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General Assembly  
Wednesday, November 29, 2017  
5:30 PM, P-204  
MINUTES  
(subject to approval)

1. ADOPTION OF AGENDA

Motion: *To adopt the agenda (1: Eileen Kerwin Jones; 2: Debbie Lunny)*

Amendment: *To move the Law 62 financial motion in advance of the Law 62 political motion (1: Rhoda Sollazzo; 2: Faye Trecartin)* Passed.

Passed

The amended agenda was adopted as follows:

1. ADOPTION OF AGENDA
2. APPROVAL OF MINUTES OF GA OF SEPT 26, 2017
3. ANNOUNCEMENTS
4. JACFA RESPONSE TO LAW 62

4.1 Presentations

4.2 Motion: *BIRT JACFA donates \$1000 to the National Council of Canadian Muslims and the Canadian Civil Liberties Association to fund their legal challenge to repeal Law 62 (1: Faye Trecartin)*

4.3 Motion: *Whereas the refusal to provide public services to people who wear religious face coverings has nothing to do with the maintenance of a secular and/or religiously neutral state;*

*Whereas such refusal appears to contravene the Canadian and Québec charters of rights, in particular the basic freedom of expression and the freedom of religion;*

*Whereas the application of sections 10 and 11 would unjustly target certain already-marginalized groups;*

*Whereas Law 62 and subsequent clarifications from the Justice Minister assign a significant role to CÉGEP teachers in the application of the law;*  
*BIRT*

- *JACFA denounces the passage of Law 62;*
- *JACFA calls on its members not to participate in the application of articles 10 and 11 of the law;*
- *JACFA requests that College refuse to apply this law and make a public statement to that effect;*
- *JACFA requests that FNEEQ denounce this law based on its improper association of secularism and religious neutrality, based on its apparent*

*contravention of charter rights, based on its discriminatory nature, and based on the inappropriate role assigned to teachers;*

- *And JACFA requests that FNEEQ and the CSN make the necessary political representations to the government and the Fédération des CÉGEPS.*

5. SOLIDARITY FINANCIAL MOTION

5.1 Motion: *BIRT JACFA expresses its solidarity with the Ontario Public Service Employees Union College Academic Division, and gives them a \$500 donation.*

2. APPROVAL OF MINUTES OF GA OF SEPT. 26, 2017: Motion: *To approve the minutes (1: Stephen Bryce; 2: Derek Maisonville)* Passed

3. ANNOUNCEMENTS:

- The JACFA Christmas lunch will be held on Wednesday, December 13 at Château Vaudreuil at 12:00PM. The Social Director requested that members RSVP.

4. JACFA RESPONSE TO LAW 62

4.1 Presentations: The President introduced two guest speakers: Eve Torres (a member of Voie des Femmes, a women's rights group with a focus on rights of immigrants) and Haroun Bouazzi (co-chair of the Association of Muslims and Arabs for Secularism in Québec).

- Eve spoke about her organization's pending legal challenge to Law 62, and about the effects of the law on women who choose to wear the niqab.
- Haroun spoke about the idea and the importance of secularism, and why he believes the law violates the principles of secularism, as well as several fundamental human rights.
- Eve explained that Article 11 of the law, which allows accommodations to be made in certain circumstances, is not yet in force (i.e. that no mechanism currently exists to produce such accommodations fairly or uniformly).
- A member requested that the chair move to the next agenda item. The chair declined the request.

- A member asked the presenters about their views on the identification of students, and the removal of ear coverings for examination security purposes. Haroun responded that exam security is important, and that in most cases accommodations can be made to satisfy both parties, but pointed out that this law in no way affects the hijab, and thus in no way addresses these concerns.
- A member asked the presenters whether regulations on reasonable accommodation are pending. The presenters were unaware of any plans for such regulations.

4.2 : The mover explained that this motion was a reaction to the original agenda proposed by the JACFA executive. The mover believed that the law will be overturned, and so preferred supporting legal actions to political ones.

Motion: *BIRT JACFA donates \$1000 to the National Council of Canadian Muslims and the Canadian Civil Liberties Association to fund their legal challenge to repeal Law 62. (1: Faye Trecartin; 2: Stephen Bryce)*

Questions/Clarifications:

- A member asked whether the intention was to give the groups \$1000 each or \$500 each. The mover clarified that the intention was \$500 each.

Passed unanimously

4.3 : The JACFA Secretary gave a report on the results of the Labour Relations Committee meeting of November 28, 2017:

- The College has stated that its position on the law will be to obey the law.
- Conversely, the College has said that students will not be asked to remove face coverings in order to attend lectures.
- The College has said that students may be asked to remove face coverings in order to verify their identities before participating in assessments, but that this would be done in the “most respectful way possible”.
- The College has stated that a teacher who has been hired by the College and wishes to wear a face covering for religious reasons may do so.
- The College has appointed the Secretary General to handle any particular cases in which the law might have jurisdiction.
- The College has stated that it will probably not make a public statement about its position on the law.
- The College has refused to indicate what its position will be should a teacher wish to apply the law.

The Vice-President External explained the reasoning behind the JACFA Executive’s positions and actions related to Law 62:

- The Executive views this law as discriminatory.
- While there are currently no niqab-wearing students at the College, this may change.
- While the College’s position may protect students for now, the College may change its position when faced with external and/or internal pressure to enforce the law.

- Individual teachers’ decisions not to enforce the law would not, according to the legal opinion obtained by JACFA, constitute an illegal action on the part of the teacher. Any repercussions for non-enforcement would be enacted through the Collective Agreement.
- The Executive believes that the risk to teachers is quite low, but that the fact that there is risk strengthens our position by showing our resolve.

The President expanded on this explanation, outlining the political motivations for the motion.

- FNEEQ is currently focused on its position on the Charter of Values. The debate needs to be recentred, and this motion will help.
- There is a history of disobedience which is core to the union movement.
- In particular, unions have historically viewed the law as a guide, rather than as a limit on action.
- The risk of nonaction is the proliferation of extremism.
- It is important to act from our privileged and protected positions to defend those in more precarious positions.

Motion: *Whereas the refusal to provide public services to people who wear religious face coverings has nothing to do with the maintenance of a secular and/or religiously neutral state;*

*Whereas such refusal appears to contravene the Canadian and Québec charters of rights, in particular the basic freedom of expression and the freedom of religion;*

*Whereas the application of sections 10 and 11 would unjustly target certain already-marginalized groups;*

*Whereas Law 62 and subsequent clarifications from the Justice Minister assign a significant role to CÉGEP teachers in the application of the law;*

*BIRT*

- *JACFA denounces the passage of Law 62;*
- *JACFA calls on its members not to participate in the application of articles 10 and 11 of the law;*
- *JACFA requests that College refuse to apply this law and make a public statement to that effect;*
- *JACFA requests that FNEEQ denounce this law based on its improper association of secularism and religious neutrality, based on its apparent contravention of charter rights, based on its discriminatory nature, and based on the inappropriate role assigned to teachers;*
- *And JACFA requests that FNEEQ and the CSN make the necessary political representations to the government and the Fédération des CÉGÉPS.*

Discussion:

- Several members questioned whether the motion is necessary given the pending legal challenges to the Law.
- Several members expressed that they would choose not to apply the law, whether or not the motion passes.
- A member pointed out a syntactical error in the motion. The third point should begin “*JACFA requests that FNEEQ denounce this law based on the law’s improper association with secularism and religions neutrality*”. This was accepted as a friendly amendment.

Amendment: *To strike “JACFA calls on its members not to participate in the application of articles 10 and 11 of the law;” and replace it with “JACFA supports any of its members who choose not to apply the law;” (1: Christine Jacobs; 2: Faye Trecartin)*

- A member spoke in support of the amendment, citing the need for the accommodation outlined in article 11 of the law.
- The Vice-President Internal explained that the phrasing was chosen as a middle ground, calling on members not to enforce the law, but not attempting to compel them.
- The Vice-President External explained how this amendment would weaken the political force of the motion. This sentiment was echoed by several members.

Defeated

Amendment: *To strike “JACFA requests that College refuse to apply this law and make a public statement to that effect;” and replace it with “JACFA requests that the College initiate a discussion at the Fédération des CÉGEPS of a position statement that strongly reaffirms the rights of all students to an education free of discrimination, and to all college workers to working conditions free of discrimination in response to Law 62;” (1: Debbie Lunny; 2: Derek Maisonville)*

Subamendment: *To keep both points. (1: Belinda Gare; 2: Sandra Stevenson)* Passed

Passed

Motion: *To divide the main motion by points (1: Edward Hudson; 2: Rhoda Sollazzo)* Defeated

Having exhausted the speakers list, the chair called the question on the main motion (as amended). A member requested that the votes be counted and recorded.

Passed (Yea: 38; Nay: 1)

The final motion, as amended, read as follows:

*Whereas the refusal to provide public services to people who wear religious face coverings has nothing to do with the maintenance of a secular and/or religiously neutral state;*

*Whereas such refusal appears to contravene the Canadian and Québec charters of rights, in particular the basic freedom of expression and the freedom of religion;*

*Whereas the application of sections 10 and 11 would unjustly target certain already-marginalized groups;*

*Whereas Law 62 and subsequent clarifications from the Justice Minister assign a significant role to CÉGEP teachers in the application of the law;*

**BIRT**

- *JACFA denounces the passage of Law 62;*
- *JACFA calls on its members not to participate in the application of articles 10 and 11 of the law;*
- *JACFA requests that College refuse to apply this law and make a public statement to that effect;*

- *JACFA requests that FNEEQ denounce this law based on the law’s improper association with secularism and religious neutrality, based on its apparent contravention of charter rights, based on its discriminatory nature, and based on the inappropriate role assigned to teachers;*
- *JACFA requests that the College initiate a discussion at the Fédération des CÉGEPS of a position statement that strongly reaffirms the rights of all students to an education free of discrimination, and to all college workers to working conditions free of discrimination in response to Law 62;*
- *And JACFA requests that FNEEQ and the CSN make the necessary political representations to the government and the Fédération des CÉGEPS.*

5. **SOLIDARITY FINANCIAL MOTION:** The Vice-President Internal explained the situation facing the Ontario College teachers:

- The union was primarily fighting for less precarity for its members.
- It was also looking to increase academic freedom, and to decrease what it views as an unreasonably high workload.
- The workers were legislated back to work, and are begin forced to submit to binding arbitration.
- The union is fighting the constitutionality of the back-to-work legislation, and need financial support for this endeavour.

Motion: *BIRT JACFA expresses its solidarity with the Ontario Public Service Employees Union College Academic Division, and gives them a \$500 donation.* Passed unanimously

Having reached the end of the agenda, the chair adjourned the meeting.

Minutes submitted by:

Ethan Mombourquette, JACFA Secretary