

THE ISLAND ANOMALY

UNCONSTITUTIONAL PRAYERS IN
PRINCE EDWARD ISLAND
MUNICIPAL COUNCIL MEETINGS



 **BC HUMANIST
ASSOCIATION**

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ABSTRACT

This report examines the inclusion of prayers in municipal council meetings in Prince Edward Island (PEI), Canada, and compliance with the Supreme Court of Canada's 2015 ruling in *Mouvement laïque québécois v. Saguenay (Saguenay)*. That decision found the practice of opening council meetings with a prayer unconstitutional. A detailed survey of the agendas, minutes, and video recordings of the meetings of Prince Edward Island municipalities, with populations over 1,000, revealed only one unconstitutional prayer, which occurred in an inaugural council meeting. None of the municipalities were found to have prayer in their regular council meetings, either currently or prior to the *Saguenay* decision. We did not identify any instances of secular invocations or moments of silence in regular and inaugural municipal council meetings in PEI. We also highlight the inclusion of Indigenous content in council meetings and the need for municipalities to avoid prescriptive invitations to Indigenous representatives. The report makes several recommendations, chief of which is that local governments comply with the ruling of the Supreme Court by eliminating prayer from their council meetings, and in so doing uphold their duty of religious neutrality and ensure that all people are welcome at meetings, regardless of their faith or lack thereof.

THE SAGUENAY PROJECT

The *Saguenay Project* is an ongoing research and advocacy campaign by the BC Humanist Association to audit and promote compliance with the 2015 Supreme Court of Canada decision in *MLQ v Saguenay*.¹

Report	Province	Date	Regular prayers	Inaugural prayers
Duty of Neutrality Beyond Saguenay	BC	Nov 2020	0/162	23*/162
In Open Defiance	MB	Mar 2022	4/101	6/101
Open for Unconstitutional Business	ON	Dec 2022	9/360	156/328
We Yelled at Them Until They Stopped	BC	Nov 2023	0/161	7/148
The Last Municipality Standing	AB	May 2024	6/177	6/172
An Impossible Task	SK	Oct 2024	2/95	3/90
Prayer Free BC	BC	Apr 2025	0/160	8/160

This report, the eighth in our series, builds on and borrows from these previous reports. While our study of municipalities across the country is ongoing, several emerging trends can be identified: (1) The number of municipalities including prayer in their meetings (regular or inaugural) has steadily declined since *Saguenay*. Some municipalities responded to the ruling by changing their practices: sometimes abolishing the practice altogether, other times altering or adjusting their procedures. (2) Despite this reduction, prayer continues to be included in some municipal council meetings across the country. (3) These prayers are disproportionately delivered by Christian men. (4) Advocacy works, and more advocacy is needed.

The *Saguenay Project* seeks to highlight violations of *Saguenay* to increase compliance with the ruling, thereby strengthening the separation of religion and government in Canada and ensuring that all feel welcome in municipal council chambers across the country.

¹ Learn more and find links to all our report at <https://www.bchumanist.ca/saguenay>

INTRODUCTION

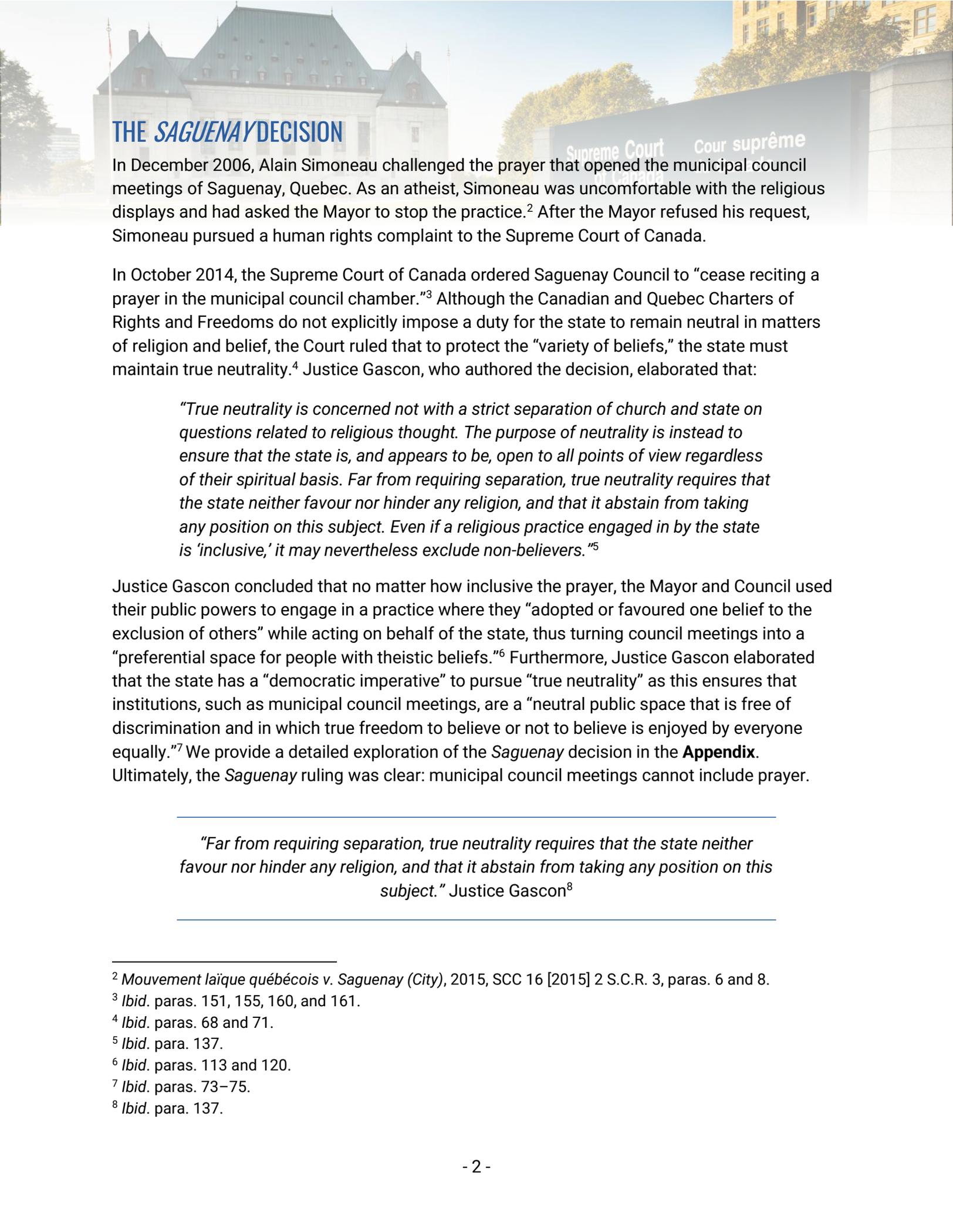
In 2015, the Supreme Court of Canada ruled that the practice of opening a municipal council meeting with a prayer was unconstitutional in its verdict in *Mouvement laïque québécois v. Saguenay (Saguenay)*. Despite this ruling, we have identified instances of municipalities included prayers in their council meetings across the country. These are all instances of local governments violating their duty of religious neutrality clearly outlined in *Saguenay*.

This is the eighth report in the BC Humanist Association's (BCHA) ongoing *Saguenay Project*, which explores unconstitutional prayer in municipal council meetings across Canada. Our previous work reviewed municipal council meetings in BC, Manitoba, Ontario, Alberta, and Saskatchewan.

In this report, we continue this study in Canada's smallest province, Prince Edward Island. Reviewing the agendas, minutes, and recordings of regular and inaugural council meetings of every PEI municipality with a population of over 1,000 revealed that only Summerside included an unconstitutional prayer in its 2022 inaugural meeting.

TABLE OF CONTENTS

The *Saguenay* decision.....2
Methodology3
Quantifying Prayer Practices6
 Pre-Saguenay6
 Contemporary Swearing-In Ceremonies7
 Prayer in Regular Meetings9
Interprovincial Comparisons.....11
Indigenous Content13
Limitations and Future Research.....17
 Potential Sources of Error17
 Future Research18
Conclusion.....19
Appendix: The *Saguenay* Decision.....20
Bibliography27



THE SAGUENAY DECISION

In December 2006, Alain Simoneau challenged the prayer that opened the municipal council meetings of Saguenay, Quebec. As an atheist, Simoneau was uncomfortable with the religious displays and had asked the Mayor to stop the practice.² After the Mayor refused his request, Simoneau pursued a human rights complaint to the Supreme Court of Canada.

In October 2014, the Supreme Court of Canada ordered Saguenay Council to “cease reciting a prayer in the municipal council chamber.”³ Although the Canadian and Quebec Charters of Rights and Freedoms do not explicitly impose a duty for the state to remain neutral in matters of religion and belief, the Court ruled that to protect the “variety of beliefs,” the state must maintain true neutrality.⁴ Justice Gascon, who authored the decision, elaborated that:

“True neutrality is concerned not with a strict separation of church and state on questions related to religious thought. The purpose of neutrality is instead to ensure that the state is, and appears to be, open to all points of view regardless of their spiritual basis. Far from requiring separation, true neutrality requires that the state neither favour nor hinder any religion, and that it abstain from taking any position on this subject. Even if a religious practice engaged in by the state is ‘inclusive,’ it may nevertheless exclude non-believers.”⁵

Justice Gascon concluded that no matter how inclusive the prayer, the Mayor and Council used their public powers to engage in a practice where they “adopted or favoured one belief to the exclusion of others” while acting on behalf of the state, thus turning council meetings into a “preferential space for people with theistic beliefs.”⁶ Furthermore, Justice Gascon elaborated that the state has a “democratic imperative” to pursue “true neutrality” as this ensures that institutions, such as municipal council meetings, are a “neutral public space that is free of discrimination and in which true freedom to believe or not to believe is enjoyed by everyone equally.”⁷ We provide a detailed exploration of the *Saguenay* decision in the **Appendix**. Ultimately, the *Saguenay* ruling was clear: municipal council meetings cannot include prayer.

“Far from requiring separation, true neutrality requires that the state neither favour nor hinder any religion, and that it abstain from taking any position on this subject.” Justice Gascon⁸

² *Mouvement laïque québécois v. Saguenay (City)*, 2015, SCC 16 [2015] 2 S.C.R. 3, paras. 6 and 8.

³ *Ibid.* paras. 151, 155, 160, and 161.

⁴ *Ibid.* paras. 68 and 71.

⁵ *Ibid.* para. 137.

⁶ *Ibid.* paras. 113 and 120.

⁷ *Ibid.* paras. 73–75.

⁸ *Ibid.* para. 137.

METHODOLOGY

Following our previous reports, we have restricted our survey to municipalities with populations equal to or greater than 1,000 according to the 2016 Census.⁹ This was complicated in Prince Edward Island by changes made under the *Municipal Government Act* in 2018.¹⁰ Specifically, the Government used provisions in the Act, to amalgamate several municipalities before the 2018 municipal elections.¹¹ As a result, one municipality (Montague) no longer exists, as it was amalgamated into Three Rivers. Additionally, the Act created two new municipalities with populations over 1,000 (Central Prince and North Shore) and formed several rural communities.

The province further amalgamated five communities (including Afton) into the Rural Municipality of West River in 2020.¹² These changes are summarized in **Figure 1**. As a result of these changes, the total number of municipalities in the province with a population of over 1,000, at the time of writing, is 15, up from 13 when *Saguenay* was decided.

In our previous reports, we have typically distinguished between two types of meetings: regular and inaugural meetings. Regular meetings are normal business meetings, defined by the *Municipal Governance Act*.¹³ Inaugurals are the first meeting of a newly constituted council following an election, which typically include a swearing-in ceremony and other ceremonial elements.

Whereas in many municipalities in other provinces, the swearing-in ceremony was frequently held in conjunction with the first meeting of council, this was far rarer in Prince Edward Island. Rather, most municipalities in our dataset held a standalone swearing-in ceremony, which is required by law to be held “during the period of December 1 to 7 immediately following the election.”¹⁴ The first meeting of these councils, held in December following an election, was typically unremarkable compared to other regular meetings of council. As such, for the present

⁹ Population data based on: Statistics Canada. (2017). “Population and dwelling counts, for Canada, provinces and territories, and census subdivisions (municipalities), 2016 and 2011 censuses (table).” Population and Dwelling Count Highlight Tables. 2016 Census. Statistics Canada Catalogue no. 98-402-X2016001. Ottawa. Released February 8, 2017. Available at <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hltfst/pd-pl/Table.cfm?Lang=Eng&T=302&SR=1&S=86&O=A&RPP=25>

¹⁰ Municipal World. (2018 September 25). “Amalgamation approved for three PEI municipalities.” Available at <https://www.municipalworld.com/press-releases/amalgamation-approved-three-pei-municipalities/>

¹¹ Government of PEI. (2023). “Municipal Governance Act.” Available at https://www.princeedwardisland.ca/sites/default/files/legislation/m-12.1-municipal_government_act.pdf

¹² Government of PEI. (2020 August 22). “Municipal Government Act: Rural municipality of Afton and rural municipality of Bonshaw and rural municipality of Meadow Bank and rural municipality of New Haven-Riverdale and rural municipality of West River restructuring.” Available at <https://www.westriverpe.ca/public/download/files/190048#referrer=https%3A%2F%2Fwww.westriverpe.ca%2F>

¹³ Part 5. Div 1 of “Municipal Governance Act,” Government of PEI: 2023.

¹⁴ *Ibid.* at s79.

study we will consider the swearing-in ceremonies and draw comparisons with the inaugural meetings of other provinces.

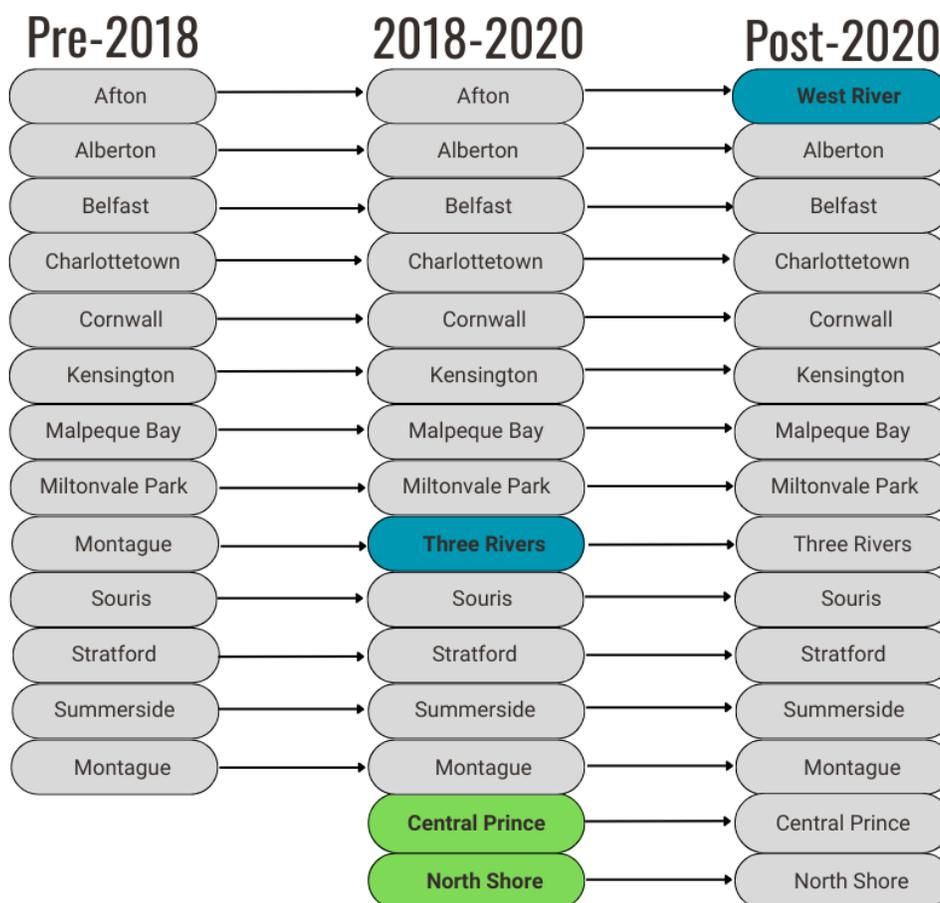


Figure 1 - Flowchart showing municipal amalgamation (in turquoise) and incorporation (in green) in 2018 and 2020 in Prince Edward Island. Note that this chart only includes incorporated municipalities with at least 1,000 people in the 2016 census.

For each municipality, members of our research team visited the municipal website and located the agenda, minutes and, where possible, an audio/video recording of the swearing-in ceremonies held after the 2014, 2018, and 2022 elections, and three recent regular council meetings.¹⁵ Where available, minutes from meetings that occurred before the *Saguenay* decision were also inspected. When records were not available for swearing-in ceremonies on a municipal website, our team also reviewed their social media channels, primarily YouTube and Facebook, for agendas, invites, or recordings.

As with our previous studies, our team reviewed all available records to verify whether the meeting included a prayer, invocation, moment of silence, Indigenous content, or other ritual

¹⁵ To ensure that a consistent timeframe is studied, we used the first meeting that occurred after three randomly selected dates: March 1, 2023, October 12, 2024, and April 1, 2025.

practice to mark the start of a meeting. We noted those municipalities that included a prayer in their meeting, along with the name, affiliation and gender of the person who delivered the prayer, when available.¹⁶ We transcribed any prayers and made note of any procedures and practices surrounding prayers, such as recording any gestures made, whether the task rotated among council members, if a guest delivered the prayer or if audio/visual recordings were paused during the delivery of the prayer.

Where we were unable to find publicly accessible records, we emailed the city's administrator for further records or clarification if swearing-in ceremonies or regular meetings included a prayer and/or territorial acknowledgement. Despite our searches and outreach, we still collected relatively little data for the swearing-in ceremonies. We only had data for two swearing-in ceremonies in 2014, and four in 2018. Even for the most recent swearing-in ceremonies, we were unable to find records for eight municipalities (Alberton, Central Prince, Malpeque Bay, North Shore, Souris, Stratford, Three Rivers, and West River).

While we did not classify them as prayers, we reviewed materials and noted the inclusion of moments of silence, the recitation of secular poetry, and Indigenous territorial acknowledgements. This was done to gain a better understanding of the extent to which these elements are featured in municipal council meetings. We were particularly interested in Indigenous content – while largely symbolic, these elements can further the goal of reconciliation, and we see a benefit to contributing this data to the literature.

Finally, in May 2025, we wrote to the Chief Administrative Officer for the one municipality in Prince Edward Island that we identified as having prayers in its 2022 swearing-in ceremony to ask them to commit to ensuring future events comply with their duty of religious neutrality. To date, we have received no reply.

¹⁶ We made efforts to identify the individual's gender identify via publicly available information, i.e. pronoun use in church websites, media reports, blogs, etc. where possible.

QUANTIFYING PRAYER PRACTICES

Pre-Saguenay

In each of our provincial studies, we have attempted to compare municipal practices before and after the April 15, 2015, *Saguenay* decision, to better understand the impact of the decision. We have found that many Canadian municipalities changed their practices almost immediately following ruling; this was particularly the case for regular council meetings.

With few municipalities in Prince Edward Island, we have limited data to consider *Saguenay's* impact in the province. We could not find any records from the 2014 swearing-in ceremonies for the 13 Prince Edward Island municipalities. By email, we were told that there were no prayers in Charlottetown, Stratford, Belfast, or Miltonvale Park's events. Looking at their late 2014 and early 2015 regular council meetings, we found no instances of prayers in any municipality. We could not find records for Afton, which has ceased to exist, or Souris. These results are summarized in **Table 1**.

Table 1 - Presence of prayers in Prince Edward Island municipal swearing-in ceremonies (2014) and regular council meetings prior to *Saguenay*.

Municipality	Inaugural Prayer	Regular Prayer
Afton	Don't know	Don't know
Alberton	Don't know	No
Belfast	No	No
Charlottetown	No	No
Cornwall	Don't know	No
Kensington	Don't know	No
Kingston	Don't know	No
Malpeque Bay	Don't know	No
Miltonvale Park	No	No
North Shore	Don't know	No
Souris	Don't know	Don't know
Stratford	Don't know	No
Summerside	Don't know	No

In our work on municipal council prayers, we have reached out to many municipalities that we have identified as having prayers in past meetings. At times, staff have replied to say their community never included prayers in their meetings until we provide clear evidence of past prayers. When the inclusion is rare, for example at an inaugural ceremony that only happens every four years, it is possible that the inclusion of a prayer is simply forgotten about. This is particularly true in instances where there has been staff turnover in the decade since *Saguenay*. Furthermore, inaugural meetings (and by extension swearing-in ceremonies) typically including more ceremonial elements as compared with regular meetings. We have posited that this

explains the tendency for inaugural meetings to more often include prayer than regular council meetings. For these reasons, we acknowledge the chance that prayers may have been included in some of these 2014 inaugural meetings.

Nevertheless, the fact that we found no evidence of prayer in any of these municipalities, pre-*Saguenay*, is quite remarkable. In every other province we have studied to date we have noted the inclusion of prayers in some municipal meetings prior to *Saguenay*. For example, in Manitoba, 14 municipalities included prayers in their 2014 inaugural council meetings, which decreased to nine in 2018, and six in 2022.¹⁷ Without further research, we cannot say what has driven this difference. There may be something unique to the municipal political culture of Prince Edward Island or maybe religion has played a more private role in the province.

Contemporary Swearing-In Ceremonies

We reviewed available data for the 2018 and 2022 swearing-in ceremonies for the 15 municipalities in Prince Edward Island with a population of 1,000 or more. For 2018, we were only able to find records from Belfast, Charlottetown, Cornwall, and Souris. We found no evidence of prayers or Indigenous content at those meetings. Data were otherwise unavailable for the remaining 12 municipalities. One municipality (14.3%), Summerside, had a prayer at its 2022 inaugural meeting (**Table 2**). We could not find data for other municipalities.

Table 2 - Presence of prayer in 2022 inaugural meetings of Prince Edward Island municipalities.

Municipality	Inaugural prayer?	Prayer delivered by	Religion	Gender
Alberton	Don't know			
Belfast	No			
Central Prince	Don't know			
Charlottetown	No			
Cornwall	No			
Kensington	Don't know			
Kingston	No			
Malpeque Bay	Don't know			
Miltonvale Park	No			
North Shore	Don't know			
Souris	Don't know			
Stratford	Don't know			
Summerside	Yes	Rev. Rachel Campbell	Christian	Female
Three Rivers	Don't know			
West River	Don't know			

¹⁷ Phelps Bondaroff, T.N., Thom, A., Prasad, R., & Bushfield, I. (2022 March). "In open defiance: Unconstitutional prayers at municipal councils in Manitoba." *BC Humanist Association*, 1-52. Available at https://www.bchumanist.ca/in_open_defiance

Many of the swearing-in ceremonies were conducted by a local judge or Justice of the Supreme Court. In the Town of Cornwall, for example, Justice Gregory Cann oversaw the elected mayor and councillors take their oaths of office before providing some remarks and well wishes for the newly elected council.¹⁸ Aside from this, we did not identify any municipalities that opened their ceremonies with a moment of silence, poem or other secular reflection.

The one inaugural prayer we identified was in Summerside. This is second largest municipality in Prince Edward Island, and besides its 2022 ceremony, to our knowledge, this municipality has not otherwise included prayer in its meetings. Following the singing of 'O Canada,' Reverend Rachel Campbell, a local United Church Pastor, delivered the following prayer:

"With time and space, within different beliefs and understandings, there are moments when we are invited to pause and to seek wisdom, to truly listen, to open our hearts and minds and be willing to be a part of the sacredness of transformation. We come this evening to pause for such a moment. We are present with hope in our hearts as we bless the new mayor and all the councillors who have answered the call and were selected to be in a place of leadership for all residents of the city of Summerside. We also come recognizing the amazing work of those leaving the council chamber and thank them for their diligence, their courage, and their faithful servanthood within and beyond these walls. Let us pray.

"Creator God, we gather in the hope peace joy and love of the season. We ask your spirit to surround us and within the spirit of wisdom we seek to cement a willingness to listen and the courage to respond in helpful ways. We hold in prayer those taking on the call of leadership. Bless them. Give them the openness of mind, the compassion of heart, and the strength to be truly present. This is a new day, a new journey and a new vision. Within all of this, help them to see the fullness of opportunities presented and embrace the opportunity to build strong working relationships. We pray all this in the name of Jesus. Amen."¹⁹

After Rev Campbell's prayer, Mi'kmaq knowledge keeper Julie Pellissier-Lush also delivered an "Invocation/Blessing" that referenced the "Creator" and included drumming and a song. The prayer delivered at the Summerside meeting is mirrors prayers we have found in other provinces. While the introduction acknowledges "different beliefs and understandings," the prayer is explicitly Christian, using the name of Jesus directly and employing other language associated with Christianity and religion in general. The phrase "let us pray" and the use of "we" direct the audience to participate in the prayer, whether they are Christian or not.

¹⁸ Town of Cornwall. (2022 December 1). "Swearing in Ceremony." Available at https://www.facebook.com/watch/live/?ref=watch_permalink&v=8491726844235039

¹⁹ City of Summerside. (2022 December 5). "December 5, 2022 - Swearing-In Ceremony." [Video]. Available at <https://www.youtube.com/watch?v=VjrCGCBlse0>

The invitation to Summerside’s swearing-in ceremony also included a reference to a historical Bible used for the ceremony.²⁰ Although the Bible has allegedly been used in every swearing-in ceremony since 1877, emphasizing the importance of the Bible in this way arguably coerces council members into swearing on the Bible instead of exercising their right to opt for a secular affirmation. This might possibly have been the case in 2022, as every councilor-elect and the mayor-elect swore their oath of office on the Bible, which was presented to them by Prince Edward Island Supreme Court Justice Nancy Key. It is unclear whether any would have preferred a secular affirmation or if all nine members of council are Christian. The latter seems statistically unlikely as 34.1% of Summerside residents identified as not Christian in the 2021 Census.²¹

The ceremony invitation further notes that the same Bible is also used for the “junior mayor and council” swearing-in ceremony. The junior mayor and council are elected from grade 9 students at Summerside Intermediate School,²² an age group that is even more vulnerable to religious coercion. This usage also flies in the face of jurisprudence that has found that religious exercises in public schools violate those students’ Charter rights, even when students are able to exempt themselves.²³

While the Summerside Bible is undoubtedly a unique artifact in the town’s history, under the duty of religious neutrality, its proper home is in a museum rather than a secular civic ceremony.

Prayer in Regular Meetings

Regular council meeting minutes were available for 14 of 15 Prince Edward Island municipalities. We were unable to locate any records for the Rural Municipality of Central Prince as the municipality’s only internet presence is its Facebook page.²⁴ Of the regular council meetings of the municipalities we examined, none (0%) began with a prayer.

This further confirms our finding from pre-*Saguenay* that prayers are not a feature of Prince Edward Island’s municipal political culture. This is a commendable achievement and one that will hopefully persist. Notably, this same view of legislative business does not extend to the

²⁰ City of Summerside. (2022 December 5). “Swearing-In Ceremony, Mayor & Council.” [Brochure]. Available at https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_19514871/File/City%20Governance/Council%20Chambers/Program.pdf

²¹ Statistics Canada. (2023). “Census Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-316-X2021001.” [Table]. Ottawa. Released November 15, 2023. Available at <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E>

²² Summerside Intermediate School. (2020 February 25). “Newsletter #4.” Available at <https://summersideintermediate.edu.pe.ca/sites/summersideintermediate.edu.pe.ca/files/2020-feb-25-1.pdf>

²³ *Zylberberg v. Sudbury Board of Education*, 1988 CanLII 189 (ON CA).

²⁴ Rural Municipality of Central Prince. (n.d.). “RMOCP.” [Facebook page]. Available at <https://www.facebook.com/RMOCP/>

provincial legislature, where every day the Speaker reads multiple Christian prayers and the Lord’s Prayer.²⁵

Table 3 – Presence of prayers in regular council meetings in 2025.

Municipality	Regular meeting prayer?
Alberton	No
Belfast	No
Central Prince	Unknown
Charlottetown	No
Cornwall	No
Kensington	No
Kingston	No
Malpeque Bay	No
Miltonvale Park	No
North Shore	No
Souris	No
Stratford	No
Summerside	No
Three Rivers	No
West River	No

²⁵ Phelps Bondaroff, T.N.; Prasad, R.; Laurence, N.; Darveau-Morin, A.; Bushfield, I. & Thom, A. (2023, December). “Legislative prayer across Canada,” 3rd ed., *BC Humanist Association*. Available at <https://www.bchumanist.ca/prayer-across-canada>

INTERPROVINCIAL COMPARISONS

With only one inaugural prayer in 2022 and no regular prayers, Prince Edward Island is the most compliant province that we have studied to date. This can be seen in the comparison maps in **Figure 2** and **Figure 3**.

This difference is quite stark and hard to account for. As previously mentioned, we could not find evidence of prayers in Prince Edward Island municipalities prior to *Saguenay*, suggesting that greater knowledge of the Court's decision was not a significant effect in the province. Prince Edward Island is also not a particularly irreligious province. More residents (67.6%) identified as Christian in the 2021 Census than did so nationally (53.3%).²⁶

It is possible the practice never cemented itself as thoroughly in Prince Edward Island as other provinces, like Ontario. However, the existence of the historical Bible in Summerside does point to the strength of Christian traditions in the province.

Alternatively, it may simply be a result of the smaller size of the communities in Prince Edward Island. Our dataset is the smallest for this province and each of those communities are quite small compared to those in other provinces. The relative familiarity within a smaller community may decrease the desire for formality and ritual practice in local government meetings. Likewise, a smaller community may be perceived as being more homogeneous as compared with larger communities, and as a result, there might be less of a need to engage in performative religious ceremony at public meetings.

Ultimately, it is beyond the scope of this project to determine the exact reason for Prince Edward Island's unique status among our studies to date. In our forthcoming reports for The Saguenay Project, we will be examining the remaining Atlantic provinces and a comparison with these other provinces may yield additional insights.

²⁶ Statistics Canada 2023.

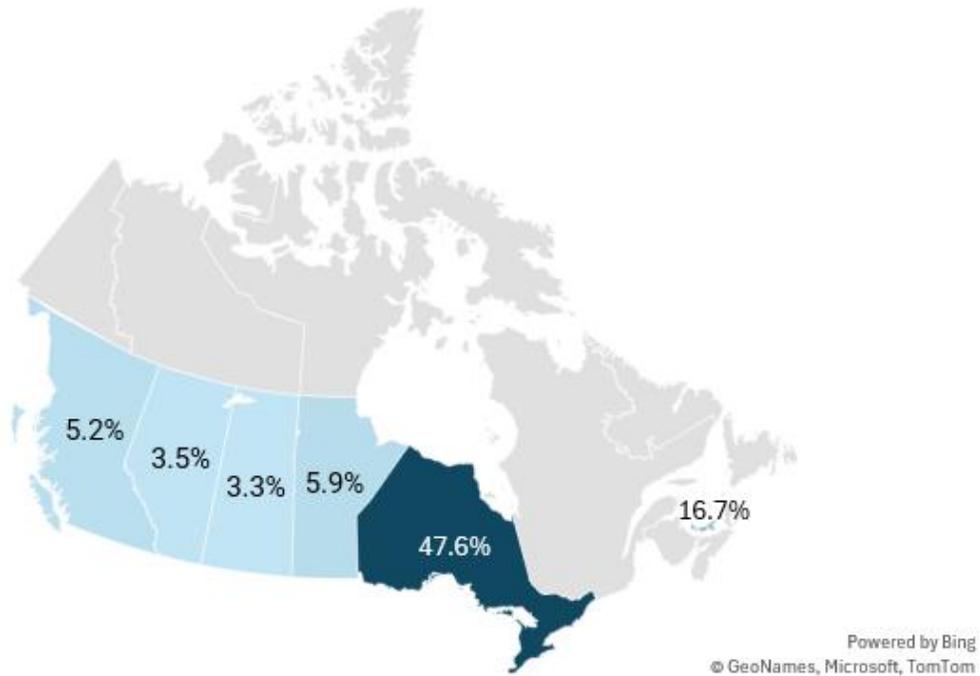


Figure 2 - Proportion of municipalities with prayers in their inaugural meetings, by province. British Columbia 2022, Alberta 2021, Saskatchewan 2020, Manitoba 2018, Ontario 2018, Prince Edward Island 2022.

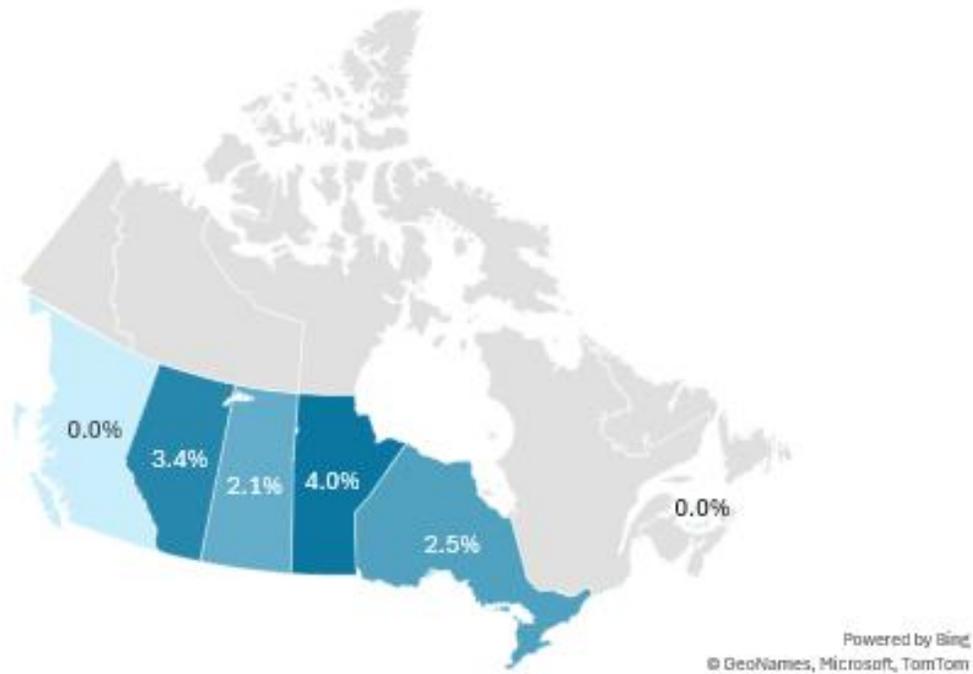


Figure 3 - Proportion of municipalities with prayers in their regular meetings, by province. British Columbia 2025, Alberta 2024, Saskatchewan 2024, Manitoba 2022, Ontario 2022, Prince Edward Island 2025.

INDIGENOUS CONTENT

There is a growing practice of including territorial acknowledgements at the start of events and meetings across Canada. These can play an important symbolic role in reconciliation. Meetings, particularly those involving more ceremony, such as inaugural meetings, may also include other Indigenous elements and protocols like traditional welcomes, drumming, singing, dancing, invocations, and combinations of these elements.

Consistent with our previous practice, we have not classified these introductions as prayers. There are important differences and contexts, which we have explored at length.²⁷ We recognize the importance of fostering nation-to-nation relationships on shared lands and commend those municipalities that take these steps to honour those connections. At the same time, our work is demonstrating the complexities and challenges of including these elements in a meeting while both respecting local Nations’ practices and the state’s duty of religious neutrality.

Table 4 – Indigenous content in Prince Edward Island council meetings, 2022 inaugural and 2025 regular.

Municipality	2022 Inaugural	2025 Regular
Alberton	Don't know	No
Belfast	No	Territorial Acknowledgement
Central Prince	Don't know	Don't know
Charlottetown	'Indigenous Prayer' by Julie Pellissier-Lush	Territorial Acknowledgement
Cornwall	No	Territorial Acknowledgement
Kensington	Don't know	Territorial Acknowledgement
Kingston	No	No
Malpeque Bay	Don't know	No
Miltonvale Park	No	No
North Shore	Don't know	No
Souris	Don't know	Territorial Acknowledgement
Stratford	Don't know	Territorial Acknowledgement
Summerside	Invocation/Blessing by Julie Pellissier-Lush	Territorial Acknowledgement
Three Rivers	Don't know	Territorial Acknowledgement
West River	Don't know	No

²⁷ See Phelps Bondaroff, T.N., Laurence, N., Prasad, R., Thom, A., Darveau-Morin, A. & Bushfield, I. (2020 September). "Duty of neutrality beyond Saguenay: Prayers at municipal councils in British Columbia." *BC Humanist Association*. Available at https://www.bchumanist.ca/municipal_prayer?utm_campaign=muni_prayer_1&utm_medium=email&utm_source=bchumanist; and see also Phelps Bondaroff, T.N., Bushfield, I., & Jensen, O. (2023 November). "We yelled at them until they stopped: Revisiting prayers in BC municipal council meetings and the power of secular advocacy." *BC Humanist Association*, 1-66. Available at https://www.bchumanist.ca/we_yelled_at_them_until_they_stopped; Phelps Bondaroff, T.N., Jensen, O., Chowdhury, P., & Bushfield, I. (2022 December). "Open for unconstitutional business: Prayers at municipal councils in Ontario." *BC Humanist Association*, 1-177; and Phelps Bondaroff, T.N., Thom, A., Prasad, R., & Bushfield, I. (2022 March). "In open defiance: Unconstitutional prayers at municipal councils in Manitoba." *BC Humanist Association*, 1-52. Available at https://www.bchumanist.ca/in_open_defiance

In Prince Edward Island, two (33.3%) of six municipalities, for which data were available, included Indigenous content in their 2022 swearing-in ceremonies. The two largest communities, Charlottetown²⁸ and Summerside, both featured “blessings” by Indigenous Poet Laureate for Prince Edward Island and Mi’kmaq knowledge keeper Julie Pellissier-Lush. Eight (57.1%) of 14 municipalities included land acknowledgements in regular meetings. The details of these practices are summarized in **Table 4**.

Notably, the two municipalities that invited a representative to their swearing-in ceremony, Charlottetown and Summerside, both invited the same individual and described the agenda item in religious terminology as a “prayer” or “invocation/blessing.” This is not just a nominal issue. Pellissier-Lush’s invocation for Summerside, for example, reads like a traditional prayer, interwoven with elements of Mi’kmaq spirituality:

“Hello everyone and welcome my name is Julie. I am Mi’kmaq and I reside in this beautiful unceded territory known as Mi’kma’ki. And I would like to welcome all of you in peace and friendship. I want to thank the Creator, the one who’s created everything and has given us the four gifts that we carry with us every day: the fire, the water, the earth and the wind. We were also given the seven sacred teachings that the grandfathers carry, and the grandmothers are walking there beside them carrying love truth, respect, wisdom, humility, honesty and bravery. We carry these teachings with us every second of the day.

“We thank our ancestors who we honor, the past that they have now given to us because they could not finish their path. So, they gave it to us, and we will now walk with it, as they stand beside us here in the present to walk with us. As we hear their life’s teachings and responsibilities, we in turn give it to our youth, our next generation, the young ones coming up. We thank our grandmothers and our grandfathers for being there sitting with us everywhere we go, guiding us and protecting us and being there for support.

“Thank you to all of you for being here today in this wonderful event. [mi’kmaq spoken]. Every child matters.”²⁹

She followed her comments with a Mi’kmaq song and drum.

As we have seen in other jurisdictions, prescriptive nomenclature can result in the element taking a more Christian format than perhaps is customary in the local First Nation. That is, if you ask someone to attend a meeting to deliver a ‘prayer’ they tend to ‘colour within the lines’ and deliver content that adopts a format and/or language that one might associate with a conventional religious prayer or blessing. This tends to happen less often when the

²⁸ As explained by the City of Charlottetown’s Procedure & Records Coordinator by email: “Charlottetown City Council was sworn in early December 2022, at a local Convention Centre. There was no video/audio recording, agenda or minutes taken as it was not a Meeting of Council. Julie Pellissier Lush, a Poet Laureate for PEI, led the Indigenous Prayer.”

²⁹ City of Summerside 2022.

invitation/agenda element is less prescriptive, such as inviting someone from a local Indigenous community to do what is culturally appropriate to open a significant meeting.

Figure 4 and **Figure 5** compare Indigenous content in Prince Edward Island’s inaugural and regular municipal council meetings against the other provinces that we have studied to date. While our data is quite limited for Prince Edward Island’s swearing-in ceremonies, it is notable that most municipalities in the province included territorial acknowledgements in their regular council meetings. Only in British Columbia is Indigenous content more common in municipal council meetings.

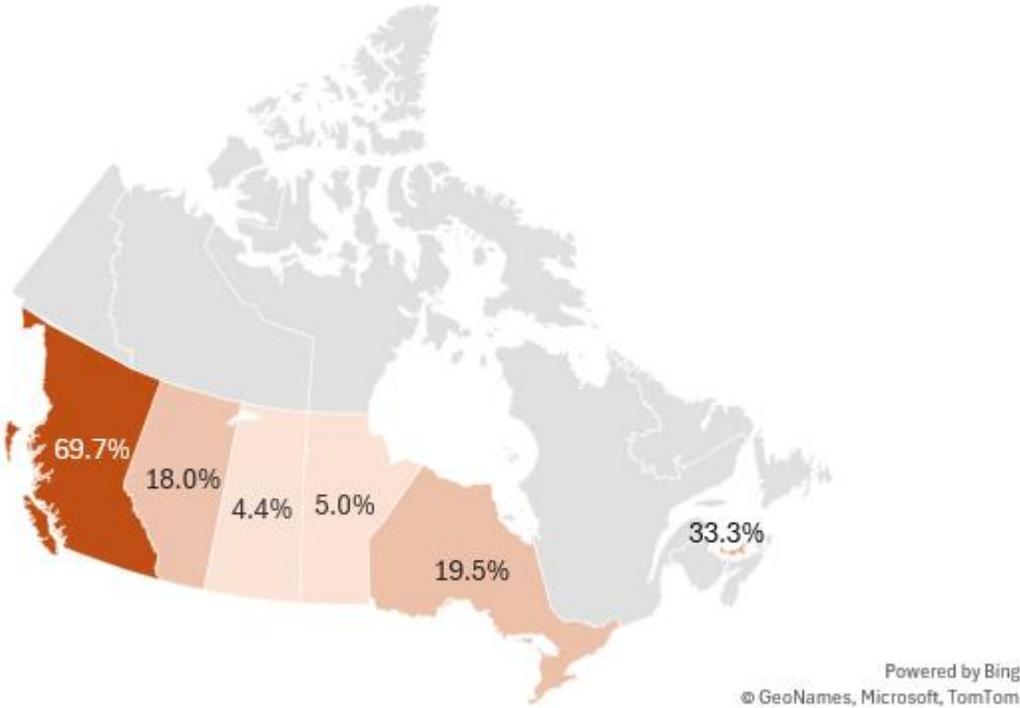


Figure 4 – Municipalities with Indigenous content in inaugural meetings. British Columbia 2022, Alberta 2023, Saskatchewan 2020, Manitoba 2018, Ontario 2018, Prince Edward Island 2022.

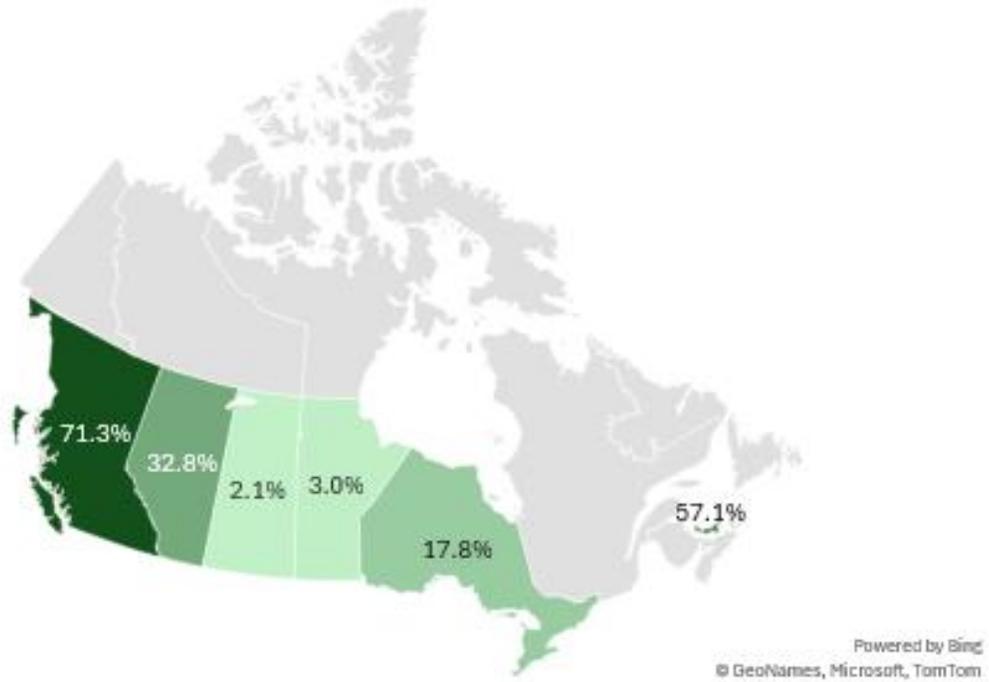


Figure 5 – Municipalities with Indigenous content in regular meetings. British Columbia 2025, Alberta 2024, Saskatchewan 2024, Manitoba 2022, Ontario 2022, Prince Edward Island 2025.

LIMITATIONS AND FUTURE RESEARCH

Potential Sources of Error

The largest source of error in our study of Prince Edward Island municipal prayers is the small number of municipalities that fit our criteria. There is also very little historical information available in part because of the small size of many of these communities (even Charlottetown has fewer than 40,000 people) and the amalgamations and restructuring that occurred in 2018 and 2020.

Even for the jurisdictions where data were available, it is possible that prayers occurred. Since recordings of many regular meetings and swearing-in ceremonies were unavailable, we may have missed prayers that were not included in the formal meeting agendas or minutes. It is also possible that some councils included a prayer prior to their meetings but that this element was not explicitly referenced or itemized in the agenda or minutes of that meeting.

The 2022 swearing-in ceremonies occurred after most restrictions on public gathering related to the COVID-19 pandemic had been lifted but it is possible that the pandemic still influenced the choice of ceremonial elements (and guests) included in some of these events. We did observe from pictures and recordings that most of these ceremonies occurred in person,³⁰ except for Miltonvale Park, whose mayor and councillors appear to have individually visited the council office to complete their oath of office.³¹

³⁰ See Town of Stratford PEI. (2022 December 7). "Your #StratfordPEI council has been officially sworn in. Congratulations to all." [Facebook post]. Available at <https://www.facebook.com/photo/?fbid=5740872025948209&set=a.208080795894054>

³¹ See MacDonald, S. (2022 December 1). "I swore in the first of the Councillors for the 2022-2026 term this morning! Welcome Rosemarie Ramsay!" [Facebook post]. Available at <https://www.facebook.com/miltonvale.park/posts/pfbid02Ncf9smjnsGiFCHPiRPrpoYH7CSC3Hk8J5RP9XWUkj9AR8yPam2WeZsjoL58Z49ucl>; MacDonald, S. (2022 December 2). "And Councillor Paul Poole has now been in to complete his oath of office so will be ready to continue serving on December 7th when the new Council term begins." [Facebook post]. Available at <https://www.facebook.com/miltonvale.park/posts/pfbid022XH16dgYZKFZu6cVktJ5B7VYag6g3jPvxU79X2aSZG2n5yt4Ka1ixNVL3tsf1spfl>; Macdonald, S. (2022 December 2). "And now the Mayor has completed his oath of office. Thanks to Hal Parker for signing up again to lead the Rural Municipality of Miltonvale Park for the next four years." [Facebook post]. Available at <https://www.facebook.com/miltonvale.park/posts/pfbid02hq3C1o45x2KxkhpA5EMvVzcNrSegvML4fmUz3NiKaVFZD7WRBf5ar1Xyv6VSbBjl>; MacDonald, S. (2022 December 4). "And now four members of the new Council have completed their Oaths of Office. Welcome to Jamie Taylor!" [Facebook post]. Available at <https://www.facebook.com/miltonvale.park/posts/pfbid0UmzeStVS5v7JyGbpTSzhsMyjSsvqYMq4PKAhxFNEfC8wiFWYDL32He7aNQa8BmPYl>; MacDonald, S. (2022 December 7). "Councillor Leo Doucette on his first official day as a municipal councillor. Oath of office completed! Congratulations Leo!" [Facebook post]. Available at <https://www.facebook.com/miltonvale.park/posts/pfbid034BP3vzb9vpu4LrMXeGZHTBkGHnDDU8DYcJFqDfM2kURx74mmt23jVgsBa6q5ruhYl>; and Macdonald, S. (2022 December 7). "Councillors Spencer MacDonald and Andrew Frizzell are officially sworn in now for their next term for the Rural Municipality

Our study focused on formal practices, which may overlook informal or unofficial ones that vary with each election. Situations like one-off prayers at meetings in response to events (e.g., the death of Queen Elizabeth II or a local tragedy) might be missed by our approach. Private practices such as councillors praying alone or in small groups are also not likely to violate *Saguenay* and were not identified.

Finally, we also recognize that municipal bylaws and procedures are constantly being updated. If you identify an error in our data, please reach out to us so that we may update our dataset and findings.³²

Future Research

The relative dearth of prayers that we were able to identify in Prince Edward Island municipal council meetings raises unique questions about the cultural and political differences with other provinces where the practice was (at least historically) much more prevalent. An exploration of these issues might involve historical analysis and interviews with local politicians (past and present).

Additionally, the historical bible used in Summerside's swearing-in ceremony raises the question of whether such artifacts are common in other municipalities. While we did not quantify the practice, in most recordings of councillors being sworn in, the presiding official extends a bible for the newly elected politician to swear their oath upon. Secular affirmations are an option, but the default presumption appears to be one of Christian belief in many of these settings. A further study could quantify the number of councillors who choose or reject the bible and request further details from local governments on whether councillors are aware of their right to affirm their oath of office.

We only provided a cursory survey of Indigenous content used in Prince Edward Island municipal council meetings in this study. We have not delved into a comparison of the phrasing of individual territorial acknowledgements and how those might comport with Mi'kmaq practices.

Finally, outside local government meetings, daily sessions of the Legislative Assembly of Prince Edward Island begin with multiple explicitly Christian prayers. The Speaker begins by stating "now let us pray," which is followed by invocations for the King, Lieutenant-Governor, and the Legislature, followed by the Christian Lord's Prayer.³³ While we have documented this practice in the past, we have not done a deep-dive into the history of this specific prayer.

of Miltonvale." [Facebook post]. Available at https://www.facebook.com/miltonvale.park/posts/pfbid0VpPT8xroURXaqQBPMRPFbicqm3pw3bsMw_wnyB9PH7wPZHj91wyVzP9sqHK769xbNI

³² Email: info@bchumanist.ca

³³ Government of PEI. (2023 June). "Rules of the Legislative Assembly of Prince Edward Island." Available at <https://www.assembly.pe.ca/sites/www.assembly.pe.ca/files/rules.pdf>

CONCLUSION

Following the *Saguenay* decision, municipal councils across Canada should adhere to the guidelines established by the Supreme Court of Canada. Governments must remain neutral on religious matters as it is a legal and democratic requirement. Nearly all municipalities in Prince Edward Island were found to be complying with the constitution, with our team unable to identify a single regular council meeting opening with a prayer in the province dating to before *Saguenay*. However, we did identify a prayer in the 2022 swearing-in ceremony of Summerside council. Notably, this one prayer was delivered by a woman, where the vast majority of prayers in other provinces were delivered by men.

We reiterate our call for Summerside, and other communities that might consider reviving the practice in the future, to observe the duty of religious neutrality in all future council meetings and formal ceremonies. This requirement ensures that public meetings remain inclusive and accessible to all citizens. Further, we encourage municipalities to end the default practice of offering the bible for newly elected councillors to take their oath of office. There should not be a presumption of faith or belief of elected officials.

Finally, we noted that more municipalities in Prince Edward Island included Indigenous territorial acknowledgements or similar content in their meetings than most other provinces. We commend Prince Edward Island municipalities province for leading the way with these practices. At the same time, we note that the two municipalities who included a Mi'kmaq representative at their most recent swearing-in ceremonies called her speech an 'invocation' or 'prayer.'

At this point, we have now completed studies on municipal prayer practices in six provinces as part of the *Saguenay* Project. We have seen the impact of this work in bringing municipalities into compliance and are heartened by the findings in Prince Edward Island. We hope that the broader conversation sparked by this effort will continue to underline the importance of the duty of religious neutrality in all levels of government.

APPENDIX: THE *SAGUENAY* DECISION³⁴

Section 2(a) of the *Charter of Rights and Freedoms* guarantees Canadians the “freedom of conscience and religion.”³⁵ Through a growing body of jurisprudence, the Supreme Court of Canada has established that in order to protect this freedom, governments have a “duty of religious neutrality.”³⁶ In 2015, the scope of this duty was delineated in *Mouvement laïque québécois v. Saguenay (City)*. In its unanimous decision, the Court ruled that the City of Saguenay, Quebec breached its duty of religious neutrality by including the recitation of religious prayer at the beginning of council meetings. Writing for the majority,³⁷ Justice Gascon stressed the ‘democratic imperative’ for officials acting in positions of state power to maintain neutrality by not engaging in any form of religious practice.³⁸

The Initial Complaint

Alain Simoneau was a resident of Saguenay, Quebec who regularly attended council meetings. He witnessed the mayor open council meetings by reciting a prayer after which the mayor would cross himself. Other council members and members of the public would follow suit. As an atheist, Simoneau felt ‘uncomfortable’ with the displays of religion while attending meetings and asked the mayor to stop the practice.³⁹ After the mayor ignored his request, Simoneau, with the assistance of Mouvement laïque Québécois (MLQ), turned to the Commission des droits de la personne et des droits de la jeunesse (CDPDJ).

In March 2007, the Commission opened an investigation into the alleged discrimination on the basis of religion, in violation of sections 3 and 10 of Quebec’s *Charter of Human Rights and Freedoms*.⁴⁰ The following May, the Commission concluded that the prayer was discriminatory. Simoneau and the MLQ filed a case with the Tribunal in July 2008.⁴¹

³⁴ Reproduced from Phelps Bondaroff *et al.* 2022 March.

³⁵ *Charter*, s 2.

³⁶ *Saguenay*, para. 71; and see Boissinot, J. (2015 April 17). “The end of prayer in the councils of the nation.” *The Globe and Mail*. Available at <https://www.theglobeandmail.com/opinion/editorials/the-end-of-prayer-in-the-councils-of-the-nation/article24010902/>

³⁷ Eight justices signed on to Justice Gascon’s decision, while Justice Abella wrote a concurrence, supporting the decision but disagreeing with the majority on the standards of review, see *Saguenay*, paras. 165–173.

³⁸ *Saguenay*, para.75.

³⁹ *Ibid.*, para. 8.

⁴⁰ *Ibid.*, paras. 8 and 9. Section 3 of the *Charter* states that: “Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association.” Section 10 states that: “Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.” See *Charter of Human Rights and Freedoms*, CQLR c C-12.

⁴¹ *Ibid.*, para. 11.

While the Tribunal was reviewing the case, the Saguenay Council passed a bylaw that codified the opening prayer, amended the wording of the prayer in a manner that was intended to make it 'non-denominational,' and provided a two-minute recess afterwards in order to allow those who chose to abstain from prayer and thus absent themselves, to join the meeting.⁴² This bylaw was added to the complaint.

The Tribunal's conclusions were unequivocal. They concluded that the "prayer was religious and was a breach of religious neutrality" and it was a 'substantial' infringement of Simoneau's rights "to freedom of conscience and religion without discrimination."⁴³ Further, the bylaw was for a "religious purpose" and therefore also a breach of neutrality.⁴⁴ The Tribunal ruled that the bylaw should be "inoperative and invalid" – the practice of opening meetings with prayer should cease, and that Simoneau be awarded \$30,000 in damages.⁴⁵

The Appeal and Standards of Review

The City of Saguenay appealed the decision to the Quebec Court of Appeal, who agreed to review the case on the basis that it was a "matter of importance to the legal system over which the Tribunal did not have exclusive jurisdiction."⁴⁶ The three-panel Court of Appeal unanimously overturned the Tribunal's decision and found that Simoneau's rights were not infringed. It concluded that state neutrality "does not require the state to abstain from involvement in religious matters." Further, cultural and "religious heritage" could be reconciled. And finally, that the updated prayer under the bylaw was not overtly religious but rather "expressed universal values."⁴⁷

The appellate court reached this verdict on the basis of a legal review that is called the 'standard of correctness.' The matter of the choice in the standard of review arose at multiple times during the journey of this case from the Human Rights Tribunal to the Supreme Court of Canada. While this is not the place for a detailed exploration of standards of review in Canadian jurisprudence, it is informative to outline the distinction between the two major standards in Canadian law.

In reviewing administrative decisions, Canadian courts rely on a framework called a standard of review to judge whether that decision should be upheld or overturned. The decision of "which standard applies depends on what kind of decision it is."⁴⁸ The standard of reasonableness is a deferential standard, which means the reviewing court should defer to the expertise of the decision maker. It is the typical standard of review for most administrative decisions. It posits

⁴² *Ibid.*, para. 12.

⁴³ *Ibid.*, paras. 15 and 16.

⁴⁴ *Ibid.*, paras. 15 and 16.

⁴⁵ *Ibid.*, para. 17.

⁴⁶ *Ibid.*, para. 18; and see Quebec Court of Appeal, (2013), QCCA 936, 363 D.L.R. (4th) 62, para. 37.

⁴⁷ *Saguenay.*, paras. 20 and 21.

⁴⁸ Supreme Court of Canada. (2019). "Case law in brief: The standard of review (taken from Vavilov in the 'Administrative law trilogy')." 2019, SCC 65 and 2019 SCC 66. Available at <https://www.scc-csc.ca/case-dossier/cb/2019/37748-37896-37897-eng.pdf>

that a ruling is reasonable so long as it falls within a “range of possible, acceptable outcomes” and can be supported by evidence and the law.⁴⁹ A decision that is ‘reasonable, is “based on a logical chain of reasoning. It must make sense in light of the law and the facts.”⁵⁰ As a result, there can be more than one outcome, so long as that outcome was arrived at reasonably.

The standard of correctness, on the other hand, is much stricter. This standard posits that “a ‘correct’ decision is the only right answer in light of the law and the facts.”⁵¹ As a result, only one ruling could be made on the case, and the reviewing court essentially asks whether the law was applied correctly in making the decision. Thus, “when applying the correctness standard, a reviewing court will not show deference to the decision maker’s reasoning process; it will rather undertake its own analysis of the question.”⁵² In other words, the reviewing court essentially ignores the decision made by the administrative tribunal and re-analyzes the case. This “standard is meant for cases where a decision was made that has important and wide-ranging legal consequences.”⁵³

The Supreme Court of Canada codified the test for which standard applies in its 2008 ruling in *Dunsmuir v New Brunswick*.⁵⁴ In this decision, the Court delineated the following factors that would lead decision makers to be given deference, and for a reasonableness test to be applied:

- A privative clause: this is a statutory direction from Parliament or a legislature indicating the need for deference.
- A discrete and special administrative regime in which the decision maker has special expertise (labour relations for instance).
- The nature of the question of law. A question of law that is of “central importance to the legal system . . . and outside the . . . specialized area of expertise” of the administrative decision maker will always attract a correctness standard (*Toronto (City) v. C.U.P.E.*, at para. 62). On the other hand, a question of law that does not rise to this level may be compatible with a reasonableness standard where the two above factors so indicate.⁵⁵

The choice of standard of review in the case was explored in both the decision and concurrence, which are detailed below.

The Supreme Court of Canada

In October of 2015, the Supreme Court of Canada heard an appeal of the decision of the Court of Appeal. The Supreme Court ruled that the Tribunal was correct to order the Saguenay Council

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Dunsmuir v New Brunswick*. 2008, SCC 9, [2008] 1 SCR 190, Para. 55.

⁵³ Indi. (2016 April 29). “Indi’s *MLQ v Saguenay* review: What went wrong in the appeal?” *Canadian Atheist*. Available at <https://www.canadianatheist.com/2016/04/indis-mlq-v-saguenay-review-3-the-appeal/>

⁵⁴ *Dunsmuir v New Brunswick*; and see *Ibid.*

⁵⁵ *Ibid.*, para. 55.

to “cease reciting a prayer in the municipal council chamber,” declared the bylaw inoperative, and awarded Simoneau \$30,000 in damages.⁵⁶ In reaching its decision, Justice Gascon concluded that the opening of council meetings with the recitation of a prayer “constituted discriminatory interference with Simoneau’s freedom of conscience and religion.”⁵⁷ While the Canadian and Quebec *Charters* do not explicitly impose a duty for the state to remain neutral in matters of religion and belief, Justice Gascon found that in order to protect the “variety of beliefs” under the Canadian *Charter*, there is a need for “true neutrality.”⁵⁸ Justice Gascon elaborated that

*True neutrality is concerned not with a strict separation of church and state on questions related to religious thought. The purpose of neutrality is instead to ensure that the state is, and appears to be, open to all points of view regardless of their spiritual basis. Far from requiring separation, true neutrality requires that the state neither favour nor hinder any religion, and that it abstain from taking any position on this subject. Even if a religious practice engaged in by the state is ‘inclusive,’ it may nevertheless exclude non-believers.*⁵⁹

Justice Gascon ruled that there was no way for the state to remain neutral while also engaging in a religious practice, because doing so creates a ‘hierarchy’ where those who share the expressed beliefs are ranked above those who do not share them. Justice Gascon also explained that true neutrality is a “democratic imperative” as it ensures that institutions, like municipal council meetings, are a “neutral public space that is free of discrimination and in which true freedom to believe or not to believe is enjoyed by everyone equally.”⁶⁰

In *Saguenay*, Justice Gascon concluded that the prayer was in violation of the state’s duty of true religious neutrality and an infringement upon “Mr. Simoneau’s right to exercise his freedom of conscience and religion.”⁶¹ The prayer itself was expressly religious as denoted by the context (the content, the sign of the cross and the religious symbols) and by the admission of the Mayor of Saguenay himself, who declared:

*I’m in this battle because I worship Christ. When I get to the hereafter, I’m going to be able to be a little proud. I’ll be able to say to Him: “I fought for You; I even went to trial for You”. There’s no better argument. It’s extraordinary. I’m in this fight because I worship Christ. I want to go to heaven and it is the most noble fight of my entire life.*⁶²

This supported the conclusion that the Mayor and Council used public powers to engage in a practice where they “adopted or favoured one belief to the exclusion of others” while acting on

⁵⁶ *Saguenay*, paras. 151, 155, 160, and 161.

⁵⁷ *Ibid.*, para. 23.

⁵⁸ *Ibid.*, paras. 68 and 71.

⁵⁹ *Ibid.*, para. 137.

⁶⁰ *Ibid.*, paras. 73-75.

⁶¹ *Ibid.*, para. 120.

⁶² *Ibid.*, para. 92 and 116, emphasis removed.

behalf of the state, and thus turning council meetings into a “preferential space for people with theistic beliefs.”⁶³

Although the Saguenay Council had also allegedly tried to accommodate those who chose to abstain from prayer through the introduction of a bylaw that amended the wording of the prayer and allowed for a two-minute recess, this had the opposite effect. It exacerbated Simoneau’s sense of “isolation, exclusion and stigmatization” by requiring that he either conform or reveal his non-belief by physically separating himself from others.⁶⁴

In addition to determining whether the state’s duty of religious neutrality was breached, Justice Gascon ruled that the Court of Appeal had erred by applying standards of appeal to the Tribunal’s decision, instead of standards of judicial review. Furthermore, the Court of Appeal erred in using the standard of correctness instead of the standard of reasonableness. Justice Gascon argued that as a specialized administrative decision-maker, the Court of Appeal should have deferred to the Tribunal. The Court should have limited the standard of correctness to the question of the scope of the state’s duty of neutrality and applied a reasonableness standard to other questions, such as “whether the prayer was religious in nature, the extent to which the prayer interfered with the complainant’s freedom and the determination of whether it was discriminatory fall squarely within the Tribunal’s area of expertise.”⁶⁵

The Court unanimously allowed the appeal and restored much of the Tribunal’s conclusions: the bylaw was declared invalid, the City and Mayor were ordered to cease the recitation of prayers in council chambers, and the municipality had to pay \$30,000 in damages to Mr. Simoneau.

Justice Abella’s Concurrence

In her concurrence, Justice Abella objected to the use of different standards within a single review and noted that approach to selecting a standard strayed from the directives established in *Dunsmuir*.⁶⁶ Justice Abella wrote that “using different standards of review for each different aspect of a decision is a departure from our jurisprudence that risks undermining the framework for how decisions of specialized tribunals are generally reviewed.”⁶⁷ Justice Abella insisted that *Dunsmuir* established “that questions of general importance to the legal system attract the correctness standard only if they are outside the tribunal’s expertise,” and that the question of determining whether discrimination occurred is well within the mandate of the Human Rights Tribunal, and is in fact its ‘daily fare.’⁶⁸ The concurrence questions why the ruling subjects “one aspect of freedom of religion to more rigorous scrutiny than the main issue of whether the right itself has been violated and there has been discrimination.”⁶⁹ Justice Abella

⁶³ *Ibid.*, paras. 113 and 120.

⁶⁴ *Ibid.*, paras. 120 and 121.

⁶⁵ *Ibid.*, para. 50.

⁶⁶ *Ibid.*, para. 166.

⁶⁷ *Ibid.*, para. 165.

⁶⁸ *Ibid.*, para. 167.

⁶⁹ *Ibid.*, para. 169.

elaborated that “we have never dissected the right in order to subject its components to different levels of scrutiny.”⁷⁰ Justice Abella elaborated, noting,

My final concern is a practical one. What do we tell reviewing courts to do when they segment a tribunal decision and subject each segment to different standards of review only to find that those reviews yield incompatible conclusions? How many components found to be reasonable or correct will it take to trump those found to be unreasonable or incorrect? Can an overall finding of reasonableness or correctness ever be justified if one of the components has been found to be unreasonable or incorrect? If we keep pulling on the various strands, we may eventually find that a principled and sustainable foundation for reviewing tribunal decisions has disappeared. And then we will have thrown out Dunsmuir’s baby with the bathwater.⁷¹

In Justice Abella’s view, the decision was within the expertise of the tribunal and should be reviewed entirely within a reasonableness framework.

Justice Abella warned that “To extricate [the duty of neutrality] from the discrimination analysis as being of singular significance ‘to the legal system as a whole’, elevates it from its contextual status into a defining one.”⁷² This suggests a unique role for the duty of religious neutrality in Canadian law. Unlike the US Constitution, Canada’s *Charter* does not have an establishment clause, but Justice Abella’s view of the majority’s decision suggests the duty of neutrality is “a transcendent legal question.”⁷³

Consequences of *Saguenay*

The *Saguenay* decision has led to further development of the scope of the state’s duty of neutrality by requiring the state to practice ‘true neutrality.’ In practice, the decision outlined that state officials, *acting in an official capacity*, must not profess or practice any religious belief. This includes the abstention of prayers at municipal council meetings. As summarized by Justice Gascon

By expressing no preference, the state ensures that it preserves a neutral public space that is free of discrimination and in which true freedom to believe or not to believe is enjoyed by everyone equally, given that everyone is valued equally.⁷⁴

As such, beginning a municipal council meeting with prayer is strictly proscribed by law, and this prohibition is part of the democratic imperative of the state’s duty of religious neutrality.

⁷⁰ *Ibid.*, para. 170.

⁷¹ *Ibid.*, para. 173.

⁷² *Ibid.*, para. 168.

⁷³ *Ibid.*

⁷⁴ *Ibid.*, para. 74.

Since the *Saguenay* decision, many municipal councils across the country have amended their procedures to abolish prayers from meetings to comply with the ruling, but apparently not all. In her recent book, Lori Beaman documented several municipal officials who, commenting after the ruling, expressed an intention to violate *Saguenay*. For example, then Caledon, Ontario Mayor Allan Thompson declared that “personally I am disappointed, and I don’t support it... Canada was built on a Christian law. We’ve shown tolerance to all faiths... and I am not about to erode our principles.”⁷⁵ Along a similar vein, the Mayor of Oshawa, Ontario announced that “I’m proud to be a Canadian, [and] I intend to continue doing the Lord’s Prayer prior to the commencement of the council meetings.”⁷⁶ This reticence to comply with the law underscores the importance of our research into prayer at municipal council meetings across Canada.

⁷⁵ Beaman, L.G. (2020). *The transition of religion to culture in law and public discourse*. London, UK: Routledge.

⁷⁶ *Ibid.*

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