

Discriminatory Laws: Background

The Charter of Rights and Freedoms

The Charter protects many rights and freedoms. The Charter applies to the government and its agents, not private individuals or organizations. It applies to the laws the government creates and how they are executed. So, if for example, you are being discriminated against by your boss, you would probably use human rights legislation and not the Charter. If a government writes a law that violates the Charter, the Courts may find the law to be of no force and effect.

[Learn more about the Charter.](#)

Section 33: The Not Withstanding Clause

Section 33 allows provincial legislatures or Parliament to declare that certain sections (s.2, or s. 7-15) of the Charter do not apply to a specific law. The section has, since the Charter came into effect, been rarely used. It was therefore controversial when the Quebec government preemptively invoked the Not Withstanding Clause to bar individuals from suing the government on the basis that the law violates their Charter rights. Invoking s.33 only lasts for 5 years unless it is invoked again.

Learn more about [Section 33 – Notwithstanding clause](#)

Human Rights Legislation

Canada has both provincial and federal laws addressing human rights. The *Canadian Human Rights Act* applies to federally regulated industries and organizations (such as airlines and banks) and some First Nations. Provincial and territorial legislation applies to other areas. In general, human rights legislation in Canada will address and redress discrimination and harassment based on sex, race, religion and other grounds of discrimination.

Learn about the [BC Human Rights Code and Tribunal.](#)

Quebec's Ban on Religious Symbols Law

Law 12
Discriminatory Laws - Background



In 2019, Quebec passed Bill 21 (“the Laicity Act”) which prohibits public servants in positions of authority, including teachers, from wearing religious symbols on the job. The law has been criticised for targeting religious minorities, especially Muslim women.

Daniel Leblanc & Ingrid Peritz, [Quebec to invoke notwithstanding clause to prevent Charter challenges of religious-symbols ban](#), The Globe and Mail, March 27, 2019

The Canadian Press, [Quebec bans religious symbols for state workers in new law](#), Global News, June 16, 2019

Jonathan Montpetit, [Quebec’s ban on religious symbols threaten education, health of minorities, trial hears](#), CBC News, November 4, 2020

Rachel Décoste, [The Most Discriminatory Laws in Canadian History](#), Huffington Post, September 16, 2013