Quebec’s discriminatory Bill 21 causes hijab-clad teacher to be permanently removed from the classroom

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21 December 2021

A third grade teacher at an elementary school in Chelsea, a small Quebec town on the border with Ontario, was removed from her classroom earlier this month because she wears a hijab, an Islamic headscarf that covers her head but not her face.

This discriminatory act, which puts a teacher’s career in jeopardy because of her personal religious choices, is a serious attack on democratic rights. It underscores the reactionary, chauvinist character of the Coalition Avenir Québec (CAQ) government’s “state secularism” law, or Bill 21 as it is popularly known. The immediate repeal of this reactionary and Islamophobic legislation must be demanded by all class-conscious workers.

In 2019, François Legault, the Quebec premier and multimillionaire ex-CEO, pushed through Bill 21, which prohibits public sector employees, including elementary and high school teachers, said to be “in positions of authority from wearing religious symbols.” Its intent was to limit or prohibit religious practices of Muslim, Jewish, Sikh and other minorities, while allowing the Roman Catholic religion to continue to effectively enjoy official sanction as part of the “historic heritage of French Canadians,” in the oft-repeated words of Quebec Premier Legault.

Bill 21 also mandated that public services, including health care, must be provided and received “with faces uncovered,” an explicit attack on the tiny minority of Quebec Muslim women who wear the full veil.

The targeted teacher, Fatemeh Anvari, had been in her position since October 25 this year after serving for well over a year as a substitute teacher. On December 3, the Western Quebec School Board (WQSB) informed parents of the decision to remove Anvari from her classroom at Chelsea Elementary School. According to WQSB interim President Wayne Daly, the board had no choice but to remove Anvari from teaching and reassign her to administrative duties as she was violating Bill 21 by wearing a hijab.

In November, the Quebec Court of Appeal refused to suspend the law’s application to English-language school boards pending the outcome of an appeal by the Attorney General of Quebec. The appeal challenges the Quebec Superior Court’s ruling last April that Bill 21 does not apply to Quebec’s English-language school boards, on the grounds the Canadian Constitution protects their right to exercise some control over instruction in their language.

The decision to remove Anvari from her classroom highlights the real purposes of Bill 21, which are to foment hatred and prejudice against immigrants and religious minorities in order to divide the working class and divert attention away from the real cause of the immense social crisis roiling contemporary society—the capitalist profit system.

The stoking of Islamophobia and other prejudices by the ruling class also serves to justify the wars of US imperialism, supported by Canadian imperialism, in the Middle East and Central Asia, as well as the repressive measures introduced in the name of the “war on terror.”

But Bill 21 is not simply the isolated act of a particularly chauvinistic and reactionary government. From the 2007 Charest Liberal government-mandated Bouchard-Taylor Commission into the alleged excesses of the “reasonable accommodation” of minorities, the entire Quebec political establishment paved the way for Legault’s Bill 21.

The CAQ law was largely inspired by the Quebec Charter of Values tabled by Pauline Marois’ Parti Québécois (PQ) government in 2013 and the Quebec Liberal Party's Bill 62, which in 2018 first introduced a legal ban on giving or receiving public services with one’s face covered.

The reactions of the political establishment to the Chelsea incident demonstrate that this turn toward “Quebec first” chauvinism has only accelerated. In response to Anvari’s removal, the PQ’s parliamentary critic on secularism and former interim party leader, Pascal Bérubé, said that his party supports Bill 21 because it is “necessary.” In an obnoxious move, he blamed Anvari, stating without any evidence that she wanted to “make a political statement” by wearing the hijab and that she had to “choose between her job and her religion.”

For its part, Quebec Solidaire (QS)—which legitimized the chauvinist campaign on “excessive” accommodation while supporting the anti-democratic recommendation of the

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Bouchard-Taylor Commission to restrict the religious rights of government employees in positions of authority— barely objected to Anvari's dismissal. QS criticized the move purely on pragmatic grounds (i.e., by stating that it would add to "staffing shortages" in schools) and never uttered a word about the xenophobic nature of Bill 21.

Quebec Solidaire, which presents itself as a "left-wing" party, announced at its "pre-election" congress in late November that it would not make its "opposition" to Bill 21 an issue in the election campaign slated for next year. A QS government would not repeal Bill 21 but only make unspecified amendments, announced the party leadership.

At the federal level, both the ruling Liberals and the social democratic New Democrats (NDP) responded to Anvari's dismissal from the classroom with verbal condemnations of Bill 21, which they see as flouting the "multiculturalism" policy that has become a key element of the Canadian nationalist ideology promoted by the federal state.

Canadian Prime Minister Justin Trudeau said, "Nobody in Canada should ever lose their job because of what they wear or their religious beliefs." But in an effort to maintain good relations with the right-wing CAQ government, Trudeau has so far opposed the federal government backing a court challenge to Bill 21, although he has left the door open to such a possibility, as he reiterated after Anvari's discriminatory removal became public.

Trudeau's "opposition" to Bill 21 under the guise of promoting democracy is totally hypocritical. His six years in office have been marked by a drastic increase in military spending, expanded Canadian participation in neocolonial wars in the Middle East, complicity in the Trump administration's witch-hunt against immigrants, and the deportation of a record number of refugees in the midst of the COVID-19 pandemic.

Bill 21 has generated some uneasiness within the judiciary, but this is overshadowed by their impotence due to the inherently anti-democratic nature of the Canadian constitution, including as revised following its repatriation in 1982.

In the original Quebec Superior Court decision rendered on April 21, 2021, Justice Marc-André Blanchard noted that Bill 21 "sends the message that people who exercise their faith do not deserve to participate fully in Quebec society;" that it "dehumanizes" people who wear religious symbols; and that it targets Muslim women, who are a particularly vulnerable group in society (and who have experienced an increase in insults and harassment since the bill became law).

Despite pointing to many of the discriminatory elements of Bill 21, Justice Blanchard ruled that he had no authority to alter it because the Quebec government invoked the notwithstanding clause. This clause is a mechanism in the Canadian Constitution to ensure that a law cannot be struck down by the courts, even if it violates fundamental rights "guaranteed" by the Canadian Charter of Rights and Freedoms.

Under conditions of a profound crisis of global capitalism, the ruling class is seeking to prevent the unification of the international working class in a common struggle against austerity and increased exploitation. Around the world—from Biden, who is imprisoning thousands of immigrants in camps on the border with Mexico, to the neo-fascist AfD in Germany, which is dictating the government's anti-refugee policies—the ruling elite is openly turning, as it did in the 1930s, to chauvinism, xenophobia and racism.

Legault has responded to critics by asserting that Bill 21 is "reasonable" and reflects the "choice" of the Quebec people for a secular state. These claims are utterly fraudulent.

As several teachers who have spoken out on social media in support of Anvari have pointed out, most Quebec schools are currently preparing to celebrate Christmas, including performances featuring Biblical characters and songs with religious themes. Moreover, they are doing so with the utmost indifference or tacit support of the authorities charged with guaranteeing the "secular nature of the state."

In the name of preserving "Quebec's cultural heritage," Bill 21 protects numerous Roman Catholic symbols, including Catholic-inspired place names and crucifixes on hospital and school walls. The government continues to fund private religious schools, which are overwhelmingly Catholic.

Anvari's victimization has promoted widespread public anger and outrage, beginning with Chelsea Elementary School students, parents and other teachers. Many tied green ribbons and words of appreciation to a fence near the school to show solidarity with Anvari, who was lauded as a dedicated and highly competent teacher.

One father summed up the impact on the community, saying he was "ashamed that this happened in our school. How are we going to explain this to our kids?" In support of his teacher, a student in Anvari's class drew a card on which he wrote, "Unfair." Interim school board President Daly recounted being inundated with calls and emails, the vast majority in opposition to the teacher's removal.

The only social force capable of defending democratic rights is the working class. To accomplish this essential task, working people in Canada—French- and English-speaking, immigrant and First Nations—must mobilize their strength in an independent political movement against the root cause of the chauvinist attacks on minorities, the profit system.

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