



STATEMENT ON BILL 40

An Act to amend the Education Act principally
with respect to school organization and
governance

Submitted by

The English Speaking Catholic Council

Tuesday, November 19, 2019

The English Speaking Catholic Council (ESCC) was founded in 1981 and represents the interests of the nearly 400,000 English-speaking Catholics in Quebec. Through the years, the Council has advocated on a wide-range of Quebec educational issues, including deconfessionalization, the Ethics and Religious Culture Program (ERC), and the sexual education program introduced to Quebec schools in 2017.

The ESCC is a supporting organization of APPELE-Québec. Mandated to animate, represent and defend the rights of the English-speaking Catholic community of Quebec, the Council recognizes the fundamental connection between the strength of English language educational institutions and the vitality of the minority language community of Quebec. Cognizant of the constitutionally protected rights of the minority language community, the Council supports the right of the English-speaking community to democratically elect school board commissioners.

Almost exactly twenty years ago, on September 22, 1999, the ESCC submitted a brief to the provincial standing committee on Education in response to the Proulx Task Force Report on the Place of Religion in Quebec Schools. That brief opened with the following lines, "The...Council made a major act of good faith when in May 1988 at the National Assembly Hearings studying Bill 107 (the Education Act), it defended its brief in favor of the reorganization of school boards along linguistic lines while strongly advocating measures to ensure the confessional character of schools." The brief proceeded to detail the recanting on promises in the intervening eleven years, resulting in the recommendations of the Proulx Report, which the ESCC felt to be a betrayal of trust. This is not the place to document the further, systematic stripping of the confessional character from the Quebec educational system in the following twenty years, but let us say that the Council is not at all surprised to see that Bill 40, (An Act to amend the Education Act principally with respect to school organization and governance) speaks of, "the Abolition of the Religious Affairs Committee and the withdrawal of certain particulars in the Education Act concerning spiritual development..." those particulars being article 6 and 226 which state that school boards should ensure that schools offer students services for spiritual care, guidance and community involvement. This matter is, of course, of concern to the Council, but the Council also recognizes that this issue was long ago decided and that these amendments are simply bringing the Education Act into conformity with well-established practice in our schools. Our purpose in drawing attention to this matter is to point out that the Council has little reason to trust the good faith assurances of the Ministry of Education when it comes to the protection of the rights of parents or the rights of the minority-language community, both of which are of concern to our community.

As noted in the brief presented by APPELE-Québec, Bill 40 has made efforts to "respect the constitutional rights of English-speaking Quebecers to "manage and control" (Mahé v. Alberta, Supreme Court of Canada, 1990) our school system." But like APPELE-Québec, the Council notes that a close reading of the legislation leaves doubt as to whether those rights are being fully respected and to question whether the practical application of the new legislation would

in fact be a severe curtailing of the community's ability to manage and control our school system.

A fundamental principle of Catholic social teaching is that of subsidiarity, that is, the notion that matters should be handled by the least centralized, competent authority. It is a principle that speaks to the power of the community to organize and order matters which are of direct relevance to it. Though the Council is concerned most directly with the minority language community of Quebec, it does not feel that the elimination of democratically elected school boards and the implementation of service centers, under the direct authority of the Ministry of Education, will be of benefit to Quebec society as a whole. For this reason, the Council urges the government to withdraw this complicated and unworkable piece of legislation.