



Centre des organismes communautaires
Centre for community organizations

3680, rue Jeanne-Mance
Suite 470
Montréal, Québec
H2X 2K5
Tél (514) 849-5599
S/frais 1 (866) 552-2626
Fax (514) 849-5553
Fax s/f 1 (866) 560-2626
www.coco-net.org
info@coco-net.org

Staff and Board resolution to oppose Bill – 60 (Charter of values)

Adopted December 16, 2013

GIVEN THAT:

- COCo's mission is to promote social justice, active citizenship, democracy, and just socio-economic development by supporting the development of healthy organizations and strong communities through education;
- Two of COCo's current organizational goals or Strategic Directions are to support budding social justice movements and to increase anti-oppression capacity within community groups;
- Bill 60 is being denounced as oppressive by human rights groups in Quebec and there is growing opposition to the bill because of its curtailment of individual rights, access to jobs, religious equality, liberty of conscience, women's rights to choose, etc. ^{1 2};
- Several articles in Bill 60 allow for its application to community organizations, including Section 10 (Chapter IV) which can apply the bill to non profit organizations receiving provincial government funding ³and Section 37 (Chapter X), which gives the government of Quebec the power to unilaterally apply the law to any organization, building or function it deems fit, with a 60 day warning without appeal ⁴;
- The government of Quebec has formally recognized the importance of supporting the autonomy of community organizations ⁵;
- Although Bill-60 has received a great deal of media attention, its potential impact on community organizations has not been made public nor transparent. To date, there has been very little public discussion about the impact of the bill outside of the public service and public institutions (with the notable exception of Centres de Petite Enfance);

THEREFORE :

COCO's Staff and Board unanimously denounce and oppose Bill 60. We are concerned about the impacts of Bill-60 on the organizational health and development of community organizations, specifically limiting the capacity of autonomous organizations to protect the rights of their employees, to determine and to apply their own internal anti-oppressive human resource policies. For these reasons, COCo's Staff and Board ask the Quebec Legislature,



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Minister Bernard Drainville and the current Quebec Government, in order to respect its previous engagements towards supporting the autonomy of the community sector, to withdraw Bill-60.

Furthermore, we encourage other community organizations to also question the potential impact of Bill-60 on their individual members, their work and their autonomy. We also encourage the media, community organizations and political actors to have an open and public discussion around impacts of Bill-60 on community action and the autonomy of the nonprofit sector in Quebec.

While recognizing the validity of many other reasons to oppose the Charter, COCo's staff and board insist on the importance of highlighting the Charter's wide scope in denouncing it and its potential impact on community organizations, which has not been stated and discussed as much as other factors. We hope this may move some of the community organizations and nonprofits which have been silent so far to consider opposing the Charter in the name of their autonomy and that of the sector.

¹ COCo maintains a non-exhaustive list of organizational stances and actions for or against the charter on its website: <http://coco-net.org/organizations-reacting-proposed-quebec-charter-values/?lang=en>

² *Commission des droits de la personne et des droits de la jeunesse:*
“La Commission des droits de la personne et des droits de la jeunesse est d’avis que plusieurs propositions contenues dans le document [d’orientation présentant le projet de Charte] ... sont contraires à la Charte des droits et libertés de la personne du Québec et portent atteinte aux libertés et droits fondamentaux. [...] « Les orientations gouvernementales soulèvent de vives inquiétudes. Elles sont en nette rupture avec la Charte, cette loi quasi constitutionnelle adoptée par l’Assemblée nationale en 1975. Il s’agit de la proposition de modification de la Charte la plus radicale depuis son adoption », a précisé aujourd’hui le président de la Commission, Jacques Frémont. [...] Ainsi, ... [certaines prévisions] seraient manifestement en violation des dispositions de la Charte [des droits et libertés de la personne du Québec] et ne résisteraient pas à l’examen des tribunaux dans l’état actuel de la jurisprudence.”



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from:

<http://www.cdpedj.qc.ca/fr/medias/Pages/Communique.aspx?showItem=593>

See also the statements made by the *Ligue des Droits et Libertés*:

“La Ligue des droits et libertés (LDL) considère que le projet de loi n° 60 sur la charte des valeurs québécoises constitue un recul des droits humains au Québec.”

from: http://liguedesdroits.ca/wp-content/fichiers/communique_07-11-2013_charte.pdf

“la LDL évalue que ses [Ministre Drainville] propositions risquent au contraire de porter atteinte au droit des femmes à l'égalité. L'interdiction du port de signes religieux ostentatoires exclut d'emblée une partie bien ciblée de la population pour qui travailler dans la fonction publique deviendra dorénavant un choix, un privilège. De plus, en stigmatisant plus particulièrement les femmes musulmanes, le projet de Charte aura pour effet d'accentuer la discrimination à leur endroit et de nuire à leur intégration et à leur participation à la vie citoyenne. Pour la LDL, le droit à l'égalité passe plutôt par la pleine reconnaissance et la mise en œuvre des droits économiques et sociaux, ce que se garde bien de proposer le gouvernement actuel.

La Ligue des droits et libertés s'inquiète aussi des impacts du projet sur la liberté de conscience sans laquelle un être humain ne peut prétendre à l'autonomie et à la liberté. Le droit à l'égalité inclut le droit d'adhérer aux croyances de son choix, et d'exprimer son choix, autant pour les femmes que pour les hommes. La LDL s'inquiète particulièrement de l'impact de ces propositions pour les femmes. Restreindre la capacité des femmes d'exprimer leurs convictions, quelles qu'elles soient, revient à juger les femmes incapables à décider pour elles-mêmes.”

from:

http://liguedesdroits.ca/wp-content/fichiers/communique_10_09_2013.pdf

³ Chapter IV Section 10. p.7



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“10. A public body may require that any person or partnership with whom it has entered into a service contract or subsidy agreement fulfill one or more of the duties and obligations set out in Chapters II and III, if such a requirement is warranted in the circumstances in particular because of the duration, nature or place of performance of the contract or agreement.”

See also the article by Law professor Pearl Eliadis:
<https://pearleliadis.wordpress.com/2013/11/07/a-guide-to-the-charterofvalues-overview-commentary-assnat-polqc-qcpoli/>

“In a move to widen its application, section 10 of the Bill would extend to an organization that enters into a contract with the government or receives a subsidy. Thus nonprofits like women’s shelters, homeless shelters, food banks, community group services, and any other organization designated by the government or paid by the government to undertake a service or a project is eligible to be forced to comply if so designated by the government.”

⁴ Chapter X Section 37. p.13

“37. The Government may make a body, institution or public office, or a category of the same, subject to one or more provisions of this Charter. It may also determine terms and conditions.

The Government must publish a notice to that effect in the Gazette officielle du Québec at least 60 days before the body, institution or public office or category of the same becomes subject to those provisions.

Schedule III lists the bodies, institutions and offices thus made subject to one or more provisions of this Charter, the applicable provisions, and any terms and conditions.”

⁵ Refer to : The government policy for the recognition and support of community action, officially titled *L’action communautaire: une contribution essentielle à l’exercice de la citoyenneté et au développement social du Québec* (2001)

http://www.mess.gouv.qc.ca/telecharger.asp?fichier=/publications/pdf/SACA_politique.pdf



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As well as: *Le plan d'action gouvernemental en matière d'action communautaire* (2004)
http://www.mess.gouv.qc.ca/telecharger.asp?fichier=/publications/pdf/SACA_plan_action_gouv_act_communautaire.pdf