

Regulations and other Acts

Gouvernement du Québec

O.C. 707-2023, 19 April 2023

REGARDING the approval of the Directive from the Minister of Education regarding religious practices in public schools, vocational training centres and adult education centres

WHEREAS, under the first and second paragraphs of section 459.6 of the Education Act (c. I-13.3) the Minister of Education may specifically, within the scope of the Minister's responsibilities, issue directives to one or more school service centres concerning their administration, organization, operation and actions;

WHEREAS the third paragraph of this section states, among other considerations, that these directives must be submitted to the Government for approval and once approved, they are binding on school service centres;

WHEREAS the Minister of Education has prepared a directive regarding religious practices in public schools, vocational training centres and adult education centres;

WHEREAS it is expedient to approve this directive;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the Directive from the Minister of Education regarding religious practices in public schools, vocational training centres and adult education centres, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Directive from the Minister of Education regarding religious practices in public schools, vocational training centres and adult education centres

WHEREAS, under the first and second paragraphs of section 459.6 of the Education Act (CQLR, c. I-13.3), the Minister of Education may specifically, within the scope of the Minister's responsibilities, issue directives to one or more school service centres concerning their administration, organization, operation and actions;

WHEREAS such a directive must be submitted to the Government for approval and once approved, it is binding on school service centres;

WHEREAS under the second paragraph of section 201 of the Education Act, the director general is responsible for, among other things, the day-to-day management of the school service centre's activities;

WHEREAS, following the adoption of the Constitution Amendment, 1997 (Québec) and of the Act to amend various legislative provisions respecting education as regards confessional matters (2000, c. 24), the school boards were made non-denominational;

WHEREAS the Charter of human rights and freedoms (c. C-12) recognizes the freedom of conscience, the freedom of religion, the right to equality, that the Québec nation considers State laicity to be of fundamental importance, and the fact that a person exercises their rights and freedoms with regard for State laicity;

WHEREAS the Act respecting the laicity of the State (c. L-0.3) requires school service centres to comply, in fact and in appearance, with all the principles on which the laicity of the State is based in pursuing their mission, meaning the separation of State and religions, the religious neutrality of the State, the equality of all citizens, freedom of conscience and freedom of religion;

WHEREAS the Act respecting the laicity of the State (c. L-0.3) also requires that all persons have the right to lay institutions and to lay public services;

WHEREAS, under the Act to foster adherence to state religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies (c. R-26.2.01), when dealing with a request for an accommodation on religious grounds concerning a student attending an educational institution established by a school service centre, the school service centre must take into account the objectives set out in the Education Act (c. I-13.3) to ensure that the request does not compromise compulsory school attendance, the basic school regulations established by the Government, the school's educational project, the mission of schools, which is to impart knowledge to students, foster their social development and give them qualifications, in keeping with the principle of equal opportunity, while enabling them to undertake and achieve success in a course of study, and the ability of the institution to provide students with the

educational services provided for by law and to ensure that the accommodation requested is consistent with the right to equality of women and men and the right of every person to be treated without discrimination as well as the principle of State religious neutrality and that it does not impose undue hardship with regard to, among other considerations, the rights of others, public health and safety, the proper operation of the body, and the costs involved;

WHEREAS the arrangement of premises used for religious practices in a public school, vocational training centre or adult education centre is incompatible with the principle of the religious neutrality of the State;

WHEREAS the National Assembly unanimously adopted, on April 5, 2023, a motion affirming that setting up places to pray, regardless of the religious denomination, on public school premises goes against the principle of laicity.

WHEREAS, based on the principle of freedom of conscience, students have the right to be protected from any direct or indirect pressure intended to expose them or to influence them in a manner so that they participate in a religious practice;

WHEREAS, with the specific goal of creating a space that is neutral and free of pressure, a representative of the State cannot, in the exercise of their functions, show preference to one or more religions, for example by supervising or otherwise endorsing the organization of religious practices;

WHEREAS setting up premises for the purposes of religious practices is likely to have an impact on the proper functioning of schools, vocational training centres and adult education centres that are under the responsibility of the school service centres.

THEREFORE:

1. The school service centres subject to the Education Act as well as the Centre de services scolaire du Littoral must ensure that each of their schools and each of their centres complies with the legal framework that applies to religious practices.

For this purpose and in order to maintain the lay nature of public schools, they must ensure that in each of their schools and in each of their centres that no location is used, both in fact and in appearance, for the purposes of religious practices such as overt prayers or other similar practices.

2. When, in one of their schools or one of their centres, the directive regarding religious practices in public schools, vocational training centres and adult education centres is not followed, the director general of the school service centre must take the necessary steps to ensure that the appropriate corrections will be made by the administrators of the educational institution.

3. This directive comes into force the day it is approved by the Government.

BERNARD DRAINVILLE
Minister of Education

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Gouvernement du Québec

O.C. 715-2023, 19 April 2023

Public Curator Act
(chapter C-81)

Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS, under paragraph 12 of section 68 of the Public Curator Act (chapter C-81), the Government may, by regulation, determine the main place where the Public Curator is to perform duties;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Public Curator Act was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Families:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif