimination. As for religious fervour, a recent investigation by the Commission des droits de la personne et des droits de la jeunesse revealed that Québec's Muslim immigrants are among the least devout groups, the most likely explanation being that many of them left their countries precisely in order to escape the ascendancy of religion.[33]

Were this polarity to persist, it would no doubt engender effects that we would want to prevent among these citizens. The first effect would be that they are encouraged to cultivate an exclusive affiliation with Canadian society, deemed to be more welcoming than Québec society. The second result would be a withdrawal into community traditions, the hardening of beliefs, marginalization (if not outright ghettoization) and defensive behaviour that would have the aura of the dreaded subversion. Who would benefit from triggering such a downward spiral?

We must do everything possible to counter this potential drift and, more generally, to reduce the polarities that we have just mentioned. The media's contribution in this respect will be indispensable. We must accurately portray immigrants, show at once what they are and what they are not, without overlooking the nature of refugees, the often perilous path that they have followed, their trials and tribulations upon arriving here, and their courage and the qualities they have displayed to make a fresh start. We must mention in this respect two especially eloquent experiences that occurred during our investigation. The first one occurred one evening in Trois-Rivières at a meeting with 30 or so Latin American

31. Voting has diversified in these milieus over the past 10 years, especially among young people. See G. Gagné and S. Langlois (2005).

32. "After 20 years in Québec, I have gone back to being an immigrant," one of them told us during the hearings held in Laval on November 14 and 15, 2007.

33. See P. Eid (2007). The same study reveals that the proportion of individuals who do not declare any religious affiliation is 5% among native-born Quebecers, 10.3% among immigrants overall, and 15.5% among recent immigrants. Another study conducted by the Commission des droits de la personne et des droits de la jeunesse shows that the highest proportion (30%) of individuals with no religious affiliation is found among East Asian and Southeast Asian immigrants (publication pending).

refugees, during which each one of them told us his story. The accounts were edifying (the word is apposite) and should be recorded for Québec's new collective memory. The other experience involved testimony presented in Montréal by a survivor of the Vietnamese boat people. It is a story of courage and generosity, magnificent and tragic in equal measure, which the media once again covered extensively.

To reduce distances and obstacles, the collaboration of politicians, economic and social leaders (especially union leaders), the educational milieu, community groups and voluntary associations will be just as necessary, along with the deliberations of intellectuals. Let us insist, in particular, on the work of researchers, facilitators and the media, which is essential to disseminate accurate information to the entire population, to overcome erroneous perceptions and prevent the formation of stereotypes. The contribution of historians is also being sought. It is incumbent upon them to record the living memory of immigrants while they can impart it themselves, in their own words. In fact, we must say to ourselves that the stakes are high and we must not relive the events of the past two years.[34]

It may seem paradoxical that in a report that contains a warning about ethnocultural divisions and pleads for their reduction there are so many references to one ethnic group or another. But how can we proceed otherwise? For the time being, these polarities exist and to combat them it is necessary to be thoroughly familiar with these groups, analyse perceptions of and dispositions towards them, and reveal tensions and the relations that they sustain. In this spirit, we must now examine anew, in the hope of calming them, the anxieties that are agitating many Quebecers.

Let us first examine the situation of French-Canadian Quebecers. It is important to do so, since **as long as some of them experience a keen sense of insecurity concerning the survival of their culture they will be less sensitive to the problems of immigrants and the ethnic minorities.**[35] Once again, the crisis emerged mainly from this milieu. We have already commented on the insecurity of members of a minority, **an invariant in the French-speaking Québec community with which we must constantly contend.** This insecurity appears at different levels, among them: anxiety over values, language, traditions and customs, collective memory and identity. Each of these topics requires lengthy development and we will, unfortunately, have to confine ourselves to a few comments.

However, it is important to first point out that these anxieties are very unevenly shared in the majority group. Truly apocalyptic visions that foresee "our impending disappearance" or "our inevitable disappearance"[36] are accompanied by more moderate perspectives and by frank expressions of trust and optimism.

VALUES

As for values, we believe that we have shown that the vast majority of immigrants and members of the ethnic minorities are not calling them into question. It will be sufficient for Quebecers to constantly mention their core values in the schools and in democratic debate and ensure that the managers of public institutions remain vigilant. In fact, another facet of this question hardly concerns immigrants or the ethnic minorities: many French-Canadian Quebecers sense that they sold off their values cheaply in the wake of the Quiet

34. That being the case, we must pay attention to this reflection by Professor Patrice Brodeur from the Université de Montréal, according to which highly negative comments do not reflect the more harmonious, inclusive nature of our day-to-day relations in which "we tend to recognize ourselves more than to misjudge each other" (brief submitted by the Canada Research Chair on Islam, Pluralism and Globalization, Faculté de théologie et de sciences des religions, Université de Montréal).

35. According to a survey conducted by R. Bourhis *et al.* (2007) among a group of students from the Université du Québec à Montréal and the University of Guelph in Ontario, the feeling of a linguistic, cultural and economic threat is more acute among the former than the latter.

36. At a public hearing in Gatineau on September 11, 2007, an intervener, her voice tearful, said: "For pity's sake, protect us!" Another intervener, in Trois-Rivières, said he was convinced that Islam would take over the world and that his grandchildren would become Muslims by force.

Revolution. We adhere only very partially to this assessment. Today, a number of ideals display considerable ascendancy in people's minds in respect, for example, of democracy, equality, the well-known "openness to the world" or environmental protection. Furthermore, over the past year, never before has so much been said in Québec about non-negotiable values such as the French language, secularism, gender equality and solidarity.

LANGUAGE

Language is a thornier topic. The recently revived debate reminded everyone that it will probably always be thus: linguistic tranquility will never be achieved here and French-speaking Québec is destined to experience permanent tension, which calls for constant, enlightened vigilance that must avoid fruitless panic. Current data on linguistic status are difficult to summarize because they diverge. Some indicators are plainly worrisome.[37] For example:

- between 1991 and 2006, the proportion of Quebecers whose mother tongue was French fell from 82% to 79.6% in Québec overall;
- during the same period, this proportion declined from 55.9% to 49.8% on Montréal Island, the first time that this indicator has fallen below 50%;
- in 2006, in Québec as a whole, 81.8% of the population most often spoke French in the home, compared with 83% between 1991 and 2001;
- in 2006, over 190 000 immigrants in Québec, i.e. 22.4% of the overall immigrant population, did not speak French (this figure rises as the number of immigrants increases;[38]
- between 30% and 40% of Montréal area immigrants who do not speak French are not taking French courses and are working in English;
- one-third of immigrants who take French courses abandon them before completing their training;
- among these immigrants who did not know French in 2006, 52% had lived in Québec for 15 years or more;
- the proportion of allophone students who graduated from French-language secondary schools who continued their studies in a French-language Cegep declined from 65.1% in 1993 to 60% in 2005, after dropping to 53.6% in 1999;
- research conducted by Jean Renaud *et al.*[39] and Charles Castonguay[40] reveals that French appears to be losing its drawing power in the economic sphere. The advantage stemming from the mastery of this language as a hiring factor in Québec seems to have diminished substantially and immigrants who rely on French appear to be put at a disadvantage;[41]
- in 2006, nearly 30 years after the adoption of Bill 101, just over half (52.6%) of immigrant workers 15 years of age or over most often used French at work. The proportion rises to 65.0% when account is taken of workers who speak French, among other languages, at work;
- the French language also appears to be declining under the effect of globalization, which is dominated by English. Mention is also made of uncertainty stemming from the rapid expansion of the Internet as a potential source both of anglicization and the deterioration of French.[42]

However, other data are rather reassuring:

- Among allophone immigrants who arrived before 1961, 56.7% most often spoke their mother tongue in the home in 2006. Of the 43.3% of them who have effected a language transfer towards French or English, three-quarters of them opted for English and one-quarter, for French. In comparison,

37. All of the data that follow are drawn from Canadian censuses, the ministère de l'Éducation, du Loisir et du Sport, or the Ministère de l'Immigration et des Communautés culturelles. See the *Rapport de recherche nº 7* produced by the Commission (M. Paillé [2007], "Diagnostic démographique de l'état de la francisation au Québec"), and *Mémo nº 2*.
38. See the *Rapport de recherche nº 7* produced by the Commission for demo-linguistic data.
39. Speech given at the fourth province-wide forum that the Commission organized in collaboration with the Institut du Nouveau Monde on February 3, 2008 in Montréal. According to this researcher, among qualified newcomers, knowledge of French affects neither access to employment nor access to a quality job. On the other hand, bilingualism (French/English) is a positive factor. See also J. Renaud and T. Cayn (2006), and J. Renaud and L. Martin (2006).
40. Brief submitted by Charles Castonguay to the Commission in Montréal.
41. Let us point out that the opposite phenomenon occurred among English-speaking Quebecers. Those who do not speak French are also handicapped on the Québec labour market.
42. This topic nonetheless gives rise to controversial interpretations. See *Mémo nº 8* produced by the Commission.

among allophone immigrants who arrived between 2001 and 2006, 24.1% abandoned their mother tongue as the language spoken at home and, among them, three-quarters chose French and one-quarter, English (the proportions are thus reversed in favour of French[43]).

- The proportion of immigrants who knew French or were bilingual (English-French) when they arrived in Québec rose from 37.2% in 1995 to 60.4% in 2007.

- After 10 years in Québec, three-quarters of immigrants speak French as the language of public use,[44] i.e. French alone (60.7%), French and English (7.6%) or French and another language other than English (5.9%).

- Between 2001 and 2006, the number of French-speakers (36 000) who came from English Canada to settle in Québec reached a record high, while the number of French-speakers who left Québec to settle in the rest of Canada (31 000) reached a record low.

- According to the 2006-2007 annual report of the Office québécois de la langue française, 80.7% of the 5 640 enterprises with 50 or more employees registered with the Office possess a francization certificate. This proportion has levelled off at around 70% since 1997-1998.

- Between 2001 and 2006, the proportion of English-speaking Quebecers, immigrants and members of the ethnic minorities who most often used French as their working language increased slightly.

- In Québec overall, the proportion of allophone students who were studying in French at the pre-collegial level climbed from 20.3% in 1976-1977 to 79.5% in 2003-2004.

- In Québec as a whole, the proportion of students whose mother tongue is English who were studying in French at the pre-collegial level increased from 8.2% in 1976-1977, to 17.3% in 1994-1995, and to 19.4% in 2003-2004. At the same time, 72.2% of English-speaking Quebecers between 5 and 15 years of age now know French.[45]

- In 1983-1984, 48% of allophone students in Québec were eligible for instruction in English. In 2003-2004, this proportion stood at 20.1%. The figures for Montréal Island are roughly the same.

- The proportion of allophone students who decided to register in a French-language university stood at 41.9% in 1986 and 51.5% in 2004.

All told, these findings form a highly complex image of the state of and trends in the evolution of French in Québec. A more thorough analysis would reveal many subtleties that we must overlook here. Because, above all, of globalization, French-speaking Québec is of course effecting important structural changes whose outcome remains, by and large, unforeseeable. This is well known, as are the key trends in the development of the language situation, e.g. the decline of French on Montréal Island.

Against this backdrop, the picture that we have just painted does not reveal any abrupt, deep-seated changes that might be compared to a crisis and would immediately call for radical measures such as imposing on all allophone and French-speaking secondary school graduates the obligation to attend French-language Cegeps, extend compulsory francization to childcare centres[46] and all small businesses, resort to the notwithstanding clauses to restore the provisions in Bill 101 quashed by the Supreme Court[47] and so on. We do not think that pessimistic visions ("there's nothing to be done, we're going to disappear") are the answer either. Similarly, we believe that it is premature to decree an ineluctable linguistic "rift" between the Montréal area, doomed to an English-speaking future, and the French-speaking regions.

43. Language transfers usually occur over long periods. The high proportion of transfers observed among allophone immigrants who arrived between 2001 and 2006 suggests that part of these transfers were achieved prior to migration.

44. The language of public use is the language most often spoken outside the home with people other than relatives and friends. See J. Renaud *et al.* (2001).

45. Data compiled from the 2006 Census.

46. In any event, this measure would hardly be useful: 96% of childcare centres already offer childcare services in French. See ministère de l'Emploi, de la Solidarité sociale et de la Famille (2004).

47. Specifically, those concerning display advertising.

However, the situation is uncertain and the utmost caution is obviously in order. If, for the time being, we rule out so-called radical measures, it is urgent to act effectively on other fronts, even if the anticipated gains seem minimal in the short term. In other words, there is good reason to **foster not a state of alarm but considerable vigilance.**

In this spirit, we must obviously appeal to the individual responsibility of French-speakers themselves in their capacity as speakers in public life. For example, why, in the workplace, do many French-speaking employees address in English their superiors or their English-speaking subordinates? To insist on this point is fully justified. However, institutions also have an enormous responsibility. In particular in the public and parapublic administration, including Cegeps and universities, bilingualism in communications appears to have developed extensively in recent years.[48] Was this really necessary? We must shed light on this question while bearing in mind the complaints formulated by English-speaking citizens who say that they are deprived of essential information in their language. While public institutions in the federal, provincial and municipal governments should endeavour to set the tone, it would hardly be conceivable for them to pave the way instead for laxity. A strong reaction would perhaps be in order here.

As for the government itself, it is incumbent upon it to remedy the situation and to launch a vigorous awareness-raising campaign supported by an array of convergent measures. In the Recommendations I section at the end of this report, we present a series of examples of initiatives that the government should give priority to implementing.

TRADITIONS AND CUSTOMS

This is the locus of ethnicity in the strict sense. Traditions and customs are often mentioned as an endangered legacy to be safeguarded. However, is this legacy truly in trouble? If we think of our built heritage, the Québec government has made a considerable effort in recent decades to restore and preserve it. As for customs and symbolic heritage such as Christmas rituals, religious traditions, culinary traditions and commemorative activities, how is it conceivable that an ethnocultural group that accounts for nearly three-quarters of the population can be deprived of it? Furthermore, it is a good idea to point out that this array of uses and symbols has never ceased changing in the past, first under the influence of numerous migrations and mixings of cultures, then under the impact of inevitable generational divisions. The upcoming generation always brings with it its share of rejections and breaks that destabilize its elders. The same is true today of the intercultural dynamic.

We should not hasten to see the rejection of the French-Canadian or Québec heritage in the behaviour of young, fully integrated immigrants who are only reproducing the general model of young Quebecers. This model, which is sustained by very diverse sources, has become globalized and emphasizes the contrast with previous traditions or modes, from which we can draw a corollary: it is ill-considered to elevate to the status of identity markers traits and behaviour that are, by definition, fleeting.

COLLECTIVE MEMORY

This topic, which arouses so much anxiety, is also the focus of a great misunderstanding. Let us summarize the question as it arises. Québec is made up of various ethnocultural groups, each of which, with good reason and in its own way, cultivates its collective memory. The majority group is especially attached to its past, composed of subordination and struggles, failures and successes won at great cost. Does cultural plurality condemn the project of an inclusive collective Québec memory? Some people think so, on the grounds that this type of composite, watered-down memory appears to sacrifice the essence of the French-Canadian past.

Here is our viewpoint. The plurality of collective memories is a solution of last resort. We must first attempt to follow the path of memory of plurality but provided that we make of it something

48. The report from the Office québécois de la langue française on the evolution of Québec's language status between 2002 and 2007 indicates that government policy could be better applied, whether in respect of printed and electronic forms, the unjustified search for candidates with knowledge of a language other than French to fill a position, failure to comply with language policy in the awarding by certain government departments or agencies of contracts, and the quality of French (page 104). Moreover, the standard greetings of voice mailboxes in public services do not always comply with government language policy. The availability of courses in English at the Cégep Édouard-Montpetit and English programs at the Université du Québec en Outaouais (the latter were withdrawn in response to public pressure) also point to growing bilingualism in Cegeps and universities.

else than a disparate compendium of dates and places or a story devoid of substance. On the one hand, we must endeavour to make significant and accessible to all Quebecers the meaning derived from the French-Canadian past, in particular the lengthy struggles for decolonization and the survival of a cultural minority. To this end, we must highlight in this singular history what is universal. Far from being compromised, the messages or values that this past transmits would be assured of having a considerable impact, far more so than has been the case with our traditional historiography. It would seem fairly easy to add the stories of the ethnic minorities, which often convey the same values. Besides, several of these paths have already crossed in Québec's past (Irish and Italian immigrants, in particular, come to mind). It is a question of discovering and recasting these vestiges.

IDENTITY

In Chapter VI, we showed all of the paths that lead to a Québec identity-based dynamic into which all of Québec's cultural heritages can be absorbed. In what way would the French-Canadian heritage be threatened thereby, bearing in mind, once again, the importance of the size of the population and the extensive institutional network underpinning it, in addition to the protection that Bill 101 offers? What is the source of the temptation that some people feel to go it alone, in a manner of speaking, if not **self-doubt and fear of the Other, the two stumbling blocks of the French-Canadian past?**

To surrender to this type of anxiety would be to create conditions favourable to the emergence of new solitudes, **individual withdrawal and the impoverishment of everyone.**

We must obviously move in the opposite direction, which, fortunately, is what Québec has been doing for several decades.[49] That being the case, **the French-speaking Québec community, because of its geographic position, will always be a culture under pressure.** It must simply strive to make of this condition a creative tension instead of a source of inhibition. Once again, we must endeavour to shatter the image of a division or polarization between French-Canadian Quebecers and the ethnic minorities, first because this image is only partially grounded in fact and because certain of the elements that sustain it are simply noxious.[50]

49. "Let's be sure we're acting rather than reacting" (testimony given in Longueuil on October 17, 2007). "Fear is the real enemy" (an intervener at the forum held in Laval on November 13, 2007). "A people cannot be conquered unless it has first destroyed itself from within" (an intervener at the forum held in Saint-Hyacinthe on October 15, 2007). "We cannot build a nation on fear of the Other" (testimony given at the hearings in Rimouski on October 2, 2007).

50. If we were to pursue the matter, other sources of malaise might be pointed out, such as the anxiety felt in the regions about Montréal's cultural future. Since the city accounts for half the population of Québec, the fate of the French-speaking Québec community hinges by and large on it. Furthermore, this fear is very old but its nature has changed. In the recent past, it was English-speakers who posed a threat. Earlier still, it was the way of life that industrialization engendered. Today, some people believe that immigrants pose a threat.

D ANXIETY AND SOLITUDES: MINORITY GROUPS

Anxiety is no less keen in this respect. **Minority groups are undoubtedly aware of an ethnocultural majority that is apparently unsure of itself and subject to outbursts,** as everyone saw during the accommodation crisis. The fear of xenophobia is not unfounded, as certain very harsh remarks heard during our forums and the e-mails that we analysed attest. It is also legitimate for the members of these groups to be concerned with the preservation of their collective memory and specific identity while participating in the Québec identity. Secular minds worry about the possible rapid development of religious fundamentalism and believers fear the establishment of a system of radical secularism that would interfere with the free practice of their religion. A number of people in these milieus feel apprehensive about the possibility that immigration may bring to Québec the seeds of the violence that they have fled.[51]

Mention should also be made of unease (that no one has until now dared to voice publicly) concerning certain facets of Québec culture that are deemed to be overly permissive or unfocused. Some examples are a lack of discipline in the schools, dropping out, suicide among young people, weak family ties, insufficient respect for the French language, and lax public morals (especially with regard to clothing styles).

There is anxiety among English-speaking Quebecers, whose demographic and political weight has gradually dwindled over the past 40 years. There is both good news and bad news in this respect as well. The 2006 Census revealed a turnaround in net migration in relation to English Canada. However, a recent Statistics Canada study reveals that three holders of a doctorate out of four leave Québec.[52] English-speaking Quebecers were the main losers in the new linguistic dynamic that followed Bill 101, which steered to the French-language school system most of the immigrants who had until then sustained the English-language school system. Bill 101 also created many disgruntled individuals who decided to emigrate.

It would be exaggerated to speak here of a threat to their survival, given the protections that this minority enjoys under the Canadian Constitution, Québec statutes and the powerful institutions that support it such as universities, school boards, radio and television networks and hospitals. The minority group's language is the most widely spoken language in the world, to which we might add that the postsecondary English-language education system has for the past 15 years been attracting growing numbers of students, many of them French-speakers. However, the decline in the English-speaking population, especially since 1991, has fostered a climate of insecurity.[53] This situation is all the more complex as French-Canadian Quebecers share, for analogous reasons, many of these dispositions. There is thus no solution in sight in the short term, but, overall, nor is there a genuine threat.

There is anxiety among some members of the ethnic minorities, immigrants and, in particular, racialized groups, who are the victims of different forms of discrimination stemming from racism and to which our society does not pay sufficient attention. We will return to this question in Chapter XI.

51. Several participants in our forums gave testimony to this effect.

52. J. Pocock (2008).

53. According to a CROP survey conducted in 2001, two-thirds of English-speaking Quebecers believed that their future was threatened (CROP, 2001). However, it should be noted that between 2001 and 2006, emigration by English-speaking Quebecers to the rest of Canada declined substantially, from 53 323 to 34 091.

E OTHER OBSTACLES TO SOCIOCULTURAL INTEGRATION

Other factors hinder or are likely to hinder the dynamic of openness and exchange inherent in interculturalism, of which we will examine four.

DOES SENIORITY TAKE PRECEDENCE?

Here is a topic rife with misunderstanding that, in some people's minds, puts culture at odds with law. Western culture and law emphasize seniority or anteriority (primogeniture or the ancestral rights of the aboriginal peoples come to mind). According to a fairly widespread perception among French-Canadian Quebecers, the same should be true of intercultural relations: the traits or customs of the old culture should prevail over those of cultures that have recently arrived here.

This perspective is not devoid of legitimacy. In Chapter VII we saw that certain practices or cultural elements can legitimately perpetuate themselves in public space as part of our heritage, given that the neutrality of State norms is never absolute. This is true of the common public language, the calendar of Christian origin, toponymy, the crosses that dot the landscape, numerous architectural figures, and the symbolism of Christmas. **However, it is a question here of *de facto* precedence that cannot be converted into the precedence of law, i.e. into a hierarchy.** Furthermore, there is no need to do so. In Québec as elsewhere, the demographic weight of the majority ethnocultural group combined with its sociological and political weight suffice to ensure the survival of a large part of its traditional heritage in everyday life, bearing in mind the changes that cause it to constantly evolve under the twofold impact of adaptations and exchanges. In addition, as we have just indicated, the language of the majority group is subject to legislative protection.

From the opposite standpoint, another mistake would be to invoke the rule of law, understood in the strictest sense to decree absolute equality in all respects, which is what the expression "we're all immigrants" portends. This statement arouses unease in the majority group because it tends to disregard the French-Canadian past, the heritage stemming from it and the very dense imagination that it sustains. Moreover, it is well known that no State, however secular or civic it may be, is entirely neutral. The relationship between custom and law must be constantly adjusted through public debate and the negotiations that arise in all spheres of daily life.

THE TWO INTEGRATION SYSTEMS

According to a frequently voiced argument, Canadian multiculturalism appears to hamper immigrants and ethnic minorities because it puts forward another model that is incompatible with the Québec model, i.e. the rule of bilingualism as opposed to that of French as the common public language, multiculturalism as opposed to interculturalism, and dual affiliation as opposed to citizen allegiance. Some of these objections, which various authors have formulated in numerous ways, appear to be founded, while others arouse doubt. Be that as it may, two problems arise.

On the one hand, we must acknowledge that the French/English duality is a permanent structural component of Québec society, independently of its constitutional status. Because of the predominance of English in the other Canadian provinces, the proximity of the United States, and globalization, which English overwhelmingly dominates, there will always be linguistic duality in Québec, two sectors on the labour market and a double network of identity references. On the other hand, we do not possess sufficient empirical data[54] to precisely test the objection concerning competition between multiculturalism and interculturalism: What practical impact does such competition have on individuals and what is its nature and scope?[55] We must leave this question unresolved for the time being.

ERRONEOUS PERCEPTIONS

We have already broached this topic in the preceding chapters but we must return to it. A lack of information, which is at the root of erroneous perceptions, is one of the main obstacles to the positive interaction that interculturalism encourages. It is also at the origin of fears and defensive reactions that take the form of rejection. Here are a few examples of these erroneous perceptions that are common among certain French-Canadian Quebecers. Moreover, an analogous situation probably prevails in the ethnic minorities:

- "It's people in the regions who lapse into xenophobia."
- "Québec should choose immigrants who know French."
- "Immigrants don't want to integrate into our society."

54. Such as those, for example, produced by M. Labelle (2000) based on interviews with members of Montréal's ethnic minorities.

55. It must be noted that some authors have maintained that Québec has benefited from this duality. For example, G. Caldwell (2001, page 128) claims that it creates a "playing field of which crafty citizens can take advantage."

- "All that immigrants think about is recreating here the society that they left."
- "Over time, immigrants will swamp us because they have a very high fertility rate."[56]
- "We should choose more educated immigrants."[57]
- "Immigrants don't obey our laws."
- "Their values are incompatible with Québec's values."
- "Unlike our culture, their entire culture is based on the ascendancy of religion."
- "Québec doesn't need immigrants since they take jobs away from us."

It is apparent that most of these statements not only run counter to reality but also assert an ethnic polarization between Them and Us, which is also completely unfounded. Educators, broadcasters and communicators should make it a priority to refute these erroneous perceptions, which risk contaminating interethnic relations.

A WORD ABOUT THE EXPRESSION "CULTURAL COMMUNITIES"

The introduction and promotion by the Parti Québécois government in the late 1970s and early 1980s of this name considerably influenced the perception of Québec's ethnocultural reality and the approach that inspired intercultural policies.[58] This initiative aroused criticism, briefly reviewed below. Specifically, it appears to have:

- put forward a new category without properly defining it, in particular considering English-speaking Quebecers and the aboriginal peoples;
- hardened to some extent the boundaries between ethnic groups by making them official, which pointed in the direction of fragmentation, and ran counter to the determination announced at the same time to promote integration into a common culture. In other words, it appears to have deepened polarities by instituting a form of mosaic;
- fostered clientelist practices in relations between the government and ethnic minorities;
- engendered an erroneous perception of these groups, which were (wrongly) considered to be homogeneous, monolithic and closely integrated;
- given rise to the formation of stereotypes according to which the members of these groups were not independent, autonomous citizens and existed only through their community (they thus became captives of this categorization);
- unduly focused attention on the cultural dimension of the ethnic minorities, thus relegating to the background the civic, economic and social dimensions.
- Moreover, the cultural communities were apparently often artificial constructions used as vehicles by specific interveners and interests.[59]

We did not have time to dwell on this question in conjunction with our mandate and have only fragmentary data on the topic. We are thus unable to ascertain to what extent each of the criticisms is warranted. However, they were formulated by rigorous, credible observers, sometimes by members of the ethnic minorities as well,[60] and they were repeated in certain briefs.[61] Moreover, they deal with key questions and we must acknowledge that the promotion of these communities emphasizes at least the appearance of a contradiction, bearing in mind the purposes of Québec interculturalism. The topic should be subject to critical debate and research. The hypothesis of the abandonment of this

56. Data for 2006 concerning the fertility rate of each language group are not available. In 2001, the total fertility rate of allophone women in the Montréal area stood at 1.70 children as against 1.43 for all Québec women. Moreover, the fertility of allophone women is declining steadily (*Rapport de recherche nº 7* produced by the Commission, page 27).
57. As we will see in Chapter XI, immigrants are better educated than the members of the host society.
58. The maintenance and development of the cultural communities was part of the objectives of the *Plan d'action du gouvernement du Québec à l'intention des Communautés culturelles* of 1981 (ministère des Communautés culturelles et de l'Immigration (1981). *Autant de façons d'être québécois*).
59. For a cursory overview of these criticisms, see the *Rapport de recherche nº 9*.
60. See, for example, a text that appeared in *La Presse* on November 28, 2007, page A23.
61. Among others, those of the Conseil interculturel de Montréal (page 18) and of M.G. D'Andrea (page 8).

term and the approach that it covers should be seriously evaluated and replaced by another formula and another approach.[62] That being the case, we do not, unfortunately, have an alternative solution to propose at this time.

In this perspective, several questions come to mind. What do the children of Bill 101 from some 100 or 130 cultural communities already inventoried think of all this? What relations do these communities maintain between themselves? Are they likely to express the diversity of situations and the problems that members of these ethnic groups, especially women, experience? Is the representativeness of their leaders still properly assured?[63] Is there any way to more effectively practice policies to recognize diversity?

Let there be no misunderstanding. There is no question, in our minds, of depriving the ethnic minorities of the means to make themselves heard in order to defend their interests, nor of inciting the government to reduce funding to support these cultures. The establishment of pressure groups in these milieus is a necessity, as is the possibility for a number of these citizens to assert their attachment to their culture of origin. We must also have at our disposal, if only for statistical purposes, the means to pinpoint discrimination and iniquity where they are concentrated if we are to combat them effectively.[64] We must simply seek the best avenues to pursue common aims.

In the current state of ethnocultural relations in Québec, we firmly believe that interculturalism, whose processes and outcomes we have reviewed, is the path to follow. Each ethnic group and our society as a whole can benefit from it. In this perspective, all collective interveners share responsibility, but for obvious reasons the responsibility of the majority group predominates. We have attempted to indicate in this chapter the objectives to be attained. It might also be useful to allude briefly to the mistakes that French-Canadian Quebecers should avoid.

Among them, the most noxious one consists in giving in to fear, the temptation of withdrawal and rejection, cloaking oneself in the mantle of the victim, falling back on a heritage, which, with the drop in fertility, would in the long time pave the way **to an unpromising future,** a fossilized heritage that isolates and impoverishes, that widens distances and leads to a hardening of identity instead of self-fulfilment. **This is the scenario of inevitable disappearance.** The proportion of Quebecers of French-Canadian origin is falling, although very slowly, as a result of their own choices (they accounted for 80% of Québec's population in 1901 and 77% in 1986[65]). This downturn will probably continue, since all forecasts suggest that Québec will have to rely increasingly on immigration to support its economy.[66]

As we saw earlier, it is true that the latest Census data on the mother tongue reveal a decline in the demographic weight of French-speakers. Moreover, if we consider all Quebecers who most often speak French in the home, we also observe a slight decline. These decreases are indeed real, despite the contribution made by growing numbers of immigrants who know French when they arrive and adopt it as the language spoken at home. However, are the decreases recorded of sufficient magnitude to warrant a panic reaction?

62. It should be noted that between 1998 and 2003, the Parti Québécois government proposed abandoning the term to achieve the objective of inclusion. See A.-G. Gagnon and R. Iacovino (2007, page 155).

63. During our hearings, some Muslim citizens criticized their community's self-proclaimed leaders.

64. This paradox is well known and has been widely interpreted: if we want to pinpoint the groups at risk, we must find the means to identify them. However, in so doing, we risk officializing barriers and accentuating distances rather than reducing them. The solution lies in caution and discernment.

65. Starting with the 1991 Census, this proportion (ethnic origin) can no longer be calculated in a manner that allows for comparisons with previous censuses.

66. We have noted with interest that the 1990 government report entitled *Let's Build Québec Together* spelled out exactly the same idea: "the Government is convinced that immigration can and must strengthen the French Fact in Québec. Québec is facing a crucial choice, with the anticipated demographic decline and its foreseeable political, economic and cultural consequences. If it advocates a short-term withdrawal and a fragile linguistic security, it will find itself sliding into a demographic decline in the medium term. It will thus be jeopardizing its economic and cultural vitality, which are precisely two of the essential ingredients for a distinct society in North America" (ministère des Communautés culturelles et de l'Immigration du Québec, 1990, page 13).

Let us add that a return to or withdrawal into the French-Canadian identity combined with the exclusion of other French-speaking Quebecers of North African, Haitian, Black African or even European origin might lead to its becoming an ethnic group among others in Canada as a whole. To some extent, this would mean making concrete one of the most criticized features of Canadian multiculturalism.

From the standpoint of French as the common language and also the mother tongue, we can thus assert that French-speaking Québec is indeed still alive, but on condition of broadening the identity circle and not establishing a boundary (and more specifically a hierarchy) between different categories of French-speakers, as though they did not all have equal value. Moreover, we find ourselves here on familiar ground. French-speaking Québec has always been in a state of transformation and interaction. In this case as on other points, it is a question of pursuing continuity.

A second mistake would be to conceive the future of pluriethnicity as so many juxtaposed separate groups perceived as individual islets, which would once again but in another manner reproduce in Québec what is most severely criticized in multiculturalism. This would mean establishing the future of our society on a systematic majority-minorities relationship. Another possible pitfall is related to religion. As we have said, French-Canadian Quebecers rightly recollect unpleasant memories of the period when the clergy wielded excessive power over institutions and individuals. However, this hypersensitive memory may be a poor reference in respect of secularism. The danger lies in directing against all religions a feeling of hostility about the Catholic past, once again at the cost of marginalizing certain groups of citizens and fragmenting our society.

As we can see, all of these threats ultimately coalesce into a single one, that of jeopardizing integration and invalidating the promises of interculturalism.

However, another, slightly different, threat concerns the learning of English, a question that was widely discussed in the winter of 2008. Our position is as follows. At a time of migratory agitation, the Internet and globalization, it is highly desirable for the greatest possible number of Quebecers to master English, in addition to French, as the Commission des états généraux sur la situation et l'avenir de la langue française[67] recommended in 2001. With regard to French-speakers, the simplest, most logical procedure would be to entrust such learning to the French-language schools. It seems that they are not performing this task as they should be and the necessary remedial measures should be adopted.

In opposition to this proposal, the fear has been voiced that the widespread advance of bilingualism will threaten the French language. This argument appears in two forms. The first argument maintains that because French is already in a precarious state, it would not withstand widespread mastery of English. The response to this objection lies in a question: Why does not the school system manage to better teach French? Once again, adjustments are urgently required. The second form of the argument postulates that the weight and attraction of English appear to be such that French will be abandoned sooner or later. We do not share this opinion. To the contrary, there is every indication that the determination to ensure the future of French in Québec is deeply rooted, not only among French-Canadian Quebecers but also among many immigrants, and that it will prevail.

Paradoxically, the main obstacles perhaps lie in the weight of the French-Canadian past and in the struggle for survival. As is true of religion, the lengthy battle against the English-speaking powers that be to save the French language has sustained a hypersensitive collective memory, which here risks turning against the learning of the English language. The English that we must learn and speak today is not the English that Lord Durham sought to impose on Lower Canada following the suppression of the rebellions. Instead, it is the English that affords access to all knowledge and to exchanges with all peoples of the world. Otherwise, what is the meaning of the well-known "openness to the world" that has been celebrated in every possible way for the past 10 or 15 years?

This question warrants the closest possible attention, otherwise a generation of young French-speakers risks being unfairly penalized. Besides, what we need is trilingualism to catch up to many other small nations such as Norway, Finland, Sweden, Hungary, Belgium, the Netherlands and Switzerland, not to mention, closer to home, the members of the ethnic minorities. It is, by and large, because of them that Montréal has become Canada's most polyglot city.[68]

That being the case, this represents a daunting challenge for French-speaking Quebecers. What makes the decision easier is that they scarcely have a choice but to get involved, on pain of enormous impoverishment.

67. Let us point out that, according to a Léger Marketing survey conducted in April 2003, 86% of the (Québec) respondents deemed bilingualism to be an advantage in which we must invest ("Canadians and Bilingualism in Canada," a survey conducted on behalf of The Canadian Press. Quebecers' opinions on this topic do not appear to have changed significantly, as revealed by another Léger Marketing survey conducted in February 2008 on behalf of the Association for Canadian Studies. Some 82% of the respondents believe that it is important to speak both French and English (see *The Gazette*, "Quebecers lead bilingualism effort: Poll," March 4, 2008, page A10).

PRIORITY INITIATIVES

To conclude, we will emphasize a number of priority initiatives. We do not believe that the situation of the French language warrants radical measures. Instead, Québec should strive to advance on all fronts, i.e. in the schools, the workplace, the media, government services and everyday life. Let us point out another avenue for action, and an important one at that: individual French-speakers themselves have a great deal of responsibility and each one should be imbued with the necessity of emphasizing his language at all times. Not only must each one emphasize his language but also the quality of his language. These two aspects, which were never linked during our public consultations, strike us as nonetheless indissociable. How can someone say that he is proud of his language if he does not strive to use it correctly? There is much to be done in this respect.

The same is true in the intercultural domain. Some 56% of the Quebecers questioned in an August 2007 survey said they agreed with the following statement: "Immigrants must abandon their traditions and customs and become more like the majority of Quebecers."[69] In a January 2007 survey, 80% of Quebecers said they wanted immigrants to be encouraged to integrate into the culture of the Canadian majority, compared with 44% of the population of the other Canadian provinces.[70] A SOM survey conducted on behalf of the Union des municipalités du Québec between October and November 2007 indicated that only **50% of elected municipal representatives preferred interculturalism** as an integration model for Québec.[71]

Learning of national history must not be confined to the schools. Québec's past belongs to all Quebecers and we must give everyone the means to grasp it. Moreover, for newcomers, it is an effective means of initiating them to the host society. During our consultations, a number of immigrants deplored their ignorance of Québec's past. Several interveners from the community sector also told us how, in small groups with immigrants, they successfully used Québec's history to build bridges and foster the pooling of stories and identities.

Much also needs to be done to establish contacts between regional populations and Montréal's ethnic minorities. The many groups and organizations recently set up in the regions could make a valuable contribution in this regard.

It has often been said, here and there, that Quebecers had sufficiently reflected about and discussed concepts and models and that it was urgent to now go into action. Our investigation has thoroughly convinced us of the aptness of this remark, even if it seemed necessary to us to reformulate in this report the norms, reference points and key directions governing the action that must be initiated and pursued.

68. According to 2006 Census data, 18.4% of Montrealers are trilingual, compared with 10.5% of Torontonians and 9.2% of Vancouverites.

69. Léger Marketing survey conducted on behalf of *The Gazette* (September 11, 2007, page A4). The survey does not provide a breakdown by language group. Another Léger Marketing survey conducted in October 2007 on behalf of the Association for Canadian Studies confirmed this finding.

70. CROP survey conducted on behalf of *L'actualité* and Société Radio-Canada (the program *Enjeux*).

71. SOM (2007). However, this finding must be considered in context. Among the five models proposed, interculturalism headed the list by far. One-quarter of the respondents said that they were in favour of assimilation, which ranked second. It should be noted that the survey was aimed solely at Québec elected representatives and was thus not representative of the population overall.

CHAPTER XI

INEQUALITY AND DISCRIMINATION

INTRODUCTION

What economic and social results has Québec's integration system produced? What are the system's key shortcomings from the standpoint of equality and fairness? What priority problems is it now facing? How can we overcome these problems? These are the main questions to which this chapter will attempt to respond.[1] They will lead us to briefly broach a wide array of themes ranging from immigration and employment to community action and discrimination towards ethnic minorities.[2]

These questions are in themselves relevant: in a democratic society, it is important to give priority to the protection of individual rights and the pursuit of the ideal of socioeconomic equality. They also have a subsidiary relevance in that inequality and discrimination are powerful factors of marginalization that threaten social cohesion. These factors also discourage adherence to our society's core values and foster cultural withdrawal. Should inequality and discrimination occur, harmonization practices would no longer suffice to dissipate tensions. It is, therefore, important to **focus intensively on social bonds and power relationships, in keeping with the demands of what we have called integrating pluralism.** We cannot speak of interculturalism without referring to these other dimensions, which is the reason for this chapter.

Moreover, we have accorded a great deal of importance in this report to the unease or anxiety over identity that a number of French-Canadian Quebecers have displayed. Let us point out the reasons for this choice: *a*) the accommodation crisis first appeared among these Quebecers; and *b*) as long as they experience this unease, they are unlikely to be sensitive as a group to the ethnic minorities' genuine problems.[3] That being the case, **the question to which we must always return is the condition of underprivileged minorities and the discrimination to which they are now subject.**

We could summarize the foregoing discussion in a more general question: To what extent are the values that Québec society professes reflected in everyday reality? Formulated thus, this sweeping question would require a complete review of integration in Québec, a demanding task that far exceeds our ambitions. Our analysis will thus focus primarily on the reception of immigrants, their economic and social integration, perspectives for regionalization, and discrimination. The discussion will centre, by and large, on the Montréal census metropolitan area (CMA), where 86.9% of Québec's immigrant population lives.[4]

Before we begin, let us formulate two methodological precautions. First, a word is in order about concepts. A discussion of inequality will lead us to broach the theme of discrimination, especially because it is an important cause of social divisions. Discrimination is **the inequitable treatment of certain individuals or social groups** using certain personal traits as an excuse, based on grounds prohibited by law. It stems, in particular, from racism and ethnism. In the traditional sense, racism is a violation of rights in the name of a hierarchy based on physical traits, typified by the notion of race. Until World War II, racist ideas were very openly expressed in ideologies and even in supposedly scientific theories. Since then, racism has been more diffuse and discreet. It is also harder to pinpoint since its reasoning has shifted to ethnocultural traits. Hierarchies now often rely on arguments such as the incompatibility of worldviews, the inability of certain immigrants to adopt the liberal society's core values, insuperable discrepancies between the conception and practice of religion, and the fact that certain societies are more culturally evolved than others. A number of authors speak of neoracism in this regard.

1. A whereas clause in Order in Council 95-2007 establishing our Commission stipulates that "the government deems the integration and full participation by citizens in collective life to be a priority" (see Appendix A).
2. It should be noted that, for the reasons indicated in Chapter I, we have had to exclude the aboriginal peoples from our analyses. Had we included them, they would obviously have occupied a central place in this chapter.
3. In this respect we are once again referring to the questionnaire that we distributed at the beginning of each of our forums. As we have indicated, the public was asked to organize along hierarchical lines a series of seven topics of concern in our society. One of them was the protection of minority rights, which always ranked last (except at the November 29, 2007 Montréal forum). Similarly, during the final province-wide forum, held in Montréal on February 3, 2008, the 216 participants took part in a survey focusing on priority values. Individual rights ranked 51st, with 2 points, compared with 164 points for solidarity, which ranked first. French-Canadian Quebecers accounted for roughly three-quarters of the participants.
4. According to the 2006 Census, all individuals born outside Québec account for 20.6% of the Greater Montréal area's population. In the interests of stylistic simplicity, we will replace "Montréal census metropolitan area" by "Montréal area." It should also be noted that the analyses in this chapter are based on numerous studies carried out in recent years. We have also referred extensively to them in the *Rapport de recherche n° 9* produced by the Commission.

We believe that the latter notion is confusing. It seems preferable to keep the old meaning of the notion of racism, which bases the hierarchy on physical or biological traits, and to resort to the notion of ethnism (or xenophobia, which is related to it) to indicate hierarchies based on ethnic or cultural traits.[5] Both of these sources of discrimination coexist in Québec, as in any other society, without its always being possible to disentangle them.[6]

Second, the critical analysis that we are going to propose of integration must not overshadow its successes. Overall, intercultural relations are sound, even relatively harmonious. From a socioeconomic standpoint, immigrants who have remained for 10 or more years in Québec (according to Statistics Canada's methodological threshold) manage almost as well as Quebecers overall in the same age group.[7] Many newcomers find work shortly after arriving here (half of them after three months). More than one-third of them become homeowners after 10 years. These figures and other similar ones tend to show that the integration of immigrants is not going so badly.[8] However, if we adopted the appropriate measures, it would go much better, e.g. just as well as in English Canada, where the integration of immigrants into the labour market occurs much faster than in Québec.[9]

In November 2007 the Québec government announced that it had set at 55 000 the number of immigrants that it hopes to recruit in 2010. If it achieves this objective, the demographic decline of Québec's population will be delayed until 2051. Already, as is true in Canada as a whole, immigration accounts for two-thirds of population growth and this proportion will likely increase. Starting in 2020, the number of deaths in Québec is expected to exceed the number of births. Were we to decide to focus solely on fertility, the fertility rate would have to increase to 2.1 children per woman, i.e. the reproduction rate, which would demand roughly 25 000 additional births a year. Immigration is not, of course, a miracle cure for the ageing of the population,[10] but it is contributing to mitigating and delaying its impact, above all when the newcomers are young.[11] As for forecasts, regardless of the hypotheses adopted (in relation to changes in fertility and mortality), it is virtually certain that demographic decline will occur in 30 or 40 years, unless we rely on a spectacular (and perhaps unrealistic) increase in the number of immigrants.

From an economic standpoint, opinions diverge widely. However, few analysts dispute that immigration is having a positive short-term impact, although of variable importance, in light of the decline in the working-age labour force, i.e. 20-64 years of age.[12] This decline seems inevitable starting between 2015 and 2025. It will, in all likelihood, be accompanied by a slowdown in economic growth and a drop in the living standard, which is why Québec is emphasizing so-called economic immigration (investors and qualified workers[13]), which accounted for 60.2% of immigrants between 2002 and 2006. The Québec business community is, understandably, very much in favour of immigration.

5. Just as, more specifically, we speak of linguicism to indicate discrimination based on linguistic traits.
6. Specialists in this realm propose many other distinctions, e.g. discrimination by institutions and discrimination that arises in interpersonal relations in everyday life.
7. D. Zietsma (2007). However, discrepancies persist, above all among women.
8. We are referring here, among others references, to the research conducted by Jean Renaud and his team at the Centre d'études ethniques des universités montréalaises (CEETUM).
9. See Statistics Canada (2007), B. Boudarbat and M. Boulet (2007).
10. In one generation, nearly one Quebecer in three will be over 65 years of age.
11. This seems increasingly to be the case in Québec. In 2007, 70% of new immigrants were under 35 years of age.
12. See Organisation for Economic Co-operation and Development (OECD) (2000).
13. The other main categories are family reunification (22%) and refugees (16.4%).

That being the case, the economic contribution that immigrants make has been declining for several years. As they are experiencing greater difficulty on the labour market, they are consuming less and paying less tax and have greater need of government support. However, there is a need for manpower. According to a Conference Board study, in Canada as a whole a serious labour shortage is anticipated beyond 2010.[14] The same is true in Québec.[15]

The number of immigrants admitted annually by Québec rose from 26 509 in 1998 to 45 221 in 2007, a 70.6% increase. As we have indicated, the government has set the intake of immigrants[16] at 49 000 in 2008 and 55 000 in 2010. The latter figure has sparked a controversy. In fact, what is decisive here is **less reception capacity** itself, which is always difficult to measure in absolute terms, **than the willingness to accept immigrants,** i.e. the perceptions or attitudes of members of the host society towards immigrants and the resources that the host society is willing to devote to their integration.[17]

With regard to perceptions, various surveys conducted in 2005 and 2006 reveal strong support for immigration (roughly 70% of respondents[18]). Support is sometimes higher than in English Canada and sometimes lower. Overall, both societies display a very positive disposition, much higher than the average in Western nations. Other surveys conducted in Québec in the summer of 2007 also reveal considerable openness to the ethnic minorities. We should also mention that over 90% of the participants who appeared before the parliamentary commission on immigration held in the fall of 2007 said they were in favour of an increase in immigration thresholds for the coming three years. Throughout our consultations, very few Quebecers opposed the existing policy.

Let us point out that, since the late 1940s, Québec has always ranked among the top 10 industrialized societies with the highest per capita immigration rates.[19] We also know that immigration is a constant phenomenon in Québec's history. However, according to the 2006 Census, immigrants account for only 11.5% of the total population,[20] as against 6.6% in 1871 and 8.8% in 1931. The figures in themselves are not worrisome and we must focus, above all, on policies and programs in order to pinpoint problems.

It should be emphasized that Québec now selects 70% of newcomers, irrespective of category.[21] In recent years, it has recruited highly qualified immigrants who are markedly better educated than the average in the host society. According to the 2006 Census, the proportion of Quebecers born in Canada who have studied at university stood at 14.7%, compared with 27.0% in the immigrant population. Moreover, 51.8% of native Quebecers possess a postsecondary diploma, as against 57.9% of immigrants.[22]

14. See the Conference Board of Canada study (2007).
15. Emploi-Québec estimated overall growth in employment between 2006 and 2010 at 240 000 jobs, to which can be added the 440 000 jobs that are supposed to be freed up because of retirements. See ministère de l'Immigration et des Communautés culturelles (2007). See also in this regard Jobboom (2008).
16. Ministère de l'Immigration et des Communautés culturelles (2007).
17. In an opinion released in 2004 that is still topical, the Conseil des relations interculturelles warned the government in this regard: Conseil des relations interculturelles (2004). The Conseil noted that after 1993 it took immigrants longer to integrate economically.
18. This represents a spectacular increase in relation to data for the 1980s and even the 1990s.
19. Peaks occurred in 1951 (46 033), 1957 (55 073), 1967 (45 717) and in 1991 and 1992 (51 947 and 48 838, respectively).
20. This is well below the Canadian average but equivalent to the level in most of the so-called developed nations. They are concentrated in the Montréal census metropolitan area (86.9%). The principal countries or regions of origin are China, North Africa, Europe and Latin America.
21. The department anticipates that this proportion will reach 72% in 2010.
22. This type of discrepancy is also observed in Canada as a whole and in Europe.

B THE SITUATION OF IMMIGRANTS

In this section we will briefly take stock of the situation of immigrants and then discuss immigrant women. What should be emphasized, above all, is the often precarious condition of immigrants. Uprooted, barely adapted to their new environment unless they come from a country that very closely resembles Québec culturally speaking, they must make a fresh start in a language that is not always their own. It is not surprising that, upon arrival, they seek the proximity and support of their compatriots and endeavour to maintain contact with their culture of origin.

Immigrants form a social category that is especially affected by underemployment and poverty. Among the immigrants hardest hit, mention is made of the residents of Parc-Extension, whose unemployment rate stands at 20.8%, compared with 9.2% for the population of Ville de Montréal overall, according to the latest census data. Similar discrepancies are noted with respect to the school dropout rate, the proportion of tenants or individuals living alone, and so on. The director of the Centre de santé et de services sociaux (CSSS) de la Montagne explained to us at a hearing that, contrary to widespread belief, these immigrants do not overuse health services but instead have difficulty gaining access to them because of legal, social, economic and linguistic obstacles.[23] Testimony from interveners who work with the most underprivileged milieus revealed that teachers often avoid giving exams at the end of the month because a number of their students from these families suffer from undernourishment and are unable to engage in this type of activity.

Occupational integration is the key factor. The unemployment rate of immigrants in the 25-54 age group who have lived for less than five years in Québec is three times higher than that of natives. The unemployment rate of immigrants in the same age group who have lived in Québec for between 5 and 10 years is over twice as high. In this same category of immigrants, there are almost twice as many unemployed persons in Montréal as in Toronto.[24] We also note that both in Québec and in Canada, the situation started to deteriorate in the 1980s. In constant 2000 dollars, immigrants who entered the labour market between 1990 and 2000 earn less than those who arrived between 1960 and 1970, regardless of their trade or profession. Although the economy has improved lately, newcomers are not benefiting from it.[25]

At the same time, the proportion of immigrants on Montréal Island living under the poverty line increased substantially, from 29.3% in 1980 to 41.3% in 2000.[26] In 2007, immigrants accounted for 26.8% of adult social aid beneficiaries, compared with 15.8% in 2000.[27] Various factors appear to be involved, including *a*) changes in the regions of origin of immigrants and the attendant difficulties in adapting, in particular from a linguistic standpoint; *b*) the undervaluing of foreign work experience; and *c*) a general drop in wages upon entering the labour market.[28]

These data reveal a hard, difficult reality fraught with hardships and anguish sometimes tinged with distress. However, we also witness as many **remarkable acts of courage, tenacity and solidarity.** As we have noted, all of this is reflected in the variety of immigrants' stories that we heard during discussions with focus groups but also during our public consultations.[29] One frequent model emerges from all of these paths that immigrants have followed: immigrant parents accept a drop in economic and social standing while lengthening their work week for the benefit of their children, in whom they invest their "American dream."

23. Brief submitted by the CSSS de la Montagne, page 6.
24. See D. Zietsma (2007) and M.-T. Chicha and É. Charest (2008).
25. See B. Boudarbat and M. Boulet (2007).
26. Regional conference of elected officers. Forum régional sur le développement social de l'île de Montréal (2004), *Rapport sur la pauvreté à Montréal*, September 2004, pages 13 and 28.
27. Ministère de l'Emploi et de la Solidarité sociale (2007b).
28. Voir B. Boudarbat and M. Boulet (2007).
29. Among the most remarkable testimony that we heard in this respect, let us mention once again the comments at the hearings in Montréal of Thi Cuc Tan, one of the Vietnamese boat people, and in a similar vein, the testimony of Tuyen Vo.

C OCCUPATIONAL INTEGRATION

Several studies have shown that many immigrants have difficulty finding quality employment commensurate with their skills and experience. Among the contributing factors, mention should be made of the time required to adapt, reluctance to recognize training and experience acquired abroad (we will return to this question), the language problem, overly stringent conditions governing access to regulated trades and occupations, skill profiles that do not correspond to employers' needs, the excessive concentration of newcomers in the Montréal area, general job insecurity, the weakness of the immigrants' social networks, cultural barriers to hiring, and discriminatory practices aimed, above all, at racialized groups, i.e. immigrants from Asia, the Middle East, Africa and Latin America. In 2006, the unemployment rate of immigrants in the 25-54 age group born in Africa who have lived in Québec for less than five years was 27.1%, over four times the rate of Quebecers born in Canada (6.3%), and the unemployment rate of immigrants established in Québec for 10 or more years was 1.6 times higher. Nearly 30% of the immigrants who have lived in Québec for less than 10 years were born in Africa.[30]

In Canada as a whole, the discrepancies are the most pronounced in Québec, above all among women and, once again, in racialized groups, especially Blacks and North Africans. It appears that the balancing of supply and demand on the labour market leaves something to be desired in Québec because of the criteria adopted to select immigrants, who were highly qualified but in fields that did not meet needs. For this reason, the selection criteria were modified in 2006. Another reason concerns the structure of the industry. Small and medium-sized enterprises, which are relatively more numerous in Québec, tend to hire staff by word of mouth, unlike big firms, which proceed in a more methodical manner. Researchers also point out that the job market is less favourable in Montréal than in Toronto, Calgary or Vancouver. The increase in recruiting by Québec in the refugee category (in which immigrants are less educated) apparently also contributes to the phenomenon.

Let us return to the obstacles related to economic integration, among which the lack of French courses is often mentioned. A number of immigrants and officials of agencies and grassroots community groups appeared before us to emphasize this important shortcoming: for want of adequate services, newcomers must sometimes wait several months before gaining access to French courses. The government paints a more upbeat picture and maintains that it has adopted the appropriate measures. This extensive testimony nonetheless remains disturbing. Mention is also made of overlapping and even harmful competition between the ministère de l'Éducation, du Loisir et du Sport and the ministère de l'Immigration et des Communautés culturelles. Even though the importance of mastering French as a factor in economic integration has declined, it remains a valuable asset for anyone wishing to integrate into social networks that give access to information, mutual aid, learning about institutions and, possibly, employment.

In Québec as in Canada, the non-recognition of diplomas and experience acquired abroad is a factor that all specialists agree in singling out. It has even been established that the experience acquired engenders virtually no wage gain.[31] We collected extensive testimony in this respect from engineers or architects who are driving taxis, lawyers working as clerks, judges employed as workmen, teachers who are washing dishes or making deliveries, and so on.[32] Let us add that **most of the individuals concerned say they are deeply humiliated and embarrassed to have to rely on social aid when their professional background prepared them to be autonomous, responsible citizens.**[33] This drop in social standing often leads to tension, family break-ups and psychological health problems.

The professional orders that control access to trades and occupations are criticized from all quarters. First, it is advisable to emphasize the essential role that these orders play in protecting the public. It goes without saying that any form of laxity concerning the basic criteria is to be avoided, especially in the health sector.

30. J. Gilmore (2008, pages 8, 9, 26, 27 and 41).

31. M. Girard *et al.* (2008, publication pending).

32. From this viewpoint, the crown undoubtedly goes to the Muslim couple, both of whom possess doctorates, who explained their situation during hearings in Beauce.

33. "We would like to feel useful to the society that welcomed us" (a Colombian refugee participating in a focus group in Trois-Rivières on October 25, 2007).

What is in question here is the possibility that excessive or even iniquitous requirements or controls are being applied against newcomers. It is hard to clarify the situation. On the one hand, the vast majority of the immigrants that we met have stories of a drop in social standing to relate. Thomas Mulcair, the former director of the Office des professions du Québec, submitted to our Commission a brief that vigorously denounces the practices of the professional orders, which report to the Office.[34]

On the other hand, the director of the Conseil interprofessionnel du Québec (CIQ) also appeared at a hearing to defend the orders.[35] Some aspects of his plea were convincing. According to the statistics produced, between 1997 and 2006, 84% of requests for recognition from immigrants were accepted. Among the immigrants who arrive each year, less than 20% submit requests to the Conseil.[36] Various remedial measures have appreciably improved the situation in recent years. The professional orders recommend retraining in order to fully recognize diplomas but do not obtain sufficient collaboration from Cegeps, universities, employers and the Office québécois de la langue française, in particular.

This is a serious obstacle in respect of which responsibilities are not very clear. A number of professionals trained abroad would only require retraining in order to exercise their profession here. Who will provide such training? Immigrant candidates have neither the time nor the resources necessary to take regular programs. The creation of special programs seems to be the simplest solution. However, educational institutions claim that they do not have the means to increase the number of tailor-made programs, and thus pass the buck to the government.

Between the professional orders, educational institutions, the Office québécois de la langue française, employers and the department, none seems able to satisfy the need. Immigrants are thus driven to make a difficult choice, i.e. completely repeat their training, relinquish their profession, or try their luck outside Québec. In the latter two instances, each intervener ascribes responsibility to the others, but the outcome remains: a wasted career.

However, other dimensions remain obscure. For example, exactly how many files are awaiting processing? Are some of the orders being recalcitrant? What does the "partial recognition" granted in half of the positive decisions mean? What is the nature of the retraining that the professional orders recommend? Clarification is necessary here, to which the public is entitled. To be more precise, it is important to ascertain whether arguments about safety and training[37] mask purely corporatist interests. As for the rest, we do not have at our disposal solid information that allows us to level accusations of discriminatory practice. For the same reason, a thorough examination is necessary.

It is useful to emphasize that, in the non-regulated occupations, 44% of employers deem foreign diplomas to be a handicap.[38] We must also shed light on this situation.

Another longstanding but topical problem is the under-representation of immigrants and members of the ethnic minorities in the public service. In 2001, the last year for which this statistic is available, these groups accounted for 11.4% of Québec's population in the 15-65 age group but only 3.7% of staff in this sector in 2007.[39] The situation in Québec in this respect is apparently one of the worst in North America, even though the government has examined the problem several times over the past 30 years. In Montréal, the gap is also substantial: ethnic minorities (allophones and racialized groups) make up over one-third of the population and only 11% of municipal employees.

Initiatives have been undertaken to remedy this imbalance and the vast majority appeared to have failed. For example, in 1981, the government committed itself to raising to 9% the proportion of ethnic minorities represented, an objective that it has since maintained. However, some measures have borne fruit. Between

34. "They'll always tell you that they are acting in the public interest and not to protect their members. However, I can tell you that it's not true."

35. The Conseil encompasses 45 professional orders on which 51 regulated professions depend.

36. The brief presented to us mentioned 10%, but this figure assumes that all immigrants are of labour force age, which is obviously not the case.

37. Professional groups have complained in this regard. In June 2007, 30 or so nurses from the Hôpital Jean-Talon de Montréal denounced the examination imposed by the Ordre des infirmières et infirmiers du Québec. We also recall the Québec Minister of Health and Social Services' sally on May 2, 2007 concerning faculties of medicine and the Collège des médecins and the rejoinder of the President of the Collège about "graduates from the colonies." The Ordre des ingénieurs is also occasionally singled out.

38. According to M.-T. Chicha and É. Charest (2008).

39. The Secrétariat du Conseil du trésor provided these data. The statistic concerning the proportion of ethnic minorities in the overall population is drawn from the 2001 Census.

1980 and 1998, progress was made from the standpoint of elected representatives (representation on municipal councils and federal and provincial parliamentary representation). Between 1988 and 2006-2007, the participation rate rose from 1.7% to 3.7% in the actual public service. In the health sector, according to representatives of the Comité provincial pour la prestation des services de santé et des services sociaux aux personnes issues des minorités ethniques, the situation appears to have improved in the health care network. In fact, even though in the department's central units members of minorities occupy only 3% of positions, they are well represented in certain local branches.[40]

Other measures have been implemented recently and we must observe their impact. For example, the Ville de Montréal announced in April 2007 that henceforth half of new positions should be filled by members of the minorities. However, the situation overall is changing very slowly and the majority of public and parapublic agencies are lagging behind.

More generally speaking, the ethnic minorities are largely under-represented among political staff, on boards of directors and in other decision-making centres. Still more important, they are, with few exceptions, hardly present in the media, which, as we were told, remain very old-stock and very white. Consequently, the media disseminate an often distorted image of this reality with which Quebecers are insufficiently familiar. The public thus has little opportunity to deal with the diversified reality of Québec.

The problem of under-representation in public sector employment is crucial for several reasons. If it were resolved, the members of the majority group would engage in more extensive relations with members of minority groups, which would help to overcome prejudices and stereotypes. Moreover, society has an obligation to combat this form of iniquity. In this way, the government itself would provide more competent, enlightened services, bearing in mind the demands of our pluricultural society.

As we have observed in light of extensive testimony, immigrants want to integrate, provided that the host society does not put obstacles in their way.[41] Those who feel rejected economically may be tempted to withdraw to the fringes of society, thus becoming more vulnerable and likely to cultivate traditionalist allegiances, at odds with the common public culture.[42] Studies conducted in Canada and the United States have shown that, in these cases of failure, downward social spirals occur in the second generation, along with violent behaviour, and so on.[43] The problem of street gangs in Montréal shows the human cost of failed integration. It is urgent to make the necessary adjustments as the collective interest is at stake.

Let us make a final remark in this respect. Access by immigrants to skilled jobs is no absolute guarantee of their cultural integration. In English Canada, for example, recent research[44] shows that the children of immigrant parents feel less integrated than their parents do. They have grown up in the host society and have assimilated its values and promises, but their expectations have not been fulfilled because society has not treated them as full-fledged members. That being the case, economic integration offers by far the best assurance against cultural marginalization.

40. Brief submitted by the Comité provincial pour la prestation des services de santé et des services sociaux aux personnes issues des minorités ethniques.

41. "Québec is the society of my children," "We want to participate in society's development," "My wife and I didn't want to have children in our country because of the future: we waited until we got to Québec," "Before, everything was going well and I felt integrated, but not any more," "Quebecers do not realize the harm that they're doing us and that they're doing themselves," and so on.

42. "The more abandoned we feel, the more we feel drawn to the fringes where we stick together among ourselves" (testimony from an unemployed immigrant at the Saint-Georges de Beauce forum on November 1, 2007).

43. First-generation immigrants' expectations for themselves are often not very high. Above all, they want to improve their lot in relation to the situation that they left behind, a far cry from their children, whose expectations are more in keeping with those of children born in the host society. The discrepancies are then perceived very differently.

44. In particular, Professor Jeffrey Reitz of the University of Toronto.

D THE SITUATION OF IMMIGRANT WOMEN

First, let us note that immigrant women account for 50.9% of Québec's immigrant population, according to the most recent census. It is a good idea to examine separately the condition of immigrant women because it differs from that of immigrant men and native women, which leads certain women interveners to speak not only of inequality between women and men but also of inequality between women themselves. In actual fact, for many of these women this condition is deplorable from several perspectives even if Québec is welcoming growing numbers of qualified women. This problem should be accorded top priority, as several organizations have emphasized, e.g. the Conseil du statut de la femme, the Fédération des femmes du Québec, and the Centre communautaire des femmes sud-asiatiques, in the briefs that they presented to the Commission.[45]

These women, half of whom belong to racialized groups, are harder hit by underemployment, regardless of their level of education, and poverty. When they are employed, they experience a wage disadvantage (in 2001, their salaries represented less than two-thirds of immigrant men's salaries[46]). The 2001 Census revealed that half of immigrant women were concentrated in the four economic sectors in which wages are the lowest.

The situation of domestic housekeepers or live-in caregivers is especially appalling: some of the women have neither social protection nor the possibility of legal recourse and are often at the mercy of their employers' arbitrariness. Women make up 99% of the clientele of the Live-in Caregiver Program (LCP), under federal jurisdiction, and are often in a state of vulnerability, isolation and dependence in relation to their employers.

At this stage, the women have already been wronged. Since the selection criteria favour occupational qualification and businesspeople, immigration is geared to men. It is not, first and foremost, women who make this choice. Consequently, they are over-represented in the family reunification and sponsored immigrant categories, which creates a state of greater dependence in the host society.[47] At the same time, they are under-represented in job entry programs even though the unemployment rate among those who have lived in Québec for less than five years is almost three times higher than the rate for Québec women overall.[48]

Muslim women are perhaps harder hit than the others, especially those who wear a headscarf, which, according to extensive testimony, is an important cause of failure in hiring approaches.[49] **Deskilling and the attendant social disqualification are perhaps also more apparent here.** Data from the 2006 Census show that the university graduation rate among immigrant women overall is 24.4%, well above the Québec average of 16.5%.[50] Among all of these women who are experiencing deskilling, nearly 3 out of 10 have a university degree.[51]

Immigrant women from certain countries are also at greater risk of domestic or conjugal violence. They are sometimes isolated, the captives of a small, closed community and the victims of abusive practices, above all from their spouses, but also their mothers-in-law. The Table de concertation en violence conjugale held a day-long study session on the topic in November 2007. It is difficult to approach this problem, in particular because of the silence of the victims who, moreover, will never be able to divorce for fear of being rejected by the community on which they depend. The women interveners also insist on the obligation to respect the victims' autonomy and to bank on their ability to regain control over their lives. The victims have difficulty overcoming a feeling of guilt and grasping the social roots of their situation.

In addition to the Conseil du statut de la femme and the Fédération des femmes du Québec, support organizations do exist, e.g. the Service aux femmes immigrantes du Centre des

45. See the *Rapport de recherche n° 10* produced by the Commission for an overview of the state of reflection concerning the condition of women and, in particular, of immigrant women.

46. Data from the 2001 Census (2006 data on income were only available in May 2008).

47. Sponsorship, which lasts for three years, makes the immigrant woman subordinate to a male member of her family (often the husband), who manages the funds paid by the department.

48. According to D. Zietsma (2007), in 2006, the unemployment rate among immigrant Québec women who had been living in Canada for less than five years was 18.2%, compared with 6.6% for Québec women overall. Some 45.5% of immigrant women who had arrived less than five years earlier possessed a university degree.

49. See the briefs submitted by Présence musulmane, the Canadian Council of Muslim Women, the Centre culturel islamique de Québec, the Muslim Women of Quebec, the Association musulmane québécoise, and so on.

50. According to Marie-Andrée Roy of the Université du Québec à Montréal, whose research focuses on immigrant women, immigrant women from India appear to have more degrees in engineering and computer science than all other Québec women (personal communication).

51. Data compiled by a group of 53 women professors at Université Laval (brief presented to the Commission by Hélène Lee-Gosselin on behalf of the group).

femmes de Montréal, the Comité Femmes de Laval, the Fédération de ressources d'hébergement pour femmes violentées et en difficulté, and the Auberge Shalom, a shelter for battered women of different cultural and religious origins. However, we need more such facilities and increased financial support for existing organizations. A study conducted in 2004 by the Fédération des femmes du Québec[52] highlights the under-funding of women's groups working with immigrant and racialized minorities. These organizations must nonetheless meet daunting challenges, i.e. encourage civic participation by immigrant women, promote their socioeconomic integration, and combat discrimination.

Other studies also reveal considerable needs with respect to francization as a lever for emancipation, a means of finding employment and, once again, a means of integrating into social mutual aid networks. The ministère de l'Immigration et des Communautés culturelles is well aware of this problem and is supporting a number of remedial initiatives.

First, in a very broad perspective, let us point out that per capita spending on immigrants has been falling for the past 10 years at a time when needs have been increasing.[53] It is of the utmost importance that immigrants not be marginalized upon their arrival. Seemingly mundane initiatives can make a big difference in this respect.[54] We have a lot of catching up to do.

Several analysts, while they approve Québec's immigration policies from the standpoint of the number of immigrants, the selection method, and so on, nonetheless criticize reception and integration programs, in respect of which most shortcomings have been noted. We have already mentioned difficult access to employment and French courses, to which must be added access to health services and housing. As for health care, it would be useful to shorten the three-month waiting period imposed on newcomers before they can obtain free health care.[55] In the realm of housing, once again, waiting lists are long and it takes a long time to obtain low-cost housing. The individuals concerned are hard hit by these difficulties. To remedy them is a matter of rights and social ethics. We must also tell ourselves that everything that attenuates immigrants' instability and insecurity helps them to integrate.

Many community agencies, in which volunteer work figures prominently, are assisting and supporting immigrants upon their arrival.[56] We can only praise this essential, self-effacing and effective work. These front-line agencies are playing an essential role from the standpoint of adaptation, orientation and integration and the outcome hinges by and large on them. The government should without any doubt substantially increase funding for these agencies.[57] A number of interveners pointed out to us that francization is decisive at this time and at this level. We might speak here of a convergence of needs and effects, i.e. employment, health, language and socialization. The need to coordinate the key public, parapublic and private interveners' initiatives is again apparent.

52. Fédération des femmes du Québec (2004).

53. In 1997, per capita spending on integration stood at roughly $3 400 per immigrant, as against only $2 800 in 2006, equivalent to a 21.4% drop: ministère des Relations avec les citoyens et de l'Immigration, *Rapport annuel 1997-1998*, Les Publications du Québec, 89 pages, pages 11 and 36; and ministère de l'Immigration et des Communautés culturelles, *Rapport annuel de gestion 2006-2007*, 94 pages, pages XI and 81.

54. For example, the *Guide de la vie quotidienne à l'intention des immigrants*, which the Service de la diversité sociale of the Ville de Montréal is now elaborating. The guide deals with procedures as seemingly straightforward as registering with a library, opening a savings account, obtaining a credit card, applying for a driver's licence or a passport, and so on.

55. An exception is made for pregnant immigrant women.

56. Here we must give numerous examples, such as L'Hirondelle, La Maisonnée or the Centre multiethnique de Québec. It should be noted that most of these organizations have grouped together in Québec in the Table de concertation des organismes au service des personnes réfugiées et immigrantes, whose director is Stephan Reichhold.

57. The officials of one or two groups even suggest maintaining the current recruiting threshold until such time as reception conditions improve (see, for example, the brief presented to the Commission by L'Hirondelle).

Another problem that numerous interveners emphasized concerns the nature of the information given to would-be immigrants prior to their arrival in Québec. Some of them complain that they were not properly informed about the need to know English to perform various jobs, that their diploma or skills would perhaps not be recognized, the legal system (in particular, the charters, gender equality or the *Act respecting equal access to employment in public bodies*), Québec's core values, its history, regions, Québec-Canada duality, and even the status of French as the official language of Québec. Other interveners asserted that officials lied outright to them about the possibilities that awaited them upon arrival (they spoke of an "idyllic picture," an "Eldorado," and so on), a source of considerable disappointment.

The officers consulted in the ministère de l'Immigration et des Communautés culturelles do not share this opinion. An examination of the documentation (guides, brochures, the Website, PowerPoint presentations, and so on) does not, it is true, corroborate the testimony heard. The discrepancy between what immigrants understand about Québec before settling here and the concrete reality that awaits them undoubtedly has several causes. Among them, mention should be made of the possible optimism of Québec information officers abroad, who must meet stringent recruiting objectives and may be tempted to overemphasize Québec's positive aspects,[58] and a perhaps imprecise picture of Québec's cultural specificity when the sole source of information of future immigrants is the employees in Canadian embassies.

That being the case, the testimony that we heard in this respect perhaps refers to a fairly distant period. It is possible that the situation has been remedied since then. Be that as it may, the ministère de l'Immigration et des Communautés culturelles undoubtedly needs to assess among newcomers the quality and accuracy of the information that they received at each stage of the recruiting and immigration process.

Let us now focus on immigration in the regions, where new prospects have recently opened up. A number of points need to be emphasized here:

1. There is strong demand for immigrants from all regions. In an attempt to counter the ageing of the population, the exodus by young people, demographic decline, manpower shortages and the economic slowdown, the regions are turning to immigration. This is one of the facts that most clearly emerged from our consultations. In addition, economic and demographic forecasts announce growing decline almost everywhere.

2. Most of the participants in our hearings or forums displayed considerable openness to immigration.[59] In certain regions such as the Beauce region, among others, towns even compete to attract recruits. It is clear that in a number of regions local populations with their traditions of mutual aid and solidarity are prepared to serve newcomers. In the light of the foregoing discussion, we might obviously object that these positive dispositions towards immigrants are not entirely disinterested. Is the situation any different in all of the Western nations that have largely opened up to immigration in recent decades?

3. On the strength of extensive testimony, we have observed that immigrants generally integrate well in the regions, which a recent Statistics Canada study showing that immigrants' incomes are higher in small urban centres or rural areas than in metropolitan areas,[60] tends to confirm. An examination of regional newspapers also reveals numerous successful integration experiences, even in outlying towns. Another recent study concludes that immigrants are better culturally integrated in the regions.[61] Let us add that certain cities and regions already have a fairly longstanding pluricultural past. Some examples that come to mind are the Abitibi region, with its mining history, Sept-Îles, where over 30 nationalities resided between 1960 and 1970, the Estrie region, or the Gaspésie region, where English-speakers have been established for a long time.

58. That, at least, is the opinion of Yann Hairaud, Director of the Agence montréalaise pour l'emploi, reported in "On est vraiment des étrangers, ici" ("We're really foreigners here"), *La Presse*, December 10, 2007, page A6-7.

59. "There aren't too many immigrants in Québec, they're just poorly distributed throughout the territory" (testimony by Pierre Provost from Bonaventure in the Gaspésie region on October 4, 2007).

60. A. Bernard (2008).

61. R. Garon and M.-C. Lapointe (2007, pages 8-9). Again in Bonaventure, André Beckrich explained that "in the regions, immigration is a question of individuals, not communities."

4. At the same time, a number of organizations devoted to the recruitment and reception of immigrants or refugees have been established in all regional cities and even in certain towns, for example in the Saguenay and Beauce regions. They are so numerous that it is impossible to quickly take stock of them here.[62] In several places, these organizations are coupled with very active associations that seek to promote the quality of intercultural relations. Some of them operate at the regional level and others at the municipal or local level. There have, of course, been failures, above all when funding is insufficient. Xenophobic behaviour has also been observed here and there, but such behaviour seems to be marginal. Be that as it may, it would certainly be advisable to conduct research on this topic through the resources of universities and Cegeps in the regions.

5. The establishment of these organizations has been accompanied by the conception and implementation by the municipalities and regional bodies, including the regional conferences of elected officers, of policies, guides, action plans and programs. Several cities are investing substantially in this field. Certain initiatives are quite remarkable, such as the study conducted by Ville de Laval on immigrant manpower.[63]

Consequently, the number of immigrants in the regions has been rising for several years. Thus, among the newcomers admitted to Québec between 1996 and 2000, 17 239 were living outside the Montréal area five years later. Between 2001 and 2005, this figure stood at 29 325. This perhaps marks the beginning of a robust trend. In any event, it deserves to be supported bearing in mind all of the positive comments we heard both from immigrants and from members of the host society.

As we indicated at the beginning of this chapter, racism (in the strict sense), having changed its nature and discourse, has become less apparent. For strategic reasons, if often conceals itself behind cultural considerations, thus shifting it towards ethnism. How can we recognize with certainty the traits of ethnism or "neoracism"? Only in some instances is it easy to decide, which is why we will speak instead of discrimination, which in turn can take direct forms such as the open, blatant violation of a right, or indirect or systemic* forms. In the latter instance, discrimination, too, often becomes more discreet and vague.

However, it is always possible to pinpoint it by concentrating on the differentiated effects of various social practices linked to hiring, housing, the availability of public services, and so on. Given that it is frequently impossible to demonstrate that there is outright discrimination, one might thus speak of an indirect proof, or, if you will, a **proof by effect,** i.e. exclusion and certain situations of inequality.

THE OVERALL SITUATION

Let us turn briefly to the overall situation. No information allows us to assert that discrimination is more prevalent in Québec than elsewhere. Most researchers in the field agree on this point. Data from the extensive survey of ethnic diversity in Canada that Statistics Canada conducted in 2002 and statistics concerning racist incidents at the expense, in particular, of Blacks or Jews, confirm this statement.[64] Considering the number and variety of immigrants that Montréal has welcome in recent decades, this fact is noteworthy. There are few ethnic enclaves and cases of racial violence are rare.[65] We also note that, unlike many European countries, Québec does not have a racist political party that has succeeded in establishing the slightest electoral base. Economic

62. One of them is entitled the *Grande séduction gaspésienne…*

63. Ville de Laval (2005). These "portraits" have been produced intermittently over the past 10 years.

64. The annual surveys conducted by B'nai Brith, for example, reveal that in Ontario, where the Jewish population is twice as big as the Jewish population in Montréal, anti-Semitic incidents are 2.5 times more frequent. See also R. Bourhis, A. Montreuil and D. Helly (2007).

65. Some cases nonetheless occur and make headlines from time to time. Let us point out the case of the young Haitian prison guard in Rivière-des-Prairies and Saint-Jérôme who was harassed by his peers and obtained justice last March before the Human Rights Tribunal. Let us also mention the findings of a study focusing on the period 2001-2005 conducted by the Commission des droits de la personne et des droits de la jeunesse. The number of complaints stemming from racism is low but is rising. See Commission des droits de la personne et des droits de la jeunesse (2006).

and social inequalities are not all attributable to discriminatory behaviour. Jean Renaud and his team, whose research we have cited, believe that discrimination has little bearing on the problems of under-employment and poverty experienced by the newcomers whose paths they have monitored.

THE "DISCRIMINATORY SHOCK"

Aside from incidents of an openly racist nature, the most eloquent information is drawn from testimony and individual experience. The combined findings of recent studies lead us to conclude that between 20% and 25% of Quebecers say that they have been the victims of discrimination within the past three to five years, mainly in the workplace. This proportion doubles in racialized groups, as confirmed by extensive testimony from immigrants in our focus groups. When such groups assembled Muslims, most of the participants had a story of discrimination or of outright racism to tell. Each one of them seemed to have experienced his version of what Guy Drudi called the "discriminatory shock."[66]

A number of immigrants have turned to the newspapers to make known their lot, and their exasperation.[67] However, in general, they are intimidated and keep their stories to themselves. Here are some of them, drawn from our consultations: a young Muslim pharmacy student who wears a headscarf was refused for a training session by 50 pharmacists before she found an Arab pharmacist willing to accept her; a 17-year-old Muslim girl who also wears a headscarf is regularly insulted at school and in the street, but her mother has taught her never to respond, since she does not want to "instil hatred in her;" an immigrant woman who was at the top of her class at the Université de Montréal submitted 200 applications for a training session and received as many refusals; a newcomer, an engineer, managed several hundred employees in his country of origin but has been unable to find a job here (he has sent his curriculum vitae to 250 firms).

This testimony is not isolated. A human resources manager explained to us during hearings that bosses refused to hire Muslims for fear of accommodation requests (testimony that was confirmed by the brief that the Confédération des syndicats nationaux presented to the Commission on December 10, 2007 in Montréal). All of this information focuses on the Montréal region, but if the recent documentary *Québec, lieu de passage* is to be believed, the situation is hardly any different in Québec City.[68]

Discrimination reveals itself just as surely (although less directly) in different types of behaviour. A number of studies have clearly highlighted the rejection of certain housing requests and employment applications from racialized groups and, in particular, Blacks. These refusals, especially in the realm of housing, increase residential segregation. The incidence of low incomes among immigrants is much more prevalent than in the population overall.[69] In the regions, certain immigrants have been the victims of exploitation by unscrupulous employers. Health care is another field that must be monitored, in light of the conclusions of the first Congrès national de santé transculturelle organized in Montréal in May 2007. Certain immigrants are not properly treated because health professionals do not always make an effort to understand their culture. Four patient deaths were recently noted stemming from this lack of understanding.

We are also aware of situations involving double or triple discrimination. This is often the case of homosexuals from the immigrant communities, which severely condemn homosexuality.[70] These gays and lesbians fear that accommodation or adjustments may be granted at their expense, under the impetus of cultures that are unamenable to homosexuality. Similarly, physically disabled individuals and female members of certain ethnic minorities experience these **situations involving multiple discrimination.**

66. Brief presented by the Service d'aide et de liaison pour immigrant La Maisonnée Inc. at the hearings held in Montréal on November 26, 2007. It seems difficult to reconcile these facts with the high level of support for immigration that is generally observable in Québec society. Max Frisch's comment comes to mind: "We asked for manpower, they sent us men."

67. See, for example, *La Presse*, November 3, 2007, page 6 of the *Plus* section.

68. Filmmakers: Martin Asselin and Éric Petit, 52 minutes, 2007 (distribution: Vidéo Femmes).

69. On Montréal Island, 29.3% of immigrants were living under the poverty line in 1980. This proportion rose to 41.3% in 2000, compared with 29% in Montréal's population overall (Conférence régionale des élus, 2004, pages 13 and 28).

70. According to the brief submitted by the Fondation Émergence de Montréal, 37% of immigrants who have arrived recently in Québec come from countries where homosexuality is prohibited by the State or the official religion.

At the root of discrimination are found stereotypes, at once the cause and consequence of stigmatization. A number of Quebecers have a negative perception of all ethnic minorities that they then ascribe to each of their members. The slightest incident is seized upon and exploited to fuel and perpetuate negative representations that the media machine often adopts, thereby giving credence to them to some extent. Informal communication through the Internet and blogs or e-mail also plays a part. In this vein, the media revealed in October 2007 the existence of an extreme right-wing group that was promoting racism on the Internet. Our forums, unfortunately, also afforded certain Quebecers an opportunity to express xenophobic sentiments supported by groundless arguments.

Once again, all of these expressions of discrimination do not have the scope of a wave, but vigilance is necessary. The problem may be more extensive than it seems. The question warrants investigation.

THE JEWISH COMMUNITY AND ANTI-SEMITISM

Let us first challenge a gratuitous accusation levelled at our forums. Because of the anti-Semitic comments heard there, it was asserted that our forums apparently had a deplorable, immediate impact on relations between Jews and other Quebecers and caused a deterioration that the findings of a survey[71] made public in February 2008 seemed to confirm.

It is a good idea to point out that in the course of our 26 regional and province-wide forums, we heard roughly one thousand interveners speak. Among the offensive remarks, aimed above all at Muslims, only a dozen targeted Jews. We spoke out on several occasions to condemn them. Most of the comments concerned kosher food and referred to a news story on the TVA network. The other comments concerned tensions with the Hasidic communities in Outremont and the Laurentians. These three cases received intensive media coverage between 2006 and 2008[72] and the few comments made in this respect during our forums simply reiterated them.

It should also be noted that, according to B'nai Brith, anti-Semitic acts appeared indeed to have increased in Québec, but the phenomenon goes back to 2006, when the number of cases rose to 226, compared with 133 the preceding year, a 70% increase, long before the Commission was established. We have pinpointed four surveys on the same topic conducted in recent years. They produced similar findings and each one revealed that French-Canadian Quebecers have a fairly negative perception of Jews, which we obviously concur in deploring. However, no information confirms the existence of a direct link between the findings of this latest survey and the deliberations of our Commission.[73]

That being the case, we have observed to what extent the Jewish community was unfairly accused with regard to kosher certification. The most fanciful information is circulating among Quebecers and the fragmented information that we collected was sufficient to invalidate it. However, this information did not have the weight of a complete, irrefutable proof. It would thus be eminently advisable to conduct independent research on the topic to put paid to this stereotype. Moreover, again with a view to eliminating stereotypes, it would be in Québec society's interests to know the Jewish community better. For example, over 80% of Jews under the age of 35 speak French, the vast majority of them adhere to Quebecers' core values (gender equality, secularism, the primacy of the French language), and Hasidic or Ultra-Orthodox Jews account for only 12% of this very diverse population.

The increase in anti-Semitic incidents in Québec is worrisome. In Montréal as in the regions, awareness-raising initiatives should be implemented to remedy these expressions of xenophobia and racism.

71. Conducted by Léger Marketing on behalf of the Association for Canadian Studies. See *La Presse*, February 24, 2008, pages A8-A9.

72. A cursory review of several French-language dailies between January 2006 and September 2007 (when our public consultations began) indicates that over 300 articles covered or mentioned at least one of the 20 accommodation cases related to the Jewish community. In addition, 80 articles were published between January 2005 and September 2007 dealing with the polemic surrounding public funding for private Jewish schools.

73. See in this regard *Mémo n° 6* produced by the Commission.

THE MUSLIM COMMUNITY AND ISLAMOPHOBIA

Muslims, and in particular Arabo-Muslims are, with Blacks, the group hardest hit by various forms of discrimination. We believe that it is urgent to **arouse vigorous soul-searching** if we are to avoid what a number of Quebecers fear, i.e. **the marginalization of numerous Muslims as a result of the slights to which they are unfairly subject,** above all since the September 11, 2001 attacks. On this sensitive question, each individual must seek to ensure that wisdom prevails. What, precisely, is at issue?

Here is an overwhelmingly French-speaking, highly-educated population that takes to heart the future of Québec culture; adheres very strongly to the values of secularism, gender equality, citizenship, democracy, non-violence, and religious pluralism; seeks to adapt Islam to the values of Western modernity; displays a deep-seated desire to integrate into Québec society and contribute to its development; has to a large extent immigrated to Québec to flee fundamentalist, oppressive societies; and, to its great astonishment, is subject almost daily to discrimination and exclusion.[74] Consider, for example, that the unemployment rate among North Africans who in 2006 had lived for less than five years in Québec stood at nearly 30%, four times the rate for native Quebecers.[75]

There is deep disappointment in these communities and their exasperation continues to grow, as we can see among young people of the second generation and in the discouragement of their leaders, who are frustrated to observe that their attempts at rapprochement have no impact. Let us mention, in particular, the gesture of Rachid Raffa and Lamine Foura, two long-time activists, who have just left the Table de concertation Maghreb in the ministère de l'Immigration et des Communautés culturelles to protest against the government's inertia. This gesture should give us pause.

There are other things that are noteworthy about Muslims: among immigrants, their religious fervour is the lowest. There are indeed 60 or so mosques in Montréal, but only a dozen of them have a permanent imam; there is no proof that genital mutilation (excision* and infibulation*) are practised in Québec;[76] there is a strong feminist current among Muslim women but one that follows a path or original model that differs from the feminism prevailing in Québec and that can be combined, in particular, with the wearing of the headscarf;[77] Muslims are also the immigrant group that is the most evenly dispersed throughout Montréal and thus the least ghettoized. Muslims number roughly 130 000 in Québec and account for only 2% of its population;[78] the Muslim population is highly diversified and comprises 100-odd ethnic groups and comes from 22 countries on three continents. Arabs represent only just over half of Muslims. This religion encompasses a great diversity of traditions and schools.

Let us turn briefly to fundamentalism and the terrorist threat. There is indeed among Montréal Muslims a small minority[79] of rigorists who are keenly rejected by their coreligionists. It is true that the seeds of terrorism can appear in this type of milieu. It cannot be said that the threat does not exist. What is the right attitude to adopt? Our position is as follows. Let us leave it to the police to hunt out the terrorist threat wherever it may be, if there is such a threat. As for the rest, it is Quebecers' duty to treat blameless citizens fairly.[80] We should also consider that there is scarcely any reason to fear in Montréal the type of problem that the Paris suburbs are facing. We saw in Chapter IX that, contrary to what has been observed in France, Muslims living in Québec are not a class of citizens who have for a long time been oppressed and pushed to the fringes of society. As we have said, they are well educated and most of them wish keenly to integrate.

74. "What has happened to the Québec of my dreams?" (testimony given by Abdelhak Elbekkali at the Sherbrooke hearings on November 23, 2007). See also the remarkable brief presented to the Commission by Astrolabe.

75. J. Gilmore (2008).

76. We must add three other clarifications in this regard: *a*) these mutilation practices are of cultural and not religious origin; *b*) they are not found in all Muslim countries; and *c*) they are common in non-Muslim populations.

77. A message addressed to Québec's radical feminists by a young Muslim woman: "Please do not impose on us the manner in which we liberate ourselves" (testimony heard before the Commission in Montréal on November 29, 2007). It should be noted that Michèle Asselin, President of the Fédération des femmes du Québec said during a hearing that her organization was very receptive to a "multifaceted feminism."

78. In 2001, according to census data, there were 108 620 Muslims living in Québec. Recent estimates put the current number at roughly 130 000.

79. It is impossible to quantify it more accurately. This assessment reflects all of the testimony or data available from inside and outside the Muslim population.

80. As R. Azdouz (2007b, page 60) has put it, we must rely on security to combat extremism and on education to prevent it (to which we would add integration).

However, to do so, it will be necessary to overcome a number of fears, including the very legitimate one spawned by the September 11, 2001 attacks and other attacks perpetrated in Europe in the name of Islam. The media must also learn to discipline themselves. Media exploitation of Imam Jaziri, a marginal figure in the Muslim community, was pernicious inasmuch as it reinforced the worst stereotypes. The repeated displays of the same photos of Muslims wearing the burka or the niqab, of Muslims bowing down in prayer, produce the same effect.[81] It will always be useful to remind ourselves that the stigmatization of Muslims helps to create in their communities solidarities that risk rebelling against Québec society. While some of them opt to change names in order to better integrate,[82] such is not the case with the majority that also wishes to integrate while preserving its distinctive signs.

In short, **the way to overcome Islamophobia is to draw closer to Muslims, not to shun them. In this field as in others, mistrust engenders mistrust. As is true of fear, it ends us feeding on itself.** In this respect, let us remember that the accommodation cases pertaining to Muslims that received the heaviest media coverage all concerned activities related to participation in or integration into our society, i.e. the visit to a sugarhouse, participation in soccer and tae kwon do tournaments, and the wearing of the headscarf in public schools.

Let us conclude with the headscarf, which has caused such a commotion in recent years.[83] In light of extensive, unequivocal testimony, we believe that we can now take it for granted that girls or women who wear the headscarf attach different meanings[84] to it and respond to different motivations, some of which, it is true, do not agree with the dominant values in our society. While we acknowledge the need to combat different forms of submission and oppression, is there not a risk of wronging citizens who have made a perfectly enlightened choice by proposing a radical measure that would purely and simply prohibit the wearing of the headscarf? How is it possible to untangle with certainty the two cases? In any event, what would become of each individual's freedom to display his or her deep-seated convictions,[85] seeing that they do not infringe other people's rights and do not lead to any form of inconvenience? Bearing in mind all of these considerations, would it be wise to prohibit the headscarf for what are, ultimately, very superficial reasons?[86] Some people may perhaps find our position naïve. However, it is the only suitable one at present, given the situation and bearing in mind the rules of law and ethics to which we subscribe as a society.

81. In keeping with his direct manner, Rachid Raffa, a Muslim, likes to say about Muslims that they "don't always have their backsides sticking up in the air."

82. See *La Presse* of August 10, 2007, page A2.

83. So much so that one woman journalist wrote last December: "I sometimes wonder if the Bouchard-Taylor Commission was not established because of the veil."

84. It is sometimes a question of submission and even of oppression pure and simple, sometimes of propriety, respectability and modesty, and sometimes of the assertion of identity, autonomy and even of feminism.

85. All of the major international legal conventions and the Québec charter recognize the individual's freedom to display his religion or his conviction. We might also repeat the formula proposed by Mohamed Chraibi, who testified in Laval on November 15, 2007: "No one has the right to force a woman to wear a hidjab or prohibit her from doing so." Another participant at the same hearing, a Muslim woman wearing a headscarf, said "my body belongs to me and I show what I want of it."

86. And, in several instances, assuredly irrational, as this passage from a brief presented by a Longueuil resident at a hearing in November: "In 2007, in Québec, when I see a Muslim woman wearing the veil, I shudder." To those who share this feeling, might one suggest reading the testimony of an entirely different import presented at a hearing in Montréal by Jean Dorion, former president of the Société Saint-Jean-Baptiste de Montréal (SSJBM), reported in the newspapers on December 10 and 11, 2007. See also *Le Devoir*, April 3, 2007, page A7.

THE FIGHT AGAINST DISCRIMINATION

The fight against different forms of discrimination can follow many different routes. However, we can reduce them to a limited number that we will briefly mention. First, at a comprehensive level, which is the most decisive but also the most difficult, we can focus on social relations. It is a question for the government of focusing on the promotion of fair orientations and policies that are sensitive to inequality. Growth objectives must always make way for social sensitivity. The government also has at its disposal some means, undoubtedly modest against a backdrop of globalization, to discipline businesses.

Second, and at a more immediate level, remedial measures can be implemented to counter exclusion and the violation of rights. Our society is not lacking in this respect, far from it, and the government has already undertaken important initiatives in the past. These include the *Charter of human rights and freedoms* (1975), the important *Déclaration sur les relations interethniques et interraciales* (1986), equal employment opportunity programs for groups that are the victims of discrimination, such as women in the public service in 1987, in favour of ethnic minorities in 1990 and 2001, and so on, policies devoted to the status of women and in favour of gender equality, pay equity measures, the adoption by numerous public institutions of antiracism policies, the programs of the ministère de l'Immigration et des Communautés culturelles, in particular the support program for civic and intercultural relations (PARCI),[87] or the employment integration program for immigrants and visible minorities (PRIIME[88]) in the ministère de l'Emploi, the fight against racial profiling,* support for accommodation or adjustment practices, and the sweeping program that the current government is about to implement to more effectively combat racism and discrimination.

It is an entirely different matter to ascertain to what extent these key directions and policies are followed by concrete initiatives and, as the case may be, to evaluate their effectiveness.[89] Extensive criticism has been voiced in this regard, which one intervener summarized (undoubtedly a bit overly severely) in these terms: "Québec talks about inclusion but maintains practices that cause exclusion."[90] One of the anticipated risks is that the measures in force have been implemented piecemeal instead of in a coordinated, comprehensive manner. **The need to closely link the fight against poverty, inequality and discrimination** has been emphasized. Generally speaking, considerable vigilance is required here by public bodies, pressure groups, the media, independent researchers and monitoring or intervention groups such as the Table de concertation des organismes au service des personnes réfugiées et immigrantes, the Centre for Research-Action on Race Relations (CRARR), and other community interveners.[91] It would be advisable for the government to offer support to such agencies or increase such support. Moreover, the government should bolster the economic and social rights already guaranteed by the Charter by ensuring that they take precedence over Québec legislation in the same way as civil and political rights (sections 1 to 38), which is not now the case.

Third, the government could broaden the relations that it already maintains with the organizations of the ethnic minorities and ensure that it follows up on their proposals. The discontent expressed recently concerning the Table de concertation Maghreb is noteworthy. The community leaders who have just withdrawn from it embody precisely the values of modernity, integration and pluralism that our society wishes to promote. Do we want such leaders to lose credibility with their communities because of government inaction and be replaced by less conciliatory representatives?

87. Programme d'appui aux relations civiques et interculturelles.

88. Programme d'aide à l'intégration des immigrants et des « minorités visibles » en emploi.

89. It should be noted that equal employment opportunity access programs (PAE) in public agencies are combined with an evaluation mechanism that the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) manages. However, the programs of the public service itself are not subject to monitoring by the CDPDJ, which the latter has denounced for several years.

90. Montréal focus group that assembled interveners who work with immigrants and refugees, May 17, 2007.

91. Including 23 Québec Muslim organizations that grouped together in November 2007 to denounce the intolerance suffered by their members (see excerpts from their statement in *La Presse*, November 23, 2007, page A4).

Fourth, and in a spirit of interculturalism, it would be advisable to establish programs and projects that foster contacts between all ethnocultural groups. This could be an important area for action by volunteer workers. It has frequently been shown in the past that broadening interaction contributes significantly to mutual knowledge, the elimination of stereotypes and the reduction of ethnism.[92] Recent surveys focusing on the majority group's perceptions of the ethnic minorities have provided an eloquent example. Over the past 15 months, at least three surveys conducted respectively in December 2006 by Environics and in August 2007 and in February 2008 by Léger Marketing have confirmed the very strong correlation between broader interaction and the reduction in negative perceptions.

This correlation is well known. **It is not the proximate Other who disturbs or annoys but the remote, unknown, imagined or virtual Other, so to speak.**[93] It is the latter that must be dispelled from the imagination. In this matter, our forums have made an important contribution by **revealing immigrants in all their diversity and, perhaps even more importantly, by showing what they are not.**

There is a fifth path that we cannot overemphasize, i.e. education. It is during the first years of elementary school that sensitivity must be instilled to differences, inequality, rights and social relations, what is usually embodied in the notion of citizenship. The schools already do a great deal in this regard. Could they not do even more, for example, by further fostering the success of students from underprivileged milieus? We know that the question is a topical one. A request, reported by the media, has been made to open a school reserved for young Blacks, one designed for them in which they would regain a sense of pride and the desire for self-assertion, free of the obstacles and direct or indirect discrimination from which they are now suffering.

These reasons are legitimate and respectable, bearing in mind the school dropout rates in racialized groups.[94] We are nonetheless not in favour of this project. If the government follows up on it, this would sanction the public school system's inability to serve all citizens and would run counter to the integration model that our society advocates. It would, when all is said and done, poorly serve these students who, after spending several years in a separate environment, would have to overcome a significant hurdle to find their footing again in society. In other words, we would simply risk shifting the barriers from the school to society while accentuating them.

To conclude, we should emphasize the decisive role that institutions such as the courts or the Commission des droits de la personne et des droits de la jeunesse, and trade unions through collective agreements, which, by definition, seek to obtain the same rights for all members, play in the fight against discrimination.

92. "Ignorance leads to intolerance" (Denise Delage at the Saint-Hyacinthe forum on October 15, 2007).

93. "Quebecers don't have a problem with their neighbours but with the fantasized others" (an intervener in the Côte-des-Neiges forum on November 20, 2007).

94. For example, the secondary school graduation rate is 69% in the student population overall and 51.8% among students whose parents are Black. See M. McAndrew, J. Ledent and R. Ait-Said (2005).

A TIME FOR ACTION

Five observations emerge from our analyses and investigation. First, regardless of the formulas that our society develops to effectively combine cultural differences or to devise a common future, they will be largely doomed to fail unless the prerequisites are established. By prerequisites we mean the fight against underemployment, poverty, inequality, intolerable living conditions and various forms of discrimination. Much emphasis has been placed in the past on the cultural, linguistic, economic, demographic and civic (or legal) dimensions of immigration. **Priority must now be given to its social aspect.**[95]

Second, beyond government policies and the key economic interveners, we must consolidate the mandate of front-line interveners such as community agencies, local community services centres, neighbourhood schools and the local media, and grant them more extensive resources.

Third, access to services must be improved, i.e. access to French courses, which open the door to the main social networks, access to health care and access to training that leads to employment, accompanied by fair recognition of the diplomas and skills acquired.

Fourth, French-Canadian Quebecers are sometimes severely criticized. Caution is in order here. We must always be wary of imputing to racism certain attitudes or remarks that in actual fact stem from collective insecurity or, more precisely, from the exploitation of this insecurity. That being the case, it is true that these two factors, racism and insecurity, are not always easy to untangle.

Fifth and last, we have noted impatience among a number of specialists, managers and interveners, above all those who have been working in this field for a long time. There is a feeling that the purposes and directions defined by the government are the right ones but that action and means are not keeping pace.

95. "The social blueprint for an egalitarian Québec has largely yet to be realized" (M. Mc Andrew, 2008, page 157).

GENERAL CONCLUSION

To simplify, we could say that the reasoning in this report straddles three closely linked threads. The first one is interculturalism characterized by the equilibrium and creative tension that it produces between *a*) the imperatives of pluralism that the growing diversity of our society is engendering; and *b*) the necessary integration of a small nation that is a cultural minority on the continent. This premise dictates the entire plea for respect for the Other and in favour of interaction.

The second thread is that of open secularism accompanied, once again, by a delicate balance to be maintained between four key constituent principles, i.e. freedom of conscience, the equality of citizens, the reciprocal autonomy between churches and the State, and State neutrality. For compelling reasons that result both from respect for ethnocultural diversity and the protection of basic rights, this equilibrium demands that religious affiliations and practices not be concealed in the private sphere. The most sensible, effective way to become accustomed to cultural differences, including religious affiliations, is not to hide them but to display them. This is also the condition that enables us to promote them and to benefit from them.

The third thread encompasses harmonization practices as a concrete means of giving substance to the two preceding statements. Here again, we believe that the policy elements that we have proposed with respect to accommodation and adjustments strike a balance, on the one hand, between desirable or necessary adjustments and, on the other hand, respect for other people's rights and the smooth operation of institutions. With use, certain remedial measures will undoubtedly be necessary, but the general direction that we are proposing presents the twofold advantage of avoiding radical solutions, which are always to be feared in the realm of intercultural relations, and embracing what is already largely a part of the present life of institutions or public and private organizations.

For these reasons, we believe that our society should give a chance to these moderate proposals, designed to ensure in the long term the fair treatment of all groups.

As we have said, the proposals are moderate. This is, indeed, the appropriate formula at this time. Québec has reached a turning point. Over the next 5 or 10 years, a crucial challenge lies ahead, the outcome of which depends on Quebecers themselves and which could be decisive for our society's future. The test to which all democratic nations today are subject is their ability to establish equitable relations with their minorities and Québec is no exception.

In this respect, the majority ethnocultural group bears special responsibility because of the predominant influence that it exercises over institutions and collective decision-making. However, the stakes are the same for all Quebecers. Are we, among ourselves, going to play the mutual trust and integration card or, to the contrary, let ourselves slide towards a system of mistrust that will trigger and exacerbate precisely the effects that we fear, i.e. suspicion, rejection and withdrawal? In the latter case, the dreaded fragmentation and ghettoization will occur sooner or later accompanied by the all too familiar succession of human, economic and social costs that are usually associated with them. Until now, our society has guarded against such ills, which must be a source of satisfaction.

Now is the time to quote a remark by Karina Chami, an intervener at the hearings held in Montréal on November 28, 2007: **"Let us avoid bequeathing to our children a Québec that is too narrow for them."**

Once again, all citizens, all social interveners and, in particular, directors and managers should feel deeply concerned by the choices that Québec must make. We believe that the objective is clear: **integration in pluralism, equality and reciprocity is by far the most laudable, reasonable choice.** Our investigation overall and our reflections have thoroughly convinced us of this choice. Like all democracies in the world, Québec must seek to reach consensuses against a backdrop of growing diversity, renew the social bond, accommodate difference by combating discrimination, and promote an identity, a culture and a collective memory without creating either exclusion or division.

The main danger that we are facing is that the groups that make up our society combine their mistrust and (largely unfounded) reciprocal fears and thus jeopardize the rapprochement process now under way. In other words, there is a risk that our imaginary fears will engender a genuine danger. We are thinking, in particular, of the still fragile Québec identity that has taken shape in recent decades and continues to grow despite our differences or, more precisely, from our differences. Moreover, and quite rightly, it is abundantly but freely sustained by the French-Canadian heritage, a very rich heritage that is thus enjoying a new life not by closing in on itself but by opening up to the creative, fruitful contribution of the Other. This is precisely what it has done repeatedly in the past. In short, it is the future of the Québec nation that is at stake here.[1]

Four civic virtues will be necessary. The first one is **equity.** The danger is to focus excessively on cultural differences, which are usually superficial (the Muslim headscarf comes to mind) to the point of neglecting the serious difficulties that a number of immigrants are experiencing and the prejudices that they must endure. The second one is **reception, the encounter with the Other.** If the well-known "openness to the world" that permeates public discourse is to have meaning, it is in this field with the "world" that is here among us, i.e. our fellow citizens, that it must be exercised. The third civic virtue is **moderation and wisdom.** In the realm of intercultural relations, radical reactions, inflexibility and exclusion are paths to be rejected. Here, as elsewhere, extremes feed off each other. We must seek together to avoid triggering this spiral. The fourth civic virtue is **patience.** The members of the majority group must always remember that the integration of immigrants is a lengthy, complex, fragile process that sometimes demands two and even three generations.

Surveys on Quebecers' dispositions concerning diversity and intercultural relations reveal that like everywhere else, much remains to be done to overcome the gaps and barriers that never fail to arise. However, the reasons to hope are also compelling. First, there is the attitude of young people, who are very much at ease with ethnocultural diversity, mainly in Montréal but also in the regions (in the latter case, it should be noted that young people travel a lot, are very active on the Internet, are well aware of Québec's pluralist nature, and so on). In the same spirit, what Québec schools are accomplishing in the realm of intercultural relations is another guarantee of success. Moreover, in Montréal, relations between ethnic groups in every day life are, generally speaking, peaceful and civil. There are no squabbles or linguistic or racial riots here. Ongoing, coherent efforts in recent decades have put Québec on the right path.

In addition, many Quebecers appear to have learned a lesson from the accommodation crisis. From the media and elected representatives to the managers of public and private organizations, it is the entire governing class that has become more concerned about its responsibilities in respect of the quality of collective integration and the questions pertaining to it. This, at least, is what the tone of public debate, more subtle and cautious in recent months, suggests. We also believe that the vast majority of Quebecers share this new mindset. As we have already noted, we observe in the population a generally favourable attitude to immigration and a genuine desire to welcome immigrants.

We mentioned earlier the onus that falls on the majority group by virtue of the predominant influence that it exercises on institutions. Let us briefly return to the difficult challenge that we must now meet. Growth in diversity against a backdrop of globalization places the majority group in a complex situation that is not, however, unique as examples of it are found in several European countries. The anxiety and reluctance that the majority group is now experiencing should not come as a surprise, above all when we consider its history.

Indeed, it is important to understand the experience of French-Canadian Quebecers. They are members of a small minority nation in North America and their culture encompasses vivid recollections of humiliation, oppression sustained and overcome, struggles for survival, and battles that they have had to wage singlehandedly, without ever being able to rely on an external ally (France, for example, has not always been for French-speaking Québec a very attentive motherland). From this past has nonetheless emerged a taste for the future, a desire for affirmation and development at the same pace as other Western nations, a determination to engage in self-assertion and openness expressed in numerous ways, and a vitality that draws international attention to this unusual, improbably French-speaking community.

1. In this respect, comments heard during our consultations come to mind, such as those made by Mgr Blanchette at the Rimouski hearings on October 2, 2007: "We have a choice to make: let us make it on the basis of trust, not of mistrust" In a brief that she presented in Montréal to our Commission on behalf of Présence musulmane, Asmaa Ibnouzahir noted that "Change does not mean the abandonment of what defines us but instead the broadening of this definition." (page 18)

It would certainly be unfair to demand of small minority nations somewhat mistreated by history and constrained to grow by following a perilous course the assurance of imperial nations. In the course of their history they have advanced and withdrawn and experienced surges and doubts. What we have occasionally witnessed over the past two years among certain individuals is a nation founded on doubt and withdrawal. However, it would be wrong to generalize and, above all, to lay blame. Instead, it is necessary to refer to our analysis of the very specific coincidence that triggered and sustained the accommodation crisis: situational factors in Montréal inflated by the media and rumours revived among a number of French-Canadian Quebecers the anxiety experienced by minorities, already alerted by facets of the international situation.

All in all, it is fairer to rely on a turnaround and a forward-looking movement imbued with good faith and common sense, in a spirit of trust and reconciliation.

We do not doubt that this challenge will be met. Once again, the French-Canadian heritage offers a guarantee of hope. It is a history of resistance in adversity but it is also a history of founders who speak of recovery, pride, courage and daring. These qualities are not lacking in all immigrants who have been uprooted and most of whom must follow a difficult path to get their footing and rebuild their lives in their new country. It is thus on this common ground, that of the men and women founders, that reconciliation and solidarity must become rooted.

We all have responsibilities. We have just emphasized those of the majority group. As for immigrant Quebecers, they, too, have important responsibilities to assume. Their new home is a law-based society that wants to treat fairly all of its citizens. It is normal that they be welcomed fraternally so that they develop a desire to understand the history and sensitivities of the society with which they have chosen to associate, and that they be attentive to its anxieties and aspirations.

RECOMMENDATIONS

I. PRESENTATION AND DISCUSSION

In this sixth part of our report, we formulate recommendations and a number of suggestions centred on two objectives. The first objective is to specify and make official Québec society's key orientations concerning intercultural relations, in particular the integration model and the type of secularism to be promoted. The second objective is to formulate proposals geared either to the enhancement of existing policies, projects, programs and mechanisms, or to the creation of new ones.

In both instances, the recommendations are intended to more effectively pursue the key objectives that Québec has adopted in the realm of integration in a spirit of reciprocity, equality and pluralism. Certain recommendations, some of them general, others more clearly defined, have been grouped together by theme in the order in which they are examined in the report.

We present them in two sections. The first section briefly describes and discusses each recommendation. The presentation is, however, cursory and the reader is invited to examine the arguments presented in the chapters of the report. The second section lists our recommendations.

We could have confined the exercise solely to the field of accommodation in the strict sense. However, in keeping with our broad interpretation of our mandate, we decided to adhere to this perspective by expanding the range of our recommendations. Moreover, we wanted to reflect the key topics of concern that Quebecers evoked during our public and private consultations, which they regard as being closely linked to the accommodation crisis and inspired them to put forward numerous proposals.

Generally speaking, Québec society has made significant strides in the adjustment of its norms, institutions and ways of accommodating cultural diversity. Such progress is noteworthy and a source of satisfaction. However, the events that occurred in 2006 and 2007 should serve as a warning and draw attention to the shortcomings to be remedied. We note those that we believe must be considered as a priority.

1. INFORMATION

A considerable effort as regards information and intercultural awareness-raising remains to be made both in Montréal and in the regions. A broad array of interveners should feel concerned, ranging from the government, government bodies and institutions and community groups and including the media, businesses, labour unions, pressure groups and churches. Our consultations and, above all, our forums, revealed a blatant lack of information and many false perceptions. Each of us has a role to play in this mobilization against stereotypes, but the media's role is obviously decisive.

The objective is to foster the dissemination of pluralism such that Quebecers receive equal treatment from the standpoint of the protection of rights and, more specifically, access to services and employment.

There is also every reason to considerably bolster the means granted to agencies dedicated to informing and protecting citizens. We are thinking, first and foremost, of the Commission des droits de la personne et des droits de la jeunesse and the Conseil des relations interculturelles.

2. SHOW, EXPLAIN AND PROMOTE DIVERSITY

Members of the ethnic minorities must do more to make themselves seen and heard. An initiative such as *Ici Radio-Refuge*, established and operated by Montréal immigrants, should be encouraged and reproduced. There is every reason to establish theme days managed by highly visible organizations in the realms of sports, recreation and variety programs or associated with sites such as parks and squares that attract many visitors. Various initiatives should be broadened, e.g. the *Métissé serré* competition launched in 2007 by Radio-Canada, which encouraged young people between 18 and 35 years of age to produce short films on themes related to intercultural life.[1]

In the same spirit, three organizations could serve, to some extent, as models, i.e. the Fondation de la tolérance, the Institut du Nouveau Monde and Vision Diversité.[2] The government should increase their funding and also support the functioning or creation of similar organizations by assigning to them a mission centred on information, training, exchanges and debate throughout Québec. That being the case, we have learned of equally promising initiatives already under way or in preparation in the education and health sectors.

3. THE MEDIA

We wish to make three remarks concerning the media. First, we note that, in the accommodation crisis, certain members of the media have judged themselves much more harshly than the Conseil de presse, which, as it happens, has been very lenient. This agency should justify itself to the public and offer an assurance that it will be more critical in the future. As for the media themselves, their considerable power makes them a strong lever for integration as well as a very efficient stereotype mill. However, the self-criticism in which they engaged (see Chapter III) is reassuring, as is the quality of several programs and texts produced over the past year concerning Québec's pluriethnic nature.

1. The competition, renamed *Génération DX2*, has just been launched for 2008 and is now intended for secondary school students.
2. To obtain information on these organizations, please visit their Websites: Fondation de la tolérance (www.fondationtolerance.com), Institut du Nouveau Monde (www.inm.qc.ca), and Vision Diversité (www.visiondiversite.com).

In another connection, several individuals pointed out to us that media staff receive insufficient intercultural training[3] and that journalists from the ethnic minorities are under-represented. The combination of these two factors occasionally leads to insensitivity to differences that can have a highly negative impact.[4]

Our attention was also drawn to the limited visibility on television and in films of members of the ethnic minorities. Moreover, observers deplore that when they do appear, it is usually in the roles of foreigners or members of fringe elements that root them in their difference rather than simply as Quebecers.

It is incumbent upon media managers and professionals to take the necessary remedial action.

As we did not observe any indication of a crisis in public institutions, we do not believe it necessary to propose radical changes in accommodation practices and their treatment. However, we are proposing corrective measures in respect of certain problems that we pinpointed.

1. GUIDELINES

In Chapter VIII, we saw that decision-makers have guidelines of different orders to which they can refer when handling harmonization requests. With that in mind, we believe that public or parapublic institutions would be better off adopting (some of them have already done so) policies governing the formulation and adaptation to their milieu of different types of guidelines, e.g. restrictive guidelines, ethical reference points and incentives.

The government could clarify and promote the common civic framework or what we have called common public values. As we have seen, these values comprise the rights and freedoms enshrined in the charters and Québec's major societal choices (the *Charter of the French language*, the integration and interculturalism policy, the equality of individuals, and so on). It is imperative for politicians to clearly assert and defend the common public values that underpin cohabitation. For example, comments to this effect in the weeks preceding the establishment of the Commission would undoubtedly have contributed to sustaining more measured, enlightened debate. They would have also reassured Quebecers of the existence of guidelines and reference points that allow for the management of accommodation requests and, more generally, the management of cultural and religious diversity in Québec.

2. DEJUDICIALIZATION OF THE HANDLING OF REQUESTS

The approach advocated to the handling of accommodation requests in the citizen sphere must be accompanied by significant measures. The accountability of interveners in the institutional milieus assumes that they have received adequate training, which does not always appear to be the case in light of the requests and critical comments submitted to us. In particular, we learned that

3. It was noted, for example, that universities or schools of journalism in the Anglo-Saxon countries offer teaching on the coverage of ethnic diversity and that the equivalent does not appear to exist in Québec.

4. For example, interveners from the educational milieu informed us that they had already acquiesced to accommodation requests that they nonetheless deemed to be unreasonable for fear of being pilloried by the media (at a time when political correctness held sway in public discourse). It subsequently gave way to the opposite extreme. As a result, managers feared being overly permissive. B. Fleury (2007, page 170).

the teacher training program devotes little classroom time to intercultural training. More generally, the pluralist philosophy does not seem to have advanced as much as we might have thought in Québec, as reflected in this assessment formulated by Bergman Fleury, Chair of the Fleury Committee: " ... the application of this generous ideology of pluralism ... has not led among public service agents to an equivalent mastery of the practical means of resolving value conflicts."[5]

The appropriate measures should thus be adopted in the form of specialized or other sessions for the staff of all public institutions (such activities have been carried out for several years and should be stepped up). The idea of training mediators or resource persons also warrants closer examination (the Université de Sherbrooke recently proposed to the government a program for this purpose). One way or the other, we must ensure that we avoid imposing on students in the educational milieu practices that are contrary to their beliefs, subject to undue hardship. Similarly, in the health sector, interveners should seek to avoid serious medical consequences stemming from an ignorance of the patients' culture. As for the latter problem, several organizations in the health sector drew our attention to the high costs engendered by the need to resort intensively to the services of interpreters. This is a financial obstacle that must be overcome.

These measures will inevitably engender costs. Montréal Cegeps, in particular, have complained that they do not have sufficient resources to meet the acute intercultural challenges that they are facing. The Fleury Committee[6] also noted these difficulties and we have adopted its recommendations in this respect. Other worthwhile measures would have little financial impact, e.g. exchange and collaboration activities between units in a given establishment or between establishments in the same sector. Participants strongly emphasized the need to better inform immigrant and other parents about adjustment practices and the functioning of the school system.

3. INSTRUMENTS AND MECHANISMS

Another problem concerns the inadequate dissemination of the knowledge or concrete expertise acquired by interveners. For example, in the educational milieu, no appropriate mechanisms exist to ensure the transmission of the valuable knowledge acquired. We approve in this regard the comments formulated by the Fleury Committee. According to a number of officials, despite the efforts made until now, there is still a great need for guides and instruments that record the knowledge acquired for new interveners (teachers, health professionals and others).

In the same vein, we are taking the liberty of suggesting to the establishments (once again, for those that have not already done so) the adoption of procedures and mechanisms that enable them to implement the contextual, deliberative and reflexive approach described in Chapter VIII. Here, the establishments could draw inspiration, where appropriate, from the clinical ethics committees that have been in operation for several years in the hospitals. Such bodies would be able to provide advice, solve problematical cases and disseminate expertise in the realm of adjustment.

4. AMENDMENT OF THE CHARTER

We approve the insertion in the Québec Charter of an interpretative clause that establishes gender equality as a core value of our society. A number of observers believe that such a provision would offer an additional guarantee that this value will not be threatened by certain adjustment requests, which obviously does not exclude the possibility of exceptions for certain acceptable reasons (see Chapter VIII). That being the case, the interpretative clause should not lead to any form of hierarchical ordering of the rights stipulated in the charter. Moreover, it should not divert the government's attention from the significant socioeconomic problems that many women continue to face in our society, in particular immigrant, elderly, aboriginal and disabled women.

5. B. Fleury (2007, page 170).

6. B. Fleury (2007, pages 45-46).

5. AN OFFICE D'HARMONISATION INTERCULTURELLE

In response to the wish expressed by numerous individuals or groups, we propose the establishment of a paragovernmental body that could report to the current Conseil des relations interculturelles. It would work in complementarity with other organizations in closely related fields. The body could: *a*) offer information to the general public, heighten public awareness and play a coordinating role with respect to harmonization practices; *b*) serve as a permanent forum for exchanges between ethnic groups and religious denominations; *c*) collect information on harmonization practices, establish library holdings and manage an online database; *d*) offer a consulting service devoted to mediation, consultation or troubleshooting for individuals, families and public and private agencies; *e*) offer training sessions; *f*) conduct applied research on harmonization practices and questions directly related to such practices; and *g*) maintain ongoing relations with the media, not in a spirit of denunciation but in a spirit of collaboration and prevention,[7] to avoid outbursts such as those that occurred in 2006 and 2007.

Let us make clear that the purpose of such an agency would be to offer support to different institutions, not to manage in their stead harmonization requests. However, its functions would include fostering the pooling of knowledge and the experience acquired between milieus.

6. RELIGIOUS HOLIDAYS

With regard to religious holidays, we believe that public and private administrators should opt for paid leave with compensation,[8] which strikes us as the fairest formula for all workers. It consists in refusing to grant any additional paid leave. However, requests can be accommodated through various procedures, e.g. banked leave, personal holidays or floating personal holidays, or statutory holidays, or employees can undertake to perform the hours of work.

7. THE PROMOTION OF HARMONIZATION PRACTICES

It would be advisable for the government to encourage emulation among public and private employers with respect to harmonization practices, for example, by granting awards for excellence. Big government-owned corporations such as Hydro-Québec, the Société des alcools du Québec or Loto-Québec could play a key role in this respect.

7. Based on the Commission for Racial Equality and Human Rights in Great Britain.

8. It should be noted that this formula is already widespread in the public administration.

1. IMMIGRATION

We cannot fail to approve the ministère de l'Immigration et des Communautés culturelles' current policy in favour of French-speaking immigrants. A number of individuals and groups suggested that stronger emphasis be placed on the recruiting of greater numbers of foreign students and the enhancement of measures to encourage them to settle permanently in Québec. This promising avenue must be explored further. Through their studies, these young people would already have achieved a large part of their integration into our society. As for the anticipated numbers of immigrants recruited, we deem them to be legitimate and realistic insofar as the government is willing to increase accordingly the funds earmarked for reception and integration, especially with respect to employment. There is a balance that the government must seek to sustain.

2. RECEPTION

Several representatives of community groups told us they were overwhelmed. Over the past 10 years, per-capita spending on immigrants has declined while needs have increased. It is of the utmost importance that newcomers not be marginalized upon arrival here. Seemingly mundane initiatives can make a great difference in this respect.[9]

That being the case, we have not followed up on the request by members of the public to have restored the Centres d'orientation et de formation des immigrants (COFI). There appears to be a misunderstanding in this respect. We have learned that the services that the centres formerly offered are now more efficiently managed by another organization. French language instruction is now provided according to a formula better adapted to the needs of different clienteles and is distributed among universities (15%), Cegeps (70%) and community agencies (15%).

3. EMPLOYMENT

We have emphasized the importance of entry into the labour market as a means of integrating newcomers. Our first recommendation in this regard focuses on the recognition of skills and diplomas acquired abroad. We are delighted by the initiatives announced between December 2007 and February 2008 to mitigate this difficulty, i.e. a three-year agreement between the ministère de l'Immigration et des Communautés culturelles and the Ville de Montréal accompanied by a $4.5-million subsidy; an agreement with a number of professional orders, including the Ordre des ingénieurs du Québec; a proposed France-Québec agreement; and the establishment by the government of a $5-million fund to develop skills assessment tools to increase worker mobility. Other initiatives were announced in late March 2008. However, these decisions, which are certainly a step in the right direction, are insufficient and must be broadened and better supported.

Furthermore, an independent fact-finding committee should be set up to shed light on the practices of the professional orders, which are not free from conflicts of interest. We have received the assurance that certain professional orders conscientiously fulfil their responsibilities but the others arouse concern. In the same spirit, there is a need to better protect immigrants who are now unable to call into question the professional orders' decisions.

In October 2007, the Collège des médecins du Québec announced the relaxation of rules to broaden the possibilities for foreign physicians to practice here. The Commission des droits de la personne et des droits de la jeunesse has also taken the initiative to launch an investigation of the requirements that university medical faculties impose on foreign physicians. All of these approaches warrant close scrutiny.

Moreover, the Conseil interprofessionnel du Québec explained to us during hearings that its recommendations on refresher training for immigrants are often not acted upon or are only partially applied because of partner organizations. Universities, Cegeps and the Office québécois de la langue française are singled out in this regard. For various reasons, these organizations do not appear to provide as they should the expected services. It is urgent to clarify this situation and rectify it.

Again from the standpoint of integration into the labour market, we should establish a task force to take stock of the under-representation of members of the ethnic minorities in positions in the public administration. This problem is a longstanding one and we seem to be powerless to resolve it. The task force would have a mandate to assess previous attempts, pinpoint obstacles and formulate solutions. A vigorous effort is called for in this regard.

9. One example is the *Guide de la vie quotidienne à l'intention des immigrants* that the Service de la diversité sociale of the Ville de Montréal is now elaborating.

4. FRENCH LANGUAGE INSTRUCTION FOR IMMIGRANTS

Although the French language in Québec has clearly lost its pulling power from an economic standpoint, it remains an essential asset for access to employment, as revealed by extensive testimony from immigrants and the managers of organizations that work with immigrants. According to the same testimony, there are considerable needs to be satisfied in this respect. The new francization measures that the government announced in March 2008 are a step in the right direction.

Among the numerous recommendations that were proposed during our consultations and that we approve, mention should be made of the harmonization of programs offered by the ministère de l'Immigration et des Communautés culturelles and the ministère de l'Éducation, du Loisir et du Sport;[10] the abolition of the maximum deadline for eligibility for free, full-time French language courses and for access to financial assistance (participation allowance); compliance with the maximum deadline of 65 business days allowed between the date of eligibility and the beginning of classes;[11] the implementation of the online training program in French to enable would-be immigrants to use it in their country of origin; and more extensive course offerings and measures to ensure access to francization aimed at newcomers in Québec's regions.

5. IMMIGRATION AND INTEGRATION OUTSIDE MONTRÉAL

To revitalize the regions and at least partly satisfy their manpower needs, but also to offer newcomers an integration option other than the Montréal area, it strikes us as highly desirable for the government to pursue its efforts to regionalize immigration. This effort has produced results, to the great satisfaction of regional authorities and, as far as we were able to judge, to the satisfaction of immigrants themselves. In the same spirit, we believe that it is necessary to strengthen the role of the Capitale-Nationale as a second hub for receiving immigrants. The region offers favourable conditions such as demographic concentration, low under-employment, and so on.

Furthermore, is it unrealistic to think that the ministère de l'Immigration et des Communautés culturelles might, in a spirit of decentralization, delegate broader responsibility to regional authorities? The result would be greater motivation in the regions to welcome immigrants and better adaptation to local conditions of integration measures or programs.

To foster the regionalization of immigration, it would first be advisable to ensure better coordination between regional authorities such as the regional conferences of elected officers, the municipalities and so on. What is important is to maintain a comprehensive perspective, elaborate general policy directions, maximize program efficiency, and engage in interdepartmental follow-up.

To stimulate regionalization, we recommend the adoption of incentives such as fiscal measures aimed at businesses that recruit immigrants. Another relevant initiative would be to ask the regions to make known their needs and elaborate projects that rely on immigrant workers.

It would be advisable to encourage and broaden agreements governing student training sessions or exchanges such as those between France and Québec, which bring foreign students to Québec's regions.

6. A MORE COHERENT, BETTER ARTICULATED APPROACH

One frequently voiced criticism concerns the method of managing resources and efforts devoted to the socioeconomic integration of immigrants. Several participants emphasized a lack of coordination between the key interveners, i.e. government departments, businesses, community agencies, government services, municipalities and other public bodies. More integrated or transverse management, which would include immigration-related questions in a comprehensive perspective of the development of our society,[12] is indispensable.

10. Eliminate overlapping, inconsistency, e.g. one department pays allowances and the other one does not, and even competition.

11. In 2006-2007, 24% of new students exceeded the deadline, according to the 2006-2007 annual report of the ministère de l'Immigration et des Communautés culturelles.

12. We have taken this passage from the brief submitted by the Table de concertation des organismes au service des personnes réfugiées et immigrantes (page 20). The Conseil des relations interculturelles put forward a similar proposal in its brief (page 4).

Various interveners deplored that the government department responsible does not have at its disposal adequate indicators to accurately assess the impact of its numerous programs and measures on the integration process. This appears to be a significant shortcoming that needs to be remedied.

7. FUNDING

In March 2008, the government announced an increase in the budget of the ministère de l'Immigration et des Communautés culturelles earmarked for francization and employment integration measures. The increase was well received but seems insufficient bearing in mind the apparent needs. Observers from all quarters note that reception and integration programs are chronically underfunded. A number of interveners and researchers refer in this respect to a major obstacle. It should be noted that the $125-million budget of the ministère de l'Immigration et des Communautés culturelles devoted to its immigration and integration mission did not change between 2001-2002 and 2006-2007. Observers were thus rightly concerned last October when the media announced the government's decision to cut staff in the department by 11% at a time when the number of immigrants continues to increase. Similarly, controversy surrounding the use of federal compensation under the *Canada-Quebec Accord on Immigration* has sowed confusion in people's minds over the past year. We must ensure that this money is not diverted to other budget items.

Among the key organizations, programs or projects that appear to require priority support or more extensive funding, mention should be made of:

- community groups, local community service centres and other front-line agencies that help newcomers;
- municipalities outside Montréal and the numerous reception and assistance agencies that have been established in the regions;
- the creation of a special grant fund for applied research reserved for universities and Cegeps in the regions, centred on the general theme of regional immigration;
- the development of a system and reference tools to evaluate and recognize skills and diplomas acquired abroad;
- intercommunity action projects that assemble interveners from different ethnocultural milieus on concrete projects.

Reliance on Québec volunteers, a tremendous resource, to welcome and integrate immigrants is another idea that warrants attention.

8. THE MINISTÈRE DE L'IMMIGRATION ET DES COMMUNAUTÉS CULTURELLES

Furthermore, it would be advisable to rename the existing ministère de l'Immigration et des Communautés culturelles and call it the ministère de l'Immigration et des Relations interculturelles in order to more accurately reflect its mission. The reference to the cultural communities, which has a connotation of splitting up that is contrary to the spirit of the civic and cultural integration model that Québec advocates, should also be eliminated. However, we must ensure that this measure in no way penalizes the members of the ethnic minorities and their associations.

1. PROMOTION

Interculturalism, as we described it in Chapter VI, is the Québec version of the pluralist philosophy, just as multiculturalism is its Canadian version. We recommend to the Québec government that it vigorously promote interculturalism throughout Québec society, as Canada has successfully promoted multiculturalism for nearly 40 years. Interculturalism, implemented by all Québec governments for several decades, must be more widely publicized and celebrated. Quebecers are at present unaware of it.

One of the most effective ways would be to enshrine interculturalism in a statute, a statement of principle or a declaration that specifies its purposes, principles and applications. In addition to laying down core values and key policy directions, such an initiative would afford an opportunity for soul-searching and fruitful debate in our society and in the National Assembly. It would be important that this official text define interculturalism in a broad, flexible perspective and that it articulate the model of intercultural relations from a civic, legal, economic and social standpoint, in keeping with the spirit of integrative pluralism.

2. INTERACTION

One characteristic of interculturalism is its insistence upon the importance of interaction to reduce cultural distances. As we know, this is an effective means of preventing or reducing the attendant stereotypes and tensions. We should encourage such interaction in all fields of activity. Here are some examples: in the schools, despite teachers' and managers' efforts, distances and even resistance remain, especially among students from the host society.[13] Intercultural school practices, which are already widespread, should be stepped up. Joseph Morelli, a teacher from the Lanaudière region, submitted to us a brief in which he showed the merits of sports activities as a medium for shared values. Intercommunity action projects, such as those funded by PARCI,[14] should be more generously supported, along with exchange initiatives such as the interfaith cooperation activities carried out in the Faculté de théologie et de sciences des religions at the Université de Montréal, particularly Dialogue inter-visions du monde.

The joint celebration at McGill University by believers of different faiths of religious holidays in October 2007 is another path to follow. We must encourage policies such as the one adopted by the Ville de Montréal, which offers grants to ethnic groups while stressing the pluriethnic nature of the activities funded, e.g. the Week-ends du Monde at Parc Jean-Drapeau. First- or second-generation immigrant Quebecers who have experienced integration might act as intermediaries between newcomers and the host society. All forms of immersion, mentoring and tutoring, for example, in the schools,[15] and sponsorship or twinning should be supported.

One initiative consists in organizing exchanges between students from Montréal and the regions. Such a program, PEJMS,[16] was successfully tested in Québec in 2000-2003. It was subsequently abandoned and replaced by a much more modest project, for which resources are clearly inadequate. We believe that it is an urgent matter to restore this twinning program.[17]

Similarly, we have noted that Montrealers from the ethnic minorities travel to a limited extent in the regions of Québec. This form of tourism warrants encouragement and is a longstanding objective that the ministère du Tourisme and regional tourism associations are already striving to achieve, but it would be advisable to step up these efforts.

13. According to the study by Marilyn Steinbach, Département de pédagogie, Université de Sherbrooke (publication pending).
14. The Programme d'appui aux relations civiques et interculturelles in the ministère de l'Immigration et des Communautés culturelles.
15. The Fleury Committee has already recommended such initiatives.
16. At the time, the ministère des Relations avec les citoyens et de l'Immigration was responsible for the Programme d'échanges de jeunes en milieu scolaire.
17. Two documents submitted to us by Gilles Rioux and Robert Sorel are available for consultation in the Commission's archives: *Les Échanges culturels pour les jeunes entre la métropole et les régions. Proposition d'orientation.* Montréal, April 30, 2007, 6 pages and an appendix. *Création d'un programme d'échange de jeunes entre Montréal et les autres régions du Québec.* Montréal, July 27, 2007, 4 pages.

3. THE COLLECTIVE MEMORY OF IMMIGRANTS

We have mentioned several times in this report the paths followed by immigrants as unique human experiences that are often quite remarkable in various ways. In a spirit of renewal and enrichment of Québec's collective memory, it is urgent to collect these stories from the individuals concerned. To this end, we recommend the creation of a special life history fund covering a program of interviews with a broad sampling of immigrants. The resulting oral data bank would be accessible to researchers and the general public and would be a valuable addition to our historical heritage. The Bibliothèque et Archives nationales du Québec could manage this project.

We added this theme to our mandate when it was introduced into our public consultations in Gatineau last September and was then insistently repeated until the conclusion of our deliberations. We are well aware of being at the limit of our field of action. Moreover, there is no lack of organizations that are now examining the matter. We are thus cautiously formulating the comments that follow, without making formal recommendations in this respect. That being the case, in at least two ways French is closely related to the themes of our mandate, from the standpoint of immigration and the schools.

1. MANAGEMENT OF BILL 101

We support the proposals put forward recently during public debate calling for the Office québécois de la langue française to report directly to the National Assembly. Without wishing to get involved in the recent controversy surrounding certain of the agency's decisions, we note that its credibility has suffered as a result of what was perceived as a problem of transparency. Given the French language's exceptional importance in Québec, it is in everyone's interests that the Office be free of any possible political interference or any appearance of interference.

Last March, the government announced a 20% increase in the budget earmarked for the protection of the French language. We therefore expect more sustained initiatives from the Office, in particular with regard to research.

2. FRENCH IN THE WORKPLACE

The government has also announced welcome francization measures in businesses.[18] We believe that it is useful to convey a suggestion that was often made to us, that the government extend the application of Bill 101 to businesses with 20 to 49 employees, which covers roughly 400 000 workers. However, doubt has arisen concerning the effectiveness of such a measure, given the costs that it would engender for the government and for small enterprises. We ask that the Office québécois de la langue française study the parameters of such a proposal to determine at what point the maximum return is achieved in terms of the burden assumed and the gains made.

18. It has just announced the establishment of a refundable tax credit for the francization of businesses, including those with fewer than 50 employees.

We have adopted the recommendation that the Commission des droits de la personne et des droits de la jeunesse submitted to legislators in 2003 concerning economic and social rights. This recommendation sought to bolster the economic and social rights already guaranteed by the Québec Charter by ensuring that they have priority over any Québec legislation in the same way as human and political rights (sections 1 to 38). Such priority is still not assured.

Furthermore, on the general theme of inequality and discrimination, we will confine ourselves to a number of key recommendations. We are aware that the government is about to unveil its policy to combat racism and discrimination. Let us simply point out the importance of becoming more familiar with the forms of racism and ethnism in our society, paying closer attention to hate crimes,* combating stereotypes, and overcoming ignorance of the religions and cultures of ethnic minorities by means of vigorous information campaigns. On this topic, we approve a recommendation made to the government in 1994 by the Commission des droits de la personne et des droits de la jeunesse that the Québec Charter include a provision prohibiting public incitement to discrimination.[19]

As we saw in Chapter XI, our investigation has revealed to us the extent of xenophobic and even racist feelings in respect of Muslims and Jews. We regard this as an important source of concern that should receive an urgent response.

Still in the realm of the fight against racism and discrimination, the government should make its mandataries and agencies accountable for the results of their action plans by establishing accountability based on objectives and performance indicators. It would be advisable for the private sector to follow the same path concerning the evaluation of diversity management.

In addition, it would be important to make the most of the contribution of labour unions, employers, the media and community agencies. We are also thinking of remedial measures that would take the institutional and legislative route, e.g. broaden the means available to the Commission des droits de la personne et des droits de la jeunesse, establish a monitoring agency, introduce into the Québec Charter provisions prohibiting public incitement to discrimination and perhaps also include in it the cultural rights of minorities.

One observation that emerges strongly from our consultations is that it is pointless to talk about interculturalism if we do not act with respect to labour market integration and the fight against discrimination. This explains the importance of a vigorous campaign in this regard, otherwise, intercultural discourse risks losing a great deal of its effectiveness. In this respect, we should verify assertions that employers appear to refuse to hire certain categories of citizens to avoid adjustment requests or for fear of being prosecuted.

19. It should be noted, moreover, that, unlike other Canadian provinces or cities, neither the Sûreté du Québec nor the Service de police de la Ville de Montréal maintains a special unit to combat hate crimes. This type of crime is the responsibility of the Service à la lutte contre le terrorisme at the SQ and of the organized crime division of the SPVM.

G SECULARISM

Based on the proposal that we elaborated in Chapter VII of this report, we believe that it would be advisable for the executive branch of the government to take over from Quebecers, examine this question and produce a document that could take the form of a white paper on secularism. This type of document submitted by the government to the National Assembly focuses on a question of public interest and presents a problem, the objectives pursued, the means that can be implemented, and the option that it emphasizes.

Indeed, it is important at this stage in Québec's history for the State to formalize and spell out the conception of secularism that already prevails in practice and, in doing so, to confirm and clarify the guidelines that define it. Contrary to the situation that prevailed prior to the adoption of the *Charter of the French language*, the current situation does not require the adoption of a series of legislative measures aimed at introducing an entirely new system.

As for the wearing by agents of the State of religious signs, we recommend that magistrates and Crown prosecutors, police officers, prison guards and the president and vice-president of the National Assembly be prohibited from doing so. However, we believe that all other government employees such as teachers, public servants, health professionals and so on should be authorized to wear religious signs. We believe that the rule of balance that underpins our entire approach dictates these two provisions (see, in this regard, section D of Chapter VII).

In the name of both the separation of the State and churches and State neutrality, we are of the opinion that the crucifix should be removed from the wall of the National Assembly, which is the very embodiment of the constitutional state. For the same reason, the saying of prayers at municipal council meetings should be abandoned in the many municipalities where this ritual is still practised.

Under current conditions, demand for private ethno-denominational schools is expected to increase, along with demand for public funding. This perspective concerns a number of people, who believe that such a trend would run counter to the Québec integration model. Furthermore, a number of participants in our hearings proposed a moratorium on the development of new ethno-denominational schools in order to re-examine the entire question. We hope that the government will pay attention to these questions. It would also be advisable to clarify the very definition and the exact status of these schools. Moreover, we should resolve the problem of illegal schools, which lead to the students' marginalization.

We strongly recommend to the government that it vigorously promote the new Ethics and Religious Culture Program that is to come into force in September 2008. It is important for the public to be aware of the program's precise purposes and content and the essential role that this teaching is to play in the Québec of the 21st century.

It would be useful for the government to produce and disseminate each year for the managers of institutions or public or private organizations a multidenominational calendar that indicates the dates of religious holidays. Through this initiative, school examinations and important events could be scheduled without creating conflicts for anyone.

H RESEARCH TO BE CONDUCTED

1. One conclusion that we have drawn from our investigation is that we do not have sufficient knowledge of the state of interculturalism. We must launch surveys of the state or the frequency of interaction between ethnic groups[20] and, by means of indicators that have yet to be elaborated, evaluate the impact of existing programs and take stock of what has been accomplished in the wake of the 1990 policy statement in light of its key objectives (knowledge of Québec society among immigrants and the ethnic minorities, intercultural rapprochement, the development of pluralism, and so on).

   A number of research themes come to mind, such as identification by first- and second-generation immigrants with Québec society; attachment to the culture of origin and participation in ethnic organizations as factors of integration or isolation; the measurement of interethnic relations and unions and other similar indicators that reveal changes in intercultural distances; changes in ethnocultural concentrations and their significance from the standpoint of compartmentalization;[21] the extent to which students who graduate from ethno-confessional schools integrate into Québec society;[22] the cultural contribution that immigrants make and transcultural exchanges; the nature of and changes in the social and cultural fabric in multiethnic neighbourhoods in Montréal; the state of intercommunity action and its impact on integration; and the process of edifying Québec's collective memory.

2. We must elaborate indicators that measure the impact of numerous government programs pertaining to reception, employment, the fight against discrimination and cultural integration.

3. We recommend that studies be carried out to clarify the situation of various sub-groups and, in particular, to monitor the social development of young people from racialized minorities. For the reasons that we have indicated, immigrant women also appear to warrant special attention, along with the disabled and homosexuals. These categories of citizens are subject to what we called multiple discrimination. Here again, there is an obvious need to elaborate indicators to measure the impact of the existing programs.

4. As we mentioned earlier, we must encourage research in the regions on the broad theme of immigration.

20. Existing data reveal that such interaction increased in the 1990s. However, more recent data assembled in a different format do not allow for a diachronic comparison.

21. We have observed that such concentrations are not necessarily synonymous with a lack of receptiveness to others since social relations are not always confined to the residential environment. For an example of this type of research, see X. Leloup and M. Radice (to be published in 2008).

22. Once again, we must avoid making overly glib inferences. Some research has shown that students who attend ethno-denominational schools do not suffer from marginalization. See P. Sercia (2004).

II. RECOMMENDATIONS

SUMMARY

The following recommendations are centred on five themes:

1. First, we are calling for new definitions of policies or programs pertaining to interculturalism, such as a statute, a declaration or a policy statement, and to secularism, e.g. the proposed white paper (recommendations D1 to D5 and G1 to G5).

2. The theme of integration seems pivotal in more than one respect. It centres, first of all, on the recognition of immigrants' skills and diplomas, then their francization, followed by a broader effort to regionalize immigration and, finally, better coordination between government departments (recommendations C1 to C9).

3. From the standpoint of intercultural practices, especially mutual understanding, our recommendations highlight *a*) the need for broader training among government employees in all public institutions, starting with the schools, because of the role that they play in socialization and *b*) the need to more extensively encourage community or intercommunity action projects and practices (recommendations A1 to A4).

4. In keeping with the harmonization policy formulated in our report, our recommendations are intended to foster the accountability of interveners in the citizen sphere (public institutions and private agencies) by ensuring that they have received adequate training. In particular, we are asking the government to ensure that the practical knowledge acquired in institutions be recorded, promoted and disseminated in all of the milieus concerned (recommendations B1 to B9).

5. Another priority concerns the fight against inequality and discrimination. Our attention centres primarily on *a*) the under-representation of ethnic minorities in jobs in the public administration; *b*) the urgent need to combat forms of multiple discrimination, Islamophobia, anti-Semitism and the racism to which racialized groups, especially Blacks, are subject; *c*) the support to be offered to immigrant women; *d*) the need to increase the resources of the Commission des droits de la personne et des droits de la jeunesse; and *e*) the strengthening of economic and social rights in the Québec Charter (recommendations E1 to E3).

The final recommendations focus on the requisite support from the government in respect of research devoted to what we deem to be priority topics (recommendations H1 to H2).

The recommendations that we believe have top priority appear in colour in the text.

A LEARNING DIVERSITY

The Co-Chairs recommend that:

A1 the Québec government provide much more extensive funding to organizations with a mandate to inform and protect citizens. We are thinking, first and foremost, of the Commission des droits de la personne et des droits de la jeunesse and the Conseil des relations interculturelles;

A2 the government encourage projects and initiatives that enable members of the ethnic minorities to make themselves more extensively seen and heard by the general public through radio or television programs, theme days, and so on;

A3 the government increase financial support for organizations such as the Fondation de la tolérance, the Institut du Nouveau Monde and Vision Diversité. It should also encourage the creation of other similar projects throughout Québec devoted to information, training, intercommunity action, intercultural debate and the dissemination of pluralism;

A4 the government also increase its support for similar, equally promising initiatives already under way or in preparation in the education and health sectors.

B HARMONIZATION PRACTICES

The Co-Chairs recommend that:

B1 the government broaden its efforts to promote the common civic framework or what we have called common public values in institutions and among Quebecers in general;

B2 the managers of public institutions step up their efforts to:

- adapt to their milieu and express in concrete directives the key guidelines governing the management of adjustment requests;
- pursue the implementation of the so-called contextual, deliberative and reflexive approach;

B3 in keeping with the objective of dejudicializing the handling of accommodation requests, the government foster the accountability of interveners in institutions by ensuring that they have received adequate training. Some examples are the modification of the training program for future teachers to include additional instruction time devoted to intercultural questions and the organization of specialized sessions for current teachers;

B4 the government ensure that health care establishments have sufficient funds to cover their needs for interpreters' services;

B5 the government implement the necessary mechanisms to:

- establish in each institution practical expertise in the realm of the handling of adjustment requests;
- disseminate in each establishment, in particular among new employees, the knowledge that interveners have accumulated;
- implement exchange and cooperation initiatives between units in a given establishment or between establishments in the same sector;
- better inform newly arrived immigrant parents about adjustment practices and the operation of the school system.

B6 The Co-Chairs approve of the initiative now under way in the National Assembly to introduce into the Québec Charter an interpretative clause that establishes gender equality as a core value of our society.

Moreover, the Co-Chairs recommend that:

B7 the government establish an Office d'harmonisation interculturelle, a paragovernmental body that reports to the Conseil des relations interculturelles, which works in tandem with other agencies in related fields. This body would, in particular, play a role with respect to information, training, coordination, advice, and research centred on intercultural harmonization practices, including interdenominational practices, in our society.

B8 Religious holidays:

The Co-Chairs recommend that:

- the government encourage public and private administrators to adopt paid leave with compensation accompanied by possibilities for adjustment;

- the Commission des droits de la personne et des droits de la jeunesse produce an advisory opinion that establishes practical reference points for managers in all work environments, including an explanation of the legal framework, the elaboration of tools to rule on requests for religious holidays and the proposal of an array of formulas in keeping with previous court decisions and adaptable to each workplace;

- as regards problems stemming from the system of religious holidays in force in the school boards, i.e. extra paid leave, that the government set up a select panel to find a fair solution that conforms to the current legal framework of the system of religious holidays, following consultation with the key interveners concerned;

B9 the government highlight excellence in the realm of harmonization practices in the workplace by:

- encouraging big government-owned corporations to assert leadership in this field;

- publicly honouring public- or private-sector employees who have distinguished themselves through their integration and harmonization efforts.

C THE INTEGRATION OF IMMIGRANTS

The Co-Chairs recommend that:

C1 from the standpoint of the planning of immigration rates, the government make sure that the number of immigrants admitted corresponds to the reception resources available, especially in respect of labour market integration and francization;

C2 in order to overcome a serious deficiency that is now apparent, the government increase funding for community groups and other front-line organizations devoted to welcoming and integrating immigrants, in particular to consolidate and develop the existing network of organizations while avoiding a piecemeal approach;

C3 the government step up its efforts in respect of the francization and integration of immigrants by:

- ensuring better coordination between the government departments concerned of francization programs for immigrants;
- establishing a task force to review the entire question of the under-representation of members of the ethnic minorities in positions in the public administration and designing a more effective approach in this respect;
- achieving more concerted management of government integration programs and measures, more specifically between the ministère de l'Immigration et des Communautés culturelles, the ministère de l'Éducation, du Loisir et du Sport, the ministère de la Santé et des Services sociaux, and the ministère de l'Emploi et de la Solidarité sociale;
- better aligning immigration and integration policies with Québec's economic and social development objectives;
- seeking vigorously to reduce the extremely high unemployment rate among Quebecers born in Africa and who have lived in Québec for less than five years;

C4 the government step up measures to accelerate the process of recognizing skills and diplomas acquired abroad. Among the urgent measures, we recommend:

- the establishment of an independent fact-finding committee with a mandate to shed light on the practices of the professional orders with respect to the recognition of diplomas;
- the establishment of an independent body to which immigrants can submit complaints and request reviews of the decisions reached by the professional orders;
- the clarification of relations between the Conseil interprofessionnel du Québec, the Office des professions du Québec and the professional orders, on the one hand, and universities, Cegeps and the Office québécois de la langue française, on the other hand, to resolve the stalemates that are hampering efforts to follow up on the retraining requirements imposed on immigrants;

C5 the government step up its efforts to foster the regionalization of immigration. In this spirit, it would be advisable to:

- implement incentives such as fiscal measures for businesses that recruit immigrants in order to foster the regionalization of immigration;
- provide *ad hoc* funding to the municipalities and the many organizations that welcome and support immigrants that have been established outside Montréal to bolster the existing network;
- pay special attention to the Capitale-Nationale to make it a second urban reception centre for newcomers;

- ask the regions to make known their needs and elaborate projects that rely on immigrant workers;

- encourage and broaden agreements governing student training sessions and exchanges such as those between France and Québec, which bring foreign students to Québec's regions;

- delegate broader responsibilities to regional authorities;

C6 to facilitate the integration of newcomers, the ministère de l'Immigration et des Communautés culturelles create for them an interactive portal in order to centralize all information on resources and institutional services, including municipal and community resources and services, with respect to employment, housing, health, education, and so on;

C7 the government increase funding for organizations that support immigrant women;

C8 the ministère de l'Immigration et des Communautés culturelles adopt the appropriate measures to make the most of Québec volunteer work for the purpose of welcoming and integrating immigrants, in particular to enable them to gain access to social networks;

C9 the government department now responsible for immigration be renamed the ministère de l'Immigration et des Relations interculturelles.

The Co-Chairs recommend that:

D1 the government launch a vigorous campaign to promote interculturalism in Québec society to broaden awareness of it;

D2 to better establish interculturalism as a model that prevails over intercultural relations in Québec, the government enshrine interculturalism in a statute, a policy statement or a declaration and that this initiative include public consultations and a vote in the National Assembly;

D3 the government encourage all forms of intercultural contact as a means of reducing stereotypes and fostering participation in and integration into Québec society. In this spirit:

- implement immersion, mentoring and tutoring programs and sponsorship and twinning, in particular based on the model of the former program devoted to exchanges of students between Montréal and the regions. In the same spirit, broaden intercultural educational practices, municipal initiatives and existing programs;

- encourage all forms of intercommunity action;

- emphasize efforts to promote regional tourism among members of Montréal's ethnic minorities;

D4 a Fonds d'histoires de vie des immigrants be established, to be managed by the Bibliothèque et Archives nationales du Québec;

D5 the government pay close attention to testimony presented concerning so-called ethno-denominational schools.

E INEQUALITY AND DISCRIMINATION

The Co-Chairs recommend that:

E1 the government seek to better understand and combat the different forms of racism, especially ethnism, found in our society. In this spirit:

- special attention should be paid to the fight against hate crimes and the protection of all individuals subject to multiple discrimination, e.g. homosexuals and the disabled;
- the Québec Charter should prohibit public incitement to discrimination;
- exceptional measures should be taken to combat Islamophobia, anti-Semitism and the discrimination to which all racialized groups, especially Blacks, are subject;
- the Commission des droits de la personne et des droits de la jeunesse should be given more extensive resources and means;

E2 government mandataries and agencies be responsible for their results in respect of the fight against racism and discrimination and that accountability mechanisms be introduced for this purpose based on performance indicators;

E3 the National Assembly follow up on a recommendation made by the Commission des droits de la personne et des droits de la jeunesse aimed at strengthening the economic and social rights recognized in sections 39 to 48 in the Québec Charter:

"The Commission recommends that the economic and social rights recognized in sections 39 to 48 of the Charter be strengthened in light of:

- the inclusion of a general provision, before section 39, stipulating that legislation must respect the essential content of economic and social rights;
- the extension to sections 39 to 48 of priority over legislation stipulated in section 52 of the Charter;
- the gradual coming into force of such priority, initially limited to subsequent legislation then extended to existing legislation."[1]

1. Commission des droits de la personne et des droits de la jeunesse (2003).

F THE FRENCH LANGUAGE

See our comment in the preceding section of the recommendations ("I. Presentation and Discussion").

G SECULARISM

The Co-Chairs recommend that:

G1 the government draft a white paper on secularism in order to:

- define secularism in light of its four principles (two of them reflect its profound purposes and the other two are reflected in essential institutional structures);
- review the major choices that Québec has made in respect of secularism;
- defend the conception of open secularism adopted and implemented by Québec;
- clarify and submit for public debate questions on which a consensus has yet to be reached;

G2 with regard to the wearing by government employees of religious signs:

- judges, Crown prosecutors, police officers, prison guards and the president and vice-president of the National Assembly of Québec be prohibited from doing so;
- teachers, public servants, health professionals and all other government employees be authorized to do so;

G3 measures be adopted to bring certain practices in public institutions into line with the principles of open secularism. Consequently, in the name of the separation of the State and the churches and in the name of State neutrality, we recommend that:

- the crucifix above the chair of the president of the National Assembly be relocated in the Parliament building in a place that emphasizes its meaning from the standpoint of heritage;
- municipal councils abandon the saying of prayers at their public meetings;

G4 the government vigorously promote the new Ethics and Religious Culture Program that is to be introduced in September 2008;

G5 the government produce and disseminate every year among the managers of institutions and public or private organizations a multidenominational calendar that indicates the dates of religious holidays.

H RESEARCH TO BE CONDUCTED

The Co-Chairs recommend that:

H1 the government free up additional research funds that would be earmarked, in particular, for the study of:

- the state of interculturalism;
- the dual relationship among immigrants to their culture of origin and the host society's culture;
- changes in ethnocultural concentrations and their meaning in terms of integration or compartmentalization;
- the state and impact on integration of intercommunity action;
- the elaboration of indicators that measure the impact of numerous government programs pertaining to reception, employment, the fight against discrimination, and social and cultural integration;
- the situation of and path followed by disadvantaged subgroups such as young people from racialized minorities, immigrant women, and others;
- the change in the social bond in neighbourhoods where immigrants are heavily concentrated;
- forms of Islamophobia and the remedial measures to be adopted;
- displays of anti-Semitism and the remedial measures to be adopted;

H2 the government set up a special grant fund reserved for universities and Cegeps in the regions to fund applied research devoted to the general theme of immigration and integration in the regions.

APPENDICES

Appendix A
QUÉBEC GOVERNMENT ORDERS IN COUNCIL

EXCERPT FROM QUÉBEC GOVERNMENT ORDER IN COUNCIL

95-2007 CONCERNING the establishment of the Consultation Commission on Accommodation Practices Related to Cultural Differences

February 8, 2007

WHEREAS Québec society is attached to core values such as equality between women and men, the separation of Church and State, the primacy of the French language, the protection of rights and freedoms, justice and the rule of law, the protection of minorities, and the rejection of discrimination and racism;

WHEREAS Québec society has chosen to be an open society;

WHEREAS accommodation practices related to cultural differences stem from choices made by society reflected, in particular, in the *Charter of human rights and freedoms* (R.S.Q., c. C-12), the *Charter of the French language* (R.S.Q., c. C-11), government policy respecting equality between women and men, and regulations and programs concerning immigration and integration;

WHEREAS certain accommodation practices related to cultural differences might call into question the fair balance between the rights of the majority and the rights of minorities;

WHEREAS the government deems the integration and full participation by citizens in collective life to be a priority;

WHEREAS there is good reason to take stock of accommodation practices related to cultural differences and conduct a consultation among individuals and organizations wishing to express themselves in this respect;

95-2007 IT IS HEREBY DECREED, on the recommendation of the Premier:

THAT a consultation commission on accommodation practices related to cultural differences be established;

THAT this commission be autonomous and independent;

THAT the commission be given the mandate to:

- accurately take stock of accommodation practices related to cultural differences and analyse the attendant issues bearing in mind, in particular, experience outside Québec;
- conduct an extensive consultation among individuals and organizations that wish to intervene in respect of the question of accommodation practices related to cultural differences;
- formulate recommendations to the government aimed at ensuring that accommodation practices related to cultural differences conform to Québec's values as a pluralistic, democratic, egalitarian society.

166-2008

CONCERNING the extension of the duration of the mandate of the Consultation Commission on Accommodation Practices Related to Cultural Differences

March 5, 2008

WHEREAS, through Order in Council 95-2007 of February 8, 2007, the government established the Consultation Commission on Accommodation Practices Related to Cultural Differences, in particular to take stock of such practices and conduct a consultation among individuals and organizations wishing to express themselves on these practices, and that the Commission was obliged to submit a report on its investigation and recommendations to the government by March 31, 2008 at the latest;

WHEREAS the Commission has requested additional time to fulfil its mandate;

WHEREAS there is good reason to extend the duration of the mandate of the Commission;

IT IS HEREBY DECREED, consequently, on the recommendation of the Premier:

THAT Order in Council 95-2007 of February 8, 2007 be amended by the replacement in the ninth whereas clause of the date "March 31, 2008" with the date "May 31, 2008;"

THAT the mandate of the Commission and designations, conditions and other procedures stipulated in this Order in Council remain unchanged.

[signed]

Clerk of the Conseil exécutif

Appendix B

ACCOMMODATION PRACTICES: RESPONSES TO COMMON OBJECTIONS

The public and private consultations that we conducted gave rise to extensive criticism of harmonization practices and, more specifically, accommodation practices. The research that we conducted (analyses of the contents of letters to the media and e-mails) also produced a profusion of objections, all of which reveals that many Quebecers harbour significant reservations. Mention should be made of the October 2007 survey (see Chapter III) that revealed that 65% of Quebecers (71.7% of Quebecers of French-Canadian origin and 35.2% of Quebecers among the ethnic minorities) believe that our society is overly inclined to grant accommodation. Moreover, opposition to the judgment concerning the kirpan reached 79% among non-French-speaking Quebecers.

This appendix seeks to respond to the objections to harmonization practices frequently expressed over the past two or three years. These objections are varied. A number of them stem from convictions and are supported by highly articulate arguments. Others strike us as resulting from partial information or even erroneous perceptions. What we are presenting is a cursory overview that often tallies with by summarizing them more detailed discussions presented elsewhere in our report, especially in Chapters V, VII and VIII. Readers who wish to examine the question in greater detail are invited to refer to them.

Our procedure is simple. We will review the main arguments formulated[1] and will attempt to respond appropriately to each one. Because of the scope of the material to be examined, the discussion will be succinct while remaining faithful to the comments reported. Let us offer three clarifications before we begin.

First, it must be acknowledged that some of the criticism raises fundamental questions that it is hard to settle. We will not discuss such criticism here, since it has already been broached elsewhere in the report, e.g. the wearing by government employees of religious signs, respect for gender equality, the hierarchical ranking of rights, the terrorist threat, the status to be granted values from Québec's French-Canadian past, and so on. The same is true of criticism with which we agree entirely. The discussion will thus focus solely on current objections that strike us as unfounded.

Second, we will not attempt to measure the frequency of the arguments reviewed, since this statistic would be misleading. In actual fact, it would not in any way allow us to determine the representativeness of these remarks or of the authors. Let us simply say that we frequently heard these objections, which readers will readily recognize.

The pages that follow must not fool people. During our consultations, numerous interveners also lauded accommodation practices, although our discussion, which is centred on refuting the objections, will not dwell on this aspect.[2]

1. WITH ALL OF THE ADJUSTMENTS, QUÉBEC IS GOING AGAINST WHAT IS BEING DONE ELSEWHERE.

a) Our society has gone much further than what key international legal conventions require.

No information supports this statement. Québec seeks instead to follow key conventions or traditions and the leading Western legal texts. For example, the authors of the Québec Charter largely sought inspiration in the *International Bill of Human Rights*, which includes the *Universal Declaration of Human Rights* and the two international covenants.[3] Québec and Canadian jurisprudence are also occasionally based on the decisions of the European Court of Human Rights.

b) Québec should adopt the French model of radical secularism (republican) and thus achieve a genuine separation of the State and religion.

This suggestion betrays an erroneous perception of the French secular system, which, in several respects, displays greater openness than Québec does with respect to religions. Private religious education in France obtains more generous funding than it does in Québec (over 75% of the cost, against 60% here). Roughly 20% of the French government's elementary and secondary school budget is earmarked for private (or "free") schools, compared with 5.6% in Québec for private schools overall. Of the 112 cathedrals in France, only six belong to diocesan

1. We have already presented the broad outlines in a preliminary manner in Chapter III and will now engage in a more detailed examination.
2. Interested readers should note that all of these criticisms have been recorded in detail in *Documents nos 9, 11, 12* and *13* produced by the Commission. In the interests of concision, we will confine ourselves here to abridged versions of them.
3. The *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*.

associations and the municipalities maintain 57 000 out of 60 000 parish churches.[4] Churches receive substantial financial support for their social works. The State funds chaplaincy services in secondary schools, hospitals, the army, and so on. Donations made to churches are tax deductible. Sunday morning public television programming is reserved for the main religions. A mass at Notre-Dame cathedral is the only official ceremony held for the funerals of French presidents. France observes more Catholic holidays than Québec does. The wearing of ostentatious signs denoting religious affiliation was recently prohibited in State schools but in the name of public order rather than in the name of secularism. Furthermore, the Muslim headscarf has more or less been replaced in the schools by the bandana, a compromise between the hidjab and a simple Western scarf. Harmonization practices have spread rapidly in recent years.

2. HARMONIZATION PRACTICES ARE CONTRARY TO QUÉBEC'S CORE VALUES.[5]

a) They are a Trojan horse that is corroding democracy, equality and our most precious values.

Accommodation or adjustments are granted for reasons recognized by the charters, which reflect the core values that our society has decided to promote democratically. The same is true of the criteria (cooperation, integration, reciprocity, and so on) used to evaluate requests. All of the desired protections already exist from a sociological and legal standpoint. That being the case, it is true that, in the past, poor decisions were made that ran, in particular, counter to gender equality and coeducation (see Chapter VIII). They were made by managers who were insufficiently trained to manage intercultural relations or who feared the prospect of being denounced in the media or having to go to court.

b) Adjustments bring religion back into public space and run counter to the general rule of secularism ("we took religion out of the schools and have restored it through the back door," "the majority religion is disappearing and minority religions want to replace it").

Harmonization practices do not in any way call into question Québec society's secularism if by that we mean the autonomy of the State and religions and the neutrality of the State in respect of religions. What is at stake is the practical application of these two imperatives in the form of regulations. The wearing in schools or hospitals of religious signs is a marginal phenomenon that in no way affects the establishments' autonomy. The "return of the religious" that people fear here is in no way comparable to the Catholic church's ascendancy over various institutions in bygone days. We see no evidence that "minority religions" wish to replace the former "majority religion." However, these religions are simply occupying the place that Québec law grants them, like any other religion. **The right to freedom of religion includes the right to display one's religious affiliation.** It is believers themselves, who, by distancing themselves from the Church, have triggered the weakening of Catholicism in Québec.

c) Religions are absurd and outmoded, as evolution shows.

This is the conception of a non-believer who denies the nature of the religious. It is perhaps true but how can we be sure of it? However, what is certain is that it runs counter to freedom of conscience and what all Western societies regard as a basic right.

d) Devotions, dietary laws and other rules of this nature are of secondary importance. Believers should focus on the basic essentials of their religion, i.e. the credo.

This argument reveals a very specific conception of religion. It does not even apply to Catholicism as it has been experienced in Québec and in other European countries. It expresses a somewhat purified or deistic version of Christianity in which the essential resides in belief and in internal dispositions at the expense of external practice. In many religious traditions, this separation does not exist. For example, in Judaism, belief is even less important than respect for the Law. We must, therefore, be careful not to

4. According to the January 5, 2008 edition of the newspaper *La Croix*, page 2.

5. Again, we will not examine certain core values such as gender equality that have been discussed elsewhere.

apply to other religions the model with which we are familiar to make them conform to it. It is not incumbent upon anyone to redefine on his own terms other people's religion.

e) We should not allow Muslims to open mosques "when we are closing our churches."

A number of Muslims have decided to remain faithful to their religion while the vast majority of French-speaking Catholics have decided to abandon their temples. By virtue of what right might they oblige Muslims to do the same?

f) We must reject all requests for religious reasons.

Unless these requests harm other people or public order, to do so would be contrary to the right to freedom and the practice of religion recognized by the Québec and Canadian charters and international law. We also believe that it would mean practising an authoritarian form of assimilation. The curbs that we might be tempted to place on the expression of minority religions might well engender inflexibility and marginalization. Of what benefit would that be?

3. HARMONIZATION PRACTICES THREATEN SOCIAL COHESION.

a) Québec is swamped by adjustment requests that are becoming increasingly numerous. We are witnessing a downward spiral.

Statistics show that the number of requests is minimal, bearing in mind school enrolments and the number of patients admitted to hospitals (see in this regard the last part of Chapter IV). Moreover, no information allows us to confirm that the number of adjustments is rising. The educational institutions that participated in the Fleury Committee's investigation reported that the situation in this respect has been stable for three years.

b) To accommodate is to circumvent the law, grant privileges and create two classes of citizens. Native-born Quebecers are not requesting adjustments and the law must be the same for everyone.

Adjustments are intended, above all, to protect minorities against shortcomings in the laws of the majority, not the opposite. They guarantee that every person may enjoy the same rights even if he differs from other people in any way. Besides, all Quebecers benefit from the protections offered by the Charter and harmonization practices. As we explained in the preceding chapter, different treatment is sometimes necessary to ensure an equal right. This does not mean granting a privilege but engaging in reasonable adaptations to counteract the rigidity of certain rules or their uniform application regardless of the specific traits of individuals. In the case of accommodation or adjustments for religious reasons, the rule of State neutrality is not infringed: all believers may request adjustments and requests, regardless of their source, are handled in the same manner.

c) Religious adjustments hinder the maintenance of a common public space.

Individual displays through visible signs of religion in public space, especially in State institutions, in no way hinder the sharing of common values, the mobilization of the citizenry or the establishment of consensuses on societal projects.

4. HARMONIZATION PRACTICES THREATEN THE VERY SURVIVAL OF QUÉBEC CULTURE.

a) Requesters are indifferent to the future of French-speaking Québec.

This statement poses two problems. First, it contains a gratuitous supposition about the origin or identity of requesters who, in fact, come from all milieus in our society. Moreover, the statement overlooks extensive testimony from immigrants who, during our consultations, expressed their attachment to the French language and their solidarity with Québec's destiny as a French-speaking community in North America.

b) Islamists are proceeding one step at a time. They are using adjustments to impose their values on "old-stock" Quebecers in order to advance their fundamentalist perspective. Quebecers are wrong not to be worried about it.

First, there are few examples in Québec that show that Muslims have sought to impose their values or their religion on non-Muslims. There have been a number of isolated incidents, such as the appearance by Imam Saïd Jaziri on a TV5 program (see Chapter II). However, in this instance and in several others, we should instead criticize the non-Muslim guests who agreed to submit to the demands expressed, i.e. to not drink wine at the table. As for the rest, among the 60 mosques in Montréal, we know of two or three very conservative ones that preach non-integration into Québec society for moral reasons. However, does this allow us to conclude that there is an "Islamist project"? Finally, is the fear expressed not disproportionate to the demographic weight of Muslims in Québec, who accounted for 2% at the most of the population in 2007?[6]

c) Orthodox Jews, by forcing us to consume kosher food, are also imposing their religion.

It has not been proven that kosher certification demands that a product's ingredients be modified or that it engenders a burden for consumers overall. On the other hand, it is certain that food companies profit from such certification, which expands their market.

d) Immigrants are returning us to the past with their religions.

Immigration in recent decades, through its diversification, has brought to Québec religions that were hardly present or previously unknown (Islam, Hinduism, Buddhism and Sikhism). These religions differ from Christianity and are often linked to African or Oriental cultures that are fairly far removed from Western culture. With the exception of clearly reprehensible practices such as genital mutilation, for example, are we right to place the difference in the same category as archaism? Is this not a convenient way of rejecting the difference instead of endeavouring to understand it? That being the case, this type of discussion tends to overshadow the cultural contribution that immigrants make.

5. THE LEGAL SYSTEM FUNCTIONS POORLY.

a) Because of indulgent judges, the wave of accommodation is out of control. The phenomenon has no limits and is snowballing.

Let us first emphasize that, were adjustments to become uncontrollable, this in itself would be grounds for rejection because of a criterion inherent in undue hardship. As for the supposed absence of limits or guidelines, the courts and managers have at their disposal, to the contrary, all of the means necessary. It is up to them to apply such means, which is what they are doing (22% of requests in the educational milieu[7] were rejected over the past three years). Furthermore, the grounds that justify an adjustment request are not unlimited and are restricted by the charters. As for the supposed wave of adjustments, let us point out that statistics available in no way support this statement. The spiral effect has simply not occurred, at least until now. If we take as an example the educational milieu, we learn that the handling of adjustment requests is fairly clearly structured: in addition to all of the criteria pertaining to undue hardship, they must conform to the school's general mission, not infringe program organization, foster the students' participation and integration, initiate them to the responsibilities of citizenship, and so on.

b) The courts intervene excessively in respect of accommodation and are stifling democratic debate.

With the exception of leave for religious reasons, we can count 10 or so accommodation cases decided as such by the courts[8] (the erub, the kirpan, the sukkah, zoning disputes related to the construction or expansion of synagogues, and so on). The handling of virtually all harmonization cases is managed in what we have called the citizen sphere through amicable agreement. Let us add that the courts only intervene at the request of interlocutors who fail to reach agreement. Moreover, when it is a question of defining basic rights, it is unwise to entrust the majority with this power over minorities.[9]

6. According to the Muslim Council of Montreal (see Brigitte Saint-Pierre, "Islam. Unité dans la diversité" ["Islam: unity in diversity"], *Le Devoir*, April 7, 2007). The 2001 Census indicated that Québec Muslims accounted for 1.5% of the population. The 2006 Census does not contain any information in this regard.
7. According to B. Fleury (2007, page 25).
8. Excluding intervention by the Commission des droits de la personne et des droits de la jeunesse, which is not a tribunal.
9. For a more detailed examination of this topic, see M. Jézéquel (2007b).

c) The courts are biased in favour of religion and have distorted the situation.

This objection overlooks the cases in which legal proceedings or the Commission des droits de la personne et de la jeunesse (CDPDJ) have rejected accommodation requests for religious reasons (prayer rooms at the École de technologie supérieure, disputes over synagogues, the ambulance attendants at the Jewish General Hospital, the sexualization of positions at the same hospital, and so on).

d) The Supreme Court, through religious accommodation, is imposing multiculturalism on Québec.

First, harmonization practices often have as an outcome the applicant's integration into the common culture, e.g. in the school, which is not really in the spirit of multiculturalism as we commonly perceive it in Québec. Second, the Supreme Court's interventions have, until now, been too few to allow a generalization of this nature, although article 27 of the Canadian Charter stipulates that it "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." If we take the case of the sukkah (see Chapter II) it is significant that the nine justices were very hesitant and handed down a 5-4 ruling. In the case of the kirpan, the Supreme Court decided, after two appeals, in favour of a formula on which the family of the young Sikh and the school administration had agreed at the outset.[10] As a matter of fact, reasonable accommodation stems more from the general philosophy of pluralism than multiculturalism as such. The few judgments handed down by the Supreme Court in the realm of religious accommodation could just as well have been based on the Québec Charter and interculturalism. Furthermore, in its judgment on the sukkah, the Supreme Court referred explicitly to the Québec Charter. The objection is relevant as regards its substance. However, to what extent has the multicultural spirit imbued the specific cases of religious accommodation?

e) The evaluation of adjustment requests is a one-way process and the requesters always win. It is impossible to say No to them.

That is wrong. Once again, the Fleury Committee's deliberations on the educational milieu showed that only half of requests have been accepted. In the health care sector, this percentage is much higher but the context is very different given the patient's highly vulnerable situation, the specific nature of the caregiver-patient relationship, and so on. Besides, generally speaking, a requester who displays intransigence might release a manager or an employer from his duty of accommodation.

f) The charters only protect minorities.

Accommodation or adjustment practices do not pit the majority against minorities. They are simply aimed at equal respect for the rights of all people. The charters are a basic democratic advance that allow every person to defend his rights and exercise his freedoms (see also our comment in point 3*b)*).

g) Through harmonization practices, the charters only protect individual rights at the expense of majority rights.

As is true of statutes, the charters protect everyone's rights. However, legislation, designed by and for the majority, may wrong one or more individuals. Accommodation is a remedial mechanism designed to eliminate these normally involuntary forms of discrimination, which can give the impression that the charters do not protect majorities.

h) If the statutes are poorly designed, they must be corrected or amended. In this way, all of these adjustments will no longer be necessary.

Adjustments are granted precisely pursuant to provisions in the charters to ensure that the values of equality and equity that all Quebecers cherish are better respected. As for the statutes, they are not really in question in most instances. Even the most legitimate statutes are designed by the majority for the majority. They are thus not neutral. All of them are likely to engender some

10. School board officials have always denied that there was such an agreement, but the Supreme Court did not accept their version nor, at an earlier stage, did the Court of Appeal of Québec, which nonetheless decided in favour of the school board.

form or other of discrimination in the case of individuals who display specific traits. Situations and forms of discrimination are so diverse that no statute can foresee all of them.

i) Contrary to what specialists claim, adjustments are not granted on a one-time or a case-by-case basis; quite the opposite, they legitimate group practices such as the wearing of the headscarf, prayer rooms or religious holidays.

As we have just seen, adjustments are exceptional in that they remedy shortcomings stemming from the application of legislation in respect of individuals who display certain traits. That being the case, these situations are relatively rare, as we explained in point 3*a)*. Moreover, it is true that certain requests display an obvious collective dimension, e.g. prayer rooms, leave for religious holidays, the installation of the erub, and so on. They are nonetheless handled in an individual framework, on a case-by-case basis. We wish to make three remarks in this respect. In their assessment, the judges take into account the possibility of "collectivization." Apparently similar requests are not necessarily handled in the same way, for various reasons. For example, the contextual information can change from one case to the next, the evaluation of undue hardship can vary depending on the situation, a compromise formula may be accepted in one case but rejected in another, and so on. A recurrence of the same requests may also lead to the amendment of the norm. To summarize, there is no simple answer to the objection and it must be noted that law is constantly changing in this field as in others.

j) The courts are wrong: accommodation in favour of the disabled is fully warranted since the physical disability is a constraint, while accommodation for religious reasons is based on beliefs, i.e. on choices and personal preferences.

The Québec Charter, in keeping with international tradition, deems freedom of conscience to be a basic right. This notion refers to what we have called **convictions of conscience,** which can be of a religious or secular nature (see Chapter VII). Thus, it is nothing less than freedom of thought, defined very broadly, that the charters protect. As we can see, this is a basic right. Can a democratic State impose a worldview or a system of beliefs that is intended to entirely structure individual lives? Let us remember, moreover, that we must not put on the same footing convictions of conscience, which have a structuring nature, and personal preferences, which have a less essential nature.

k) Judges are not elected. There is a lack of democracy.

As we indicated in Chapter V, the division of powers between the political and judicial branches is fundamental in a liberal democracy. Once a charter or a body of statutes has been duly adopted in a democratic manner, the application of law must no longer depend on the popular will or political manoeuvring.

l) Because of the courts, accommodation is topsy-turvy: it is not up to managers to adjust but believers themselves.

Law maintains that the duty of accommodation centres, first and foremost, on the manager as the possessor of authority in his relationship with the employee, student or patient. However, the requester bears some responsibility and is obliged to participate in the search for a compromise. Both parties are subject to an obligation of reciprocity. It is this provision, which is well known in the realm of labour relations, that allows accommodation to function properly. Every individual's recognized right to freedom of religion, always within the limits of undue hardship, obviously comes into play here.[11]

m) If things continue as they are, judges will soon allow excision, infibulation and other forms of mutilation.

Section 268(3) and (4)[12] of *the Criminal Code* prohibits all of these practices, which are deemed to be forms of aggravated assault.

11. For additional information on this question, see M. Jézéquel and L. Houde (2007).

12. See also *Mémo n° 10* produced by the Commission concerning genital mutilation.

6. QUEBECERS OF FRENCH-CANADIAN ORIGIN DO NOT DARE ASSERT THEMSELVES.

a) Adjustments are granted out of weakness and political correctness.

This has certainly happened in recent years, but managers are now much better informed about the nature of adjustments, their limits and appropriate recourse to them.

b) It is incumbent in a democracy on the majority group to express its will.

This is true, except as regards the interpretation and application of the law. As we see in the history of all societies, a majority may be tempted to impose discriminatory rules on minorities. We are living in a democratic society that protects everyone's rights, including minorities.

7. MANY IMMIGRANTS DO NOT WANT TO INTEGRATE, WHICH IS WHY THEY REQUEST ACCOMMODATION.

a) Immigrants are not alone in requesting accommodation.

No statistic allows us to assert that immigrants are more inclined than other categories of citizens to request accommodation.

b) Those who request adjustments are intransigent, fundamentalists. They refuse compromises.

This statement makes assumptions about the profile of applicants. We are certainly aware of cases of pure intransigence but also of numerous cases that are the opposite. It is better in this instance to rely on the testimony of managers and interveners in the field. What do they say? They maintain that cases of obstinacy are rare and that most situations are resolved through discussion and mutual respect.

c) Adjustments allow those who request them to reconstitute their culture and live on the fringes of our society, whose rules they reject. Adjustments are synonymous with self-exclusion and they break the reciprocity (if not the solidarity) pact concluded with the host society.

One of the evaluation criteria respecting adjustment requests is precisely the positive impact that such requests can have on integration. We saw in the preceding chapter that the rejection of certain types of requests can produce precisely the dreaded effect, i.e. encourage certain individuals to withdraw from public institutions and to turn in on themselves on the fringe of society and cease to interact with the common culture.

d) Adjustment requests reflect a lack of respect and even, occasionally, contempt for the host society.

This has undoubtedly been true of a few requests but certainly not of the majority. Requests that might be described as excessive often stem from a lack of information or failure to adjust to the host society's rules and culture. As for the rest, it is a question of simple adjustment requests lodged in good faith that must be handled in the same spirit, which usually allows the parties to find an alternative solution.

e) We do immigrants the favour of welcoming them and they should be grateful to us for it.

This choice of terms is not the most appropriate since, when all is said and done, who is favouring whom? We might think that many immigrants are pleased to be able to settle in a democratic, prosperous society in which they can make a new life and enhance their children's lives. Of course, they do need services upon arrival. However, in return, does our society not have a great need of immigration, in particular to ensure its demographic vitality, maintain its economic growth, and enrich itself through this cultural contribution? Does not Québec promote immigration and choose immigrants through its initiatives abroad?

f) When we are invited to eat in our friends' homes, we don't try to impose on them our own rules.

The metaphor is appealing but dubious. The immigrant is not a guest but is here for good, nor is he a foreigner. He is at home and shares the same rights as everyone. When individuals request adjustments, they do not alter other people's beliefs or rules, unless in a very superficial manner, according to the very spirit of the notion of adjustment. If important beliefs and rules are truly affected, there is undue hardship and the request is inadmissible.

g) We must take the good and the bad together. When in Rome, do as the Romans do.

Once again, metaphors can deceive. Here, they lead us to assume that the immigrant must relinquish his culture to adopt that of the host society. What is thus being asserted is the rule of assimilation, which is no longer tolerated today because it runs counter to the principles of pluralism. For example, Québec interculturalism advocates the search for balance between ethnocultural diversity and the outcomes of integration.

h) If I go to Saudi Arabia or Iran, I will respect Saudi Arabian or Iranian customs.

This is a variant of the preceding metaphors that was often expressed during our public consultations. This supposition is also unsound as it puts on the same footing Québec and two countries that are hardly sensitive to human rights, i.e. in one instance a firmly rooted democracy and in the other, authoritarian regimes.

Appendix C
GLOSSARY

Acculturation

The adoption by a newcomer of the mores, customs and values that prevail in the host society.

Allophone

In Québec, the term describes individuals whose heritage language is neither French nor English, although it does not apply to aboriginal peoples.

Anomie

A state of social disorder in which norms and core values are absent.

Assimilation (similar to Acculturation)

The process whereby an immigrant renounces his culture of origin to adopt that of the host society. Assimilation can be voluntary or forced.

Assimilationism

A theory or system that advocates the assimilation of immigrants.

Burka

A traditional garment worn by Afghan and Pakistani women. It has veiled eyeholes and entirely covers the body and head.

Chador

An Iranian garment worn mainly today by Muslim women in Central Asia. It is a semi-circular piece of cloth open in front.

Civic nation

A conception of the nation that bases its unity solely on political principles, rights and civic norms rather than on a culture or ethnicity.

Communitarianism

A philosophy or system that emphasizes ethnic or religious communities. In its extreme forms, it encourages the formation of communities that are fairly inward looking and, consequently, compartmentalization and fragmentation.

Concerted adjustment

Similar to reasonable accommodation except that the handling of the request falls under the citizen sphere while the former falls under the legal sphere. It is usually granted by the manager of a public or private institution following amicable agreement or negotiation with users such as patients, students or customers, or with employees. Concerted adjustment can also apply to situations that do not involve discrimination. The obligation to adjust may be of a legal, ethical, administrative or other nature.

Cultural plurality

The existence in a society of an array of ideologies, beliefs, traditions and cultures.

Deep-seated convictions (see "Fundamental reasons")

Differential (see "Differential treatment")

Differential treatment

The application, for reasons of equality or fairness, of a right in different ways to certain individuals.

Duty of accommodation

The duty, which, under law, makes it the responsibility of the managers of public and private institutions to avoid all forms of discrimination by adopting relaxation or harmonization measures in the administration of certain statutes or regulations.

Erub or eruv

In the Jewish community, a real or symbolic alteration of a boundary, for example by means of a simple wire, that delineates a zone in which certain activities normally prohibited by the religion may be carried out on the Shabbat or certain religious holidays.

Ethnicity

Collective traits such as language, customs and religion associated with a community, which are transmitted from generation to generation while undergoing changes.

Ethnism

The violation by an ethnic group of other people's rights just because the group believes its culture to be superior to another one.

Ethnocultural

Defines any cultural reality stemming from ethnicity.

Excision

An operation performed by certain peoples on young girls that consists in the ritual removal of the clitoris and, occasionally, the labia.

Focus group

A discussion group led by one or two facilitators with a small group of individuals designed to ascertain the participants' perceptions, opinions and reasoning with respect to a given topic.

Fundamentalism

The particularly strict, rigid version of a religion whereby the religion takes absolute precedence over other social, political and scientific considerations. It is usually accompanied by a literal, monolithic interpretation of sacred texts that leads to a rejection of any change.

Fundamental reasons

Reasons or motives stemming from world views or conceptions of good that enable individuals to understand the world around them and to give a meaning and a direction to their lives.

Guidelines

Norms that can be expressed in criteria that steer decision-making and set limits on accommodation or adjustment requests.

Hassidim

Jewish religious groups that adhere to an ultra-orthodox conception of Judaism.

Hate crime

A criminal offence motivated by hate or prejudices based on factors such as ethnic origin, language, religion, skin colour, sexual orientation, and so on.

Hidjab

A headscarf worn by certain Muslim women.

Historicization

The process whereby a vivid recollection emerges from an especially intense collective experience in a social group or society that expresses itself in values, a frame of reference pertaining to identity and unifying myths. This experience can be negative (a trial or trauma) or positive (a victory or a remarkable achievement).

Immigrant

An individual established in a national territory but born outside of it. Natives are not immigrants. It is incorrect to refer to second- or third-generation immigrants.

Indirect discrimination

Discrimination that, without directly or explicitly excluding an individual or a group of people, nonetheless leads to adverse effect discrimination. It stems from the rigid application of a statute or a regulation and arises under certain circumstances in the realms of employment, public and private services, housing, and so on.

Infibulation

An act or practice of fastening by ring, clasp or stitches the labia majora in girls and the prepuce in boys in order to prevent sexual intercourse.

Informal agreement

In the realm of intercultural harmonization practices, the informal agreement refers to any agreement concluded between individuals outside the framework of institutions and organizations.

Integration

In a democracy, at the community or societal level integration is the array of processes whereby a community organizes institutions, social relations and culture in a way that leads to the support of the greatest number of its members. From an individual standpoint, it is the array of choices by virtue of which a citizen participates fully if he so desires in the life of the host society, especially in the public sphere, and develops according to this traits and outlook.

Integrative pluralism

A conception of pluralism that emphasizes the diversity of the dimensions to be considered, e.g. social, economic and legal, the close relations between the dimensions, and the need to consider all of them in an analytical or intervention approach.

Intercultural

Everything related to relations between ethnic groups or ethnocultural groups.

Intercultural harmonization practices

In a very broad sense all forms of relaxation or arrangement aimed at settling difficulties and misunderstandings that arise through the encounter of different cultures. More specifically, these measures are adopted in favour of individuals or minority groups threatened with discrimination because of their culture (including their religion). Reasonable accommodation and concerted adjustments are two forms of intercultural harmonization.

Interculturalism

A policy or model that advocates harmonious relations between cultures based on intensive exchanges centred on an integration process that does not seek to eliminate differences while fostering the development of a common identity.

Islam

The religious faith of Muslims, not to be confused with Islamism (see "Islamism").

Islamic fundamentalist

A follower of Islamism.

Islamism

A modern ideology that believes that the texts and precepts of Islam provide the only formula that makes possible the edification of a just society.

Kirpan

The ceremonial dagger carried by orthodox Sikhs.

Laicization

The act or process of eliminating any confessional spirit from State institutions. It is expressed mainly by the separation of churches and the State and by State neutrality in respect of religious or secular convictions of conscience.

Liberal democracy

A democratic regime based on the recognition of individual rights and freedoms.

Liberalism

Principles, theories or actions that guarantee individual freedoms in society.

Mixing of cultures

The melding of two or more cultures through intensive, prolonged contact.

Montréal census metropolitan area

It comprises five administrative regions in their entirety (Montréal and Laval) or in part (Montérégie, Laurentides and Lanaudière).

Moral contract

A policy adopted in 1990 by the Québec government to implement an integration framework for immigrants. The document established, in a spirit of reciprocity, the commitments of the host society and newcomers. It emphasizes French as the common public language, pluralism and democratic participation.

Multicultural

Refers to the multiculturalist perspective of ethnic or ethnocultural diversity.

Multiculturalism

In its most common meaning, a system centred on respect for and the promotion of ethnic diversity in a society. It may lead to the idea that a society's common identity is defined solely through reference to political principles rather than to a culture, ethnicity or history.

Native

A person who lives in the national territory where he was born.

Niqab

A garment that covers a woman's entire body, including the hair and face, except for the eyes.

Non-confessional education system

The abandonment of parochial schools, e.g. in Québec the conversion of the Catholic and Protestant school boards into linguistic school boards and the elimination of religious education in public schools.

Norm

A value that is based on and expressed in a statute, rule, regulation, contract, administrative decision, practice or use.

Open secularism

A form of secularism that allows displays of the religious in public institutions, for example, among the clientele and staff of schools and hospitals.

Pluralism

A system or philosophy, which, in the name of respect for diversity, acknowledges the existence of different political opinions, moral and religious beliefs, and cultural and social behaviour. More specifically, it refers, in common parlance, to respect for minority rights. Pluralism calls for a series of measures aimed at the harmonization of cultural differences. It operates within the limits of values or rights deemed to be fundamental, which prevents it from lapsing into relativism.

Pluridenominationality

The coexistence in a society of two or more religions.

Racialized groups

Ethnic groups that are the victims of discrimination that is supposedly warranted by physical or biological traits.

Racial profiling[1]

Racial profiling refers to any action taken by one or more individuals in a position of authority in respect of an individual or a group of people for reasons of security or public protection, which is based on actual or presumed affiliation factors such as race, colour, ethnic or national origin or religion, without a genuine motive or reasonable suspicion, and which exposes the individual to scrutiny or different treatment.

Racial profiling also includes any action by individuals in a position of authority who apply a measure disproportionately to segments of the population, in particular because of their actual or presumed racial, ethnic or national or religious affiliation.

Radical secularism

A form of secularism aimed at banishing all religious expression from State institutions or in the public sphere overall and confining such expression entirely to the private sphere.

Reasonable accommodation

An arrangement that falls under the legal sphere, more specifically case law, aimed a relaxing the application of a norm or a statute in favour of an individual or a group of people threatened with discrimination for one of the reasons specified in the Charter.

Religion
(see "Subjective conception of religion or of religious life")

Representative or parliamentary democracy

A political regime under which the people are represented by individuals elected to exercise power.

Secularism

A system based on four constituent principles, i.e. two profound purposes (freedom of conscience and the equality of deep-seated convictions) and two structuring principles (the separation of Church and State and State neutrality).

Secularization

The sociological transformation of institutions and mentalities such that the supernatural or the religious becomes less and less important.

Societal (see "Societal scale")

Societal scale

Refers to the entire array of components or structures of a society, as opposed to microsocial or community scale.

State neutrality

Against a backdrop of pluridenominationality (see this entry), the political philosophy that prohibits the State from favouring one religion or worldview over another.

Subjective conception of religion (or of religious life)

Arises when a court, in the examination of a request for accommodation for religious reasons, relies on the complainant's conception of his religion instead of ascertaining the belief's or practice's conformity with the dogma or official doctrine of the religion concerned.

Sukkah or succah

A temporary booth or shelter built for the duration of the nine-day Sukkoth festival to commemorate the 40 years that the Jewish people spent wandering in the desert.

Symbolic

Signs that represent an individual's or a sociocultural group's most cherished beliefs and values.

1. Commission des droits de la personne et des droits de la jeunesse, *Le profilage racial : mise en contexte et définition*, Michèle Turenne (Cat. 2.120-1.25), 2005, 18. This document provides an overview of racial profiling and the key definitions adopted by the doctrine and jurisprudence.

Systemic discrimination

Discrimination that displays itself under the cumulative, combined effect of norms, management methods and uses that appear to be neutral and legitimate but that nonetheless lead to *de facto* inequality, indeed exclusion, in respect of specific individuals or groups of people, in particular women or members of minority groups. Some examples are hiring criteria that impose unwarranted minimum height or weight requirements that exclude from the outset a disproportionate number of women; uses and conventions that unintentionally limit access by the disabled to services; a business culture that relies on hiring through informal networks, which usually puts at a disadvantage the ethnic and visible minorities, which do not have access to such hiring.

Tilak

A mark painted on the forehead of Hindu women and sometimes on Hindu men.

Undue hardship

The examination of an accommodation or adjustment request centres primarily on an assessment of undue hardship. The notion covers a variable number of factors, the most frequently mentioned ones being the financial and administrative burden stemming from the request, the extent to which other people's rights are infringed, and impact on security and public order.

Xenophobia

An attitude of closed-mindedness or rejection caused by fear, mistrust or even hostility towards foreigners.

Appendix D
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Document No. 23 Lucie Bernier, *Recherche sur l'origine du vocable « interculturalisme » au Québec*, Montréal, March 22, 2008.

Appendix F
MEMBERS OF THE ADVISORY COMMITTEE

The Commission Co-Chairs decided to set up a 15-member advisory committee whose members were chosen in light of the quality of the contribution that they made to its investigation. The committee members commented on the working documents, validated analyses and provided certain opinions.

Rachida Azdouz	Assistant Dean	Faculté de l'éducation permanente, Université de Montréal
Jacques Beauchemin	Research director and full professor	Canada Research Chair on Globalization, Citizenship and Democracy, Département de sociologie, Université du Québec à Montréal
Pierre Bosset	Professor	Faculté de science politique et de droit, Université du Québec à Montréal
Bergman Fleury	Educational and intercultural relations advisor	Ministère de l'Éducation, du Loisir et du Sport
Jane Jenson	Professor and holder of the Canada Research Chair in Citizenship and Governance	Université de Montréal
Myriam Jézéquel	Diversity management advisor President of the Cercle Jean Monnet de la culture	Chaire Jean Monnet en intégration européenne, Université de Montréal
Aïda Kamar	President and CEO	Vision Diversité
Solange Lefebvre	Professor and Director, Centre d'étude des religions (CÉRUM), holder of the Chaire religion, culture et société	Faculté de théologie et de sciences des religions, Université de Montréal
Georges Leroux	Associate professor and writer	Département de philosophie, Université du Québec à Montréal
Roderick MacDonald	Full professor	F.R. Scott Chair in Public and Constitutional Law, Faculty of Law, McGill University
Marie McAndrew	Full professor	Canada Research Chair on Education and Ethnic Relations, Université de Montréal
Micheline Milot	Full professor	Département de sociologie, Université du Québec à Montréal
Céline Saint-Pierre	Vice-President	Innovation and Transfer, Centre francophone d'informatisation des organisations (CEFRIO)
Daniel Marc Weinstock	Professor and Director, Centre de recherche en éthique (CRÉUM)	Département de philosophie, Université de Montréal
Jose Woehrling	Full professor	Faculté de droit, Université de Montréal

Appendix G
COMMISSION STAFF

Co-Chairs	**Gérard Bouchard** **Charles Taylor**
Secretary General	Claire Monette
Assistant Secretary	Rose-Marie Tasseroul
Research and analysis	*Advisors* Jocelyn Maclure Alain Roy *Analysts* Lucie Bernier François Fournier* Magali Girard* Ghislaine Lapierre Gabriel Laroche* Élise Lavoie-Talbot* Pierre Monette* Phlippe Münch* Marc Rioux* Liza Roy Myriam Spielvogel*
Communications	Sylvain Leclerc, Press Officer Claude Harvey
Public consultation	Raymond Verreault, Coordinator of the regional tour Martin Derome Madeleine Laurendeau Myriam Régnier Vicchiny Sar
Administration	*Administrative assistants* Claire Dumais Louise Forest Tania Rakotonirina Denis Arsenault* Huguette Boucher* Marcia Figueroa*

* These individuals worked for varying periods for the Commission at different times.

Throughout its mandate, the Commission obtained administrative support services (human, financial, physical and information resources) from the Direction générale de l'administration et des services de communication of the Secrétariat aux Communications gouvernementales in the ministère du Conseil exécutif.

Appendix H
WEB BIBLIOGRAPHY

WEBSITES PERTAINING TO HARMONIZATION PRACTICES

Alliance des communautés culturelles
pour l'égalité dans la santé et les services sociaux
http://www.accesss.net

Alliance du personnel professionnel et technique
de la santé et des services sociaux
http://www.aptsq.com

Barreau du Québec
http://barreau.qc.ca

Bibliothèque et Archives nationales du Québec
http://www.banq.qc.ca

Centre for Research-Action on Race Relations (CRARR)
http://www.media-awareness.ca/english/

Citizenship and Immigration Canada
http://www.cic.gc.ca

Comité de gestion de la taxe scolaire
de l'Île de Montréal (Publications)
http://www.cgtsim.qc.ca

Comité provincial pour la prestation des services
de santé et des services sociaux aux personnes issues
des communautés culturelles
http://www.msss.gouv.qc.ca/ministere/saslacc/
index.php?comite_provincial_communautes_culturelles

Commission des droits de la personne
et des droits de la jeunesse
http://www.cdpdj.qc.ca/fr/accueil.asp
http://placedelareligion.cdpdj.qc.ca

Conseil des relations interculturelles
http://www.conseilinterculturel.gouv.qc.ca

Conseil du statut de la femme
http://www.csf.gouv.qc.ca/fr/accueil

Conseil interprofessionnel du Québec
http://www.professions-quebec.org

Conseil supérieur de la langue française
www.cslf.gouv.qc.ca

Conseil supérieur de l'éducation
http://www.cse.gouv.qc.ca

Department of Justice Canada
(Canadian Charter of Rights and Freedoms)
http://canada.justice.gc.ca/Loireg/charte/const_e.html

Fédération des commissions scolaires du Québec
http://www.fcsq.qc.ca

Fédération des femmes du Québec
http://www.ffq.qc.ca

High Commissioner for Human Rights
(Geneva Convention and other conventions)
http://www.unhchr.ch/html/menu3/b/91.htm

INRS/Urbanisation, culture et société
http://www.inrs-ucs.uquebec.ca

Institut du Nouveau Monde
http://www.inm.qc.ca

La Fondation de la tolérance
http://www.fondationtolerance.com

Ligue des droits et libertés
http://www.liguedesdroitsqc.org

Ministère de la Santé et des Services sociaux
http://www.msss.gouv.qc.ca

Ministère de l'Éducation, du Loisir et du Sport
http://www.mels.gouv.qc.ca

Ministère de l'Éducation, du Loisir et du Sport Direction
des services aux communautés culturelles
http://www.mels.gouv.qc.ca/dscc/index.asp

Ministère de l'Emploi et de la Solidarité sociale
http://www.mess.gouv.qc.ca

Ministère de l'Immigration et des Communautés culturelles
http://www.micc.gouv.qc.ca/fr/index.asp

Office québécois de la langue française
http://www.olf.gouv.qc.ca

Quebec Community Groups Network
http://www.qcgn.ca

Quebec English School Boards Association
http://www.qesba.qc.ca/

Service interculturel collégial
http://www.service-interculturel-collegial.qc.ca

Table de concertation des organismes au service
des personnes réfugiées et immigrantes
http://www.tcri.qc.ca

Université de Montréal
(Jugements des différentes cours de justice)/Lexum
http://www.lexum.umontreal.ca

Ville de Montréal
Direction de la diversité sociale
http://ville.montreal.qc.ca/portal/
page?_pageid=4637,8889632&_dad=
portal&_schema=PORTAL

Vision Diversité
www.visiondiversite.com

Appendix I
ACRONYMS AND INITIALISMS

Acronym or initialism	Meaning
ACCÉSSS	Alliance des communautés culturelles pour l'égalité dans la santé et les services sociaux
ACFAS	Association francophone pour le savoir
AQESSS	Association québécoise d'établissements de santé et de services sociaux
ARS	Association régionale de soccer
BAnQ	Bibliothèque et Archives nationales du Québec
BNA Act	*British North America Act*
CCPARDC	Consultation Commission on Accommodation Practices Related to Cultural Differences
CDPDJ	Commission des droits de la personne et des droits de la jeunesse
CECM	Commission des écoles catholiques de Montréal
CEETUM	Centre d'études ethniques des universités montréalaises
CEFRIO	Centre francophone d'informatisation des organisations
CEO of Canada	Chief Electoral Officer of Canada
CEOQ	Chief Electoral Officer of Québec
CÉRUM	Centre d'étude des religions de l'Université de Montréal
CHUM	Centre hospitalier de l'Université de Montréal
CHUQ	Centre hospitalier universitaire de Québec
CIQ	Conseil interprofessionnel du Québec
CLSC	Local community service centre
CMA	Census metropolitan area
COFI	Centre d'orientation et de formation des immigrants
CPE	Childcare centre
CRARR	Centre for Research-Action on Race Relations
CRÉQC	Canada Research Chair on Quebec and Canadian Studies
CRÉUM	Centre de recherche en éthique de l'Université de Montréal
CSA	Canadian Soccer Association
CSDM	Commission scolaire de Montréal
CSF	Conseil du statut de la femme
CSMB	Commission scolaire Marguerite-Bourgeoys
CSN	Confédération des syndicats nationaux
CSSS	Health and social services centre
CUM	Communauté urbaine de Montréal
ÉTS	École de technologie supérieure
FFQ	Fédération des femmes du Québec
FIFA	Fédération Internationale de Football Association
FQT	Fédération québécoise de taekwondo
HEC	École des hautes études commerciales de Montréal
HLM	Low-cost housing

IICJ	Islamic Institute of Civil Justice
INRS	Institut national de la recherche scientifique
IRPP	Institut de recherche en politiques publiques
OECD	Organisation for Economic Co-operation and Development
OIIQ	Ordre des infirmières et infirmiers du Québec
OQLF	Office québécois de la langue française
PAE	Equal employment opportunity program
PARCI	Programme d'appui aux relations civiques et interculturelles
PEJMS	Programme d'échanges de jeunes en milieu scolaire
PRIIME	Programme d'aide à l'intégration des immigrants et des minorités visibles en emploi
SAAQ	Société de l'assurance automobile du Québec
SEOM	Syndicat de l'Enseignement de l'Ouest de Montréal
SPVM	Service de police de la Ville de Montréal
UQAM	Université du Québec à Montréal
WTF	World Taekwondo Federation
YMCA	Young Men's Christian Association
YWCA	Young Women's Christian Association

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