

Singh et al. v. Montréal Gateway Terminals et al.: Health and safety trump religious freedom

On September 21, 2016, in Singh v Montréal Gateway Terminals et al., the Québec Superior Court dismissed a Motion for Declaratory Relief instituted by Sikh truck drivers against BLG client Montréal Gateway Terminals (MGT).

The plaintiffs, all observers of the Sikh religion, alleged that a mandatory health and safety policy implemented by MGT obliging all individuals entering its Port of Montréal terminal to wear a hard hat infringed on their religious and equality rights. They asked the Superior Court to exempt them from the policy, thus allowing them to access MGT's terminal wearing only their turbans.

This case was novel and legally complex, as it involved the obligations of institutions to oversee the health and safety of individuals who are not their employees but who nevertheless have access to their site, the penal and criminal sanctions faced by these institutions for failure to ensure the health and safety of those individuals, religious freedoms and equality rights and the limitations thereto, as well as questions concerning the applicability of the Canadian Charter of Rights and Freedoms, the Québec Charter of Human Rights and Freedoms and the Canadian Human Rights Act.

In a lengthy and comprehensive judgment, the Honourable Justice André Prévost ruled that the salutary effects of the policy outweighed its prejudicial effects on the plaintiffs' freedom of religion, and that even though they had demonstrated that the policy did infringe on their freedom of religion, that this infringement was justified under the Québec Charter.

This action was instituted nearly ten years ago. MGT was represented at trial by [Justine B. Laurier](#), of [BLG's Labour and Employment Practice Group](#), with the support of Philippe C. Vachon (now retired), [André Royer](#) and Francesca Taddeo.

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