

NATIONAL ASSEMBLY
Thirty-second Legislature, fourth session

1983, chapter 56

AN ACT TO AMEND THE CHARTER OF THE FRENCH LANGUAGE

Bill 57

Introduced by Mr Gérald Godin, Minister of Cultural Communities and Immigration

First reading: 17 November 1983

Second reading: 12 December 1983

Third reading: 21 December 1983

Assented to: 22 December 1983

Coming into force: by proclamation of the Government

— 1 February 1984: ss. 1 to 53

G.O., 1984, Part 2, p. 1087

Acts amended:

Charter of the French language (R.S.Q., chapter C-11)

The Securities Act (R.S.Q., chapter V-1.1)





CHAPTER 56

An Act to amend the Charter of the French language

[Assented to 22 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-11,
preamble,
am.

1. The preamble of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing the third paragraph by the following paragraph:

“Whereas the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities, whose valuable contribution to the development of Québec it readily acknowledges.”

c. C-11, s.
20, am.

2. Section 20 of the said Charter is amended by adding the following paragraph:

Applicability

“This section does not apply to bodies, services and departments recognized under paragraph *f* of section 113 which implement the measures approved by the Office according to the third paragraph of section 23.”

c. C-11, s.
22.1, added

3. The said Charter is amended by inserting, after section 22, the following section:

Designation
of thorough-
fares

“**22.1** In a municipality, a specific term other than a French term may be used in conjunction with a generic French term to designate a thoroughfare if the term is sanctioned by usage or if its use has unquestionable merit owing to its cultural or historical interest.”

c. C-11, s.
23, replaced

4. Section 23 of the said Charter is replaced by the following section:

Services to the public “**23.** The bodies, services and departments recognized under paragraph *f* of section 113 must ensure that their services to the public are available in the official language.

Notices They must draw up their notices, communications and printed matter intended for the public in the official language.

Approval They must devise the necessary measures to make their services to the public available in the official language, and criteria and procedures for verifying knowledge of the official language for the purposes of application of this section. These measures, criteria and procedures are subject to approval by the Office.”

c. C-11, s. 25, repealed **5.** Section 25 of the said Charter is repealed.

c. C-11, s. 26, replaced **6.** Section 26 of the said Charter is replaced by the following section:

Bilingual names and internal communications “**26.** The bodies, services and departments recognized under paragraph *f* of section 113 may use both the official language and another language in their names, their internal communications and their communications with each other.

French version In the recognized bodies, services and departments, two persons may use what language they choose in written communications to one another. However, a body, service or department shall, at the request of a person required to consult such a communication in the course of his duties, prepare a French version of it.”

c. C-11, s. 28, replaced **7.** Section 28 of the said Charter is replaced by the following section:

Communications in the language of instruction “**28.** Notwithstanding sections 23 and 26, school bodies recognized under paragraph *f* of section 113, as well as departments recognized under the same provision which, in the school bodies, are entrusted with giving instruction in a language other than French may use the language of instruction in their communications connected with teaching without having to use the official language at the same time.”

c. C-11, s. 30.1, added **8.** The said Charter is amended by inserting, after section 30, the following section:

Members of professional corporations “**30.1** When, before a member of a professional corporation draws up a notice, opinion, report, expertise or other document concerning a person who calls upon his services, the person asks to have it in French, the member shall furnish it in French without requiring a charge for translation.”

c. C-11, s. 35, replaced **9.** Section 35 of the said Charter is replaced by the following section:

- Appropriate knowledge of French **“35.** The professional corporations shall not issue permits except to persons whose knowledge of the official language is appropriate to the practice of their profession.
- Presumption A person is deemed to have the appropriate knowledge if
- (1) he has received, full time, no less than three years of secondary or post-secondary instruction provided in French;
- (2) he has passed the fourth or fifth year secondary level examinations in French as the first language;
- (3) from and after the school year 1985-86, he obtains a secondary school certificate in Québec.
- Certificate In all other cases, a person must obtain a certificate issued by the Office de la langue française or defined as equivalent by regulation of the Office.
- Regulations of the Office The Office, by regulation, may determine the procedures and conditions of issue of certificates, provide for the establishment of an examining committee and its mode of operation, and determine criteria for evaluating the appropriate knowledge of French for the practice of a profession or a category of professions and a mode of evaluating such knowledge.”
- c. C-11, s. 40, am. **10.** Section 40 of the said Charter is amended by adding the following paragraph:
- Spouse “In the case of this section, a permit may be issued to the spouse as well.”
- c. C-11, ss. 52, 53, replaced **11.** Sections 52 and 53 of the said Charter are replaced by the following sections:
- Catalogues, brochures **“52.** Catalogues, brochures, folders and any similar publications must be drawn up in French.
- Exceptions **“53.** The Office de la langue française may, by regulation, provide, on such conditions as it may fix, for exceptions to the application of section 51 or section 52.”
- c. C-11, s. 58, replaced **12.** Section 58 of the said Charter is replaced by the following section:
- Signs and posters **“58.** Public signs and posters and commercial advertising shall be solely in the official language.
- Signs and posters Notwithstanding the foregoing, in the cases and under the conditions or circumstances prescribed by regulation of the Office de la langue

française, public signs and posters and commercial advertising may be both in French and in another language or solely in another language.”

c. C-11, s. 62, replaced **13.** Section 62 of the said Charter is replaced by the following section:

Foreign national specialties **“62.** In commercial establishments specializing in foreign national specialties or the specialties of a particular ethnic group, signs and posters may be both in French and in the relevant foreign national language or the language of that ethnic group.

Outside signs Signs and posters may be posted in the same manner on the outside of establishments described in the first paragraph.

Exception The second paragraph does not apply to establishments specializing in the sale of products used or consumed in Québec as commonly as products that are not foreign specialties or the specialties of a particular ethnic group.”

c. C-11, s. 68, am. **14.** Section 68 of the said Charter is amended by adding the following paragraphs:

Bilingual firm names **“In printed documents, and in the documents contemplated in section 57 if they are both in French and in another language, a version of the French firm name in another language may be used in conjunction with the French firm name.**

Unilingual firm name When texts or documents are drawn up in a language other than French, the firm name may appear in the other language without its French version.”

c. C-11, s. 73, am. **15.** Section 73 of the said Charter is amended by replacing paragraphs *a* and *b* by the following paragraphs:

“(a) a child whose father or mother received elementary instruction in English in Québec, provided that that instruction constitutes the major part of the elementary instruction he or she received in Québec;

“(b) a child whose father or mother is, on 26 August 1977, domiciled in Québec and has received elementary instruction in English out-side Québec, provided that that instruction constitutes the major part of the elementary instruction he or she received outside Québec.”

c. C-11, s. 81, am. **16.** Section 81 of the said Charter is amended by adding, at the end of the first paragraph, the following sentence:

“The brothers and sisters of such children may also be exempted if they are not already attending school in Québec.”

c. C-11, s. 82, am. **17.** Section 82 of the said Charter is amended by adding the following paragraph:

Time limit “An appeal is brought within 60 days after communication of a decision.”

c. C-11, s. 83, replaced, ss. 83.1 — 83.3, added **18.** Section 83 of the said Charter is replaced by the following sections:

Appeals committee **“83.** An appeals committee is established to hear appeals provided for in section 82. This committee consists of three members appointed by the Government after consultation with the most representative associations or organizations of parents, teachers, school boards, school administrators and socio-economic groups. The decisions of this committee are final.

Powers of the committee **“83.1** The committee has all the necessary powers for the exercise of its jurisdiction; it may make such orders as it sees fit to safeguard the rights of the parties and rule on any question of fact or of law.

Procedure **“83.2** Appeals are brought and heard according to the procedure and rules of proof prescribed by regulation of the Government.

Immunities **“83.3** For the exercise of their functions under this Act, the members of the committee are vested with the immunities provided in sections 16 and 17 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37).”

c. C-11, s. 85, replaced **19.** Section 85 of the said Charter is replaced by the following section:

Temporary residents **“85.** Persons staying in Québec temporarily or their children may be exempted by the Minister of Education from the application of this chapter to such extent as the Government may prescribe by regulation.

Exemptions The regulations shall prescribe the cases, conditions or circumstances wherein certain persons, categories of persons, or their children, may be exempted, the period for which an exemption may be granted and the formalities of application and renewal.”

c. C-11, s. 86.1, added **20.** The said Charter is amended by inserting, after section 86, the following section:

Instruction in English **“86.1** The Government, by order, may, at the request of the father and mother, authorize generally the following children to receive their instruction in English:

(a) a child whose father or mother received the greater part of his or her elementary instruction in English elsewhere in Canada and, before establishing domicile in Québec, was domiciled in a province or territory that it indicates in the order and where it considers that the services of instruction in French offered to French-speaking persons are comparable to those offered in English to English-speaking persons in Québec;

(b) a child whose father or mother establishes domicile in Québec and who, during his last school year or from the beginning of the current school year, has received primary or secondary instruction in English in the province or territory indicated in the order;

(c) the younger brothers and sisters of children described in subparagraphs *a* and *b*.

Application by one parent or tutor Where a child to whom an order pursuant to the first paragraph is applicable is the dependant of a single parent, or if he has a tutor, the application contemplated in the first paragraph may be made by that parent or tutor.

Applicability Sections 75 to 83 apply to the persons contemplated in this section.”

c. C-11, s. 87, replaced **21.** Section 87 of the said Charter is replaced by the following section:

Amerindic languages and Inuktitut “**87.** Nothing in this Act prevents the use of an Amerindic language in providing instruction to the Amerinds, or of Inuktitut in providing instruction to the Inuit.”

c. C-11, s. 88, am. **22.** Section 88 of the said Charter is amended by striking out the words “qualifying for benefit under the Agreement” at the end of the fourth paragraph.

c. C-11, s. 97, am. **23.** Section 97 of the said Charter is amended by adding the following paragraph:

Exception “The Government, by regulation, shall determine the cases, conditions and circumstances where or whereunder an agency or body contemplated in the Schedule is authorized to make an exception to the application of one or several provisions of this Act in respect of a person who resides or has resided on a reserve.”

c. C-11, s. 118, replaced **24.** Section 118 of the said Charter is replaced by the following section:

Standardized terms and expressions “**118.** Upon publication in the *Gazette officielle du Québec* of the terms and expressions standardized by the Office, their use becomes obligatory in texts, documents, signs and posters emanating from the

civil administration and in contracts to which it is a party, and in teaching manuals and educational and research works published in French in Québec and approved by the Minister of Education.”

c. C-11, s. 123, replaced, s. 123.1, added
Composition **25.** Section 123 of the said Charter is replaced by the following sections:

“**123.** The Commission is composed of seven persons, including the chairman, appointed for not over five years by the Government.

Chairman The chairman is designated from among the members of the staff of the Office.

Conditions of employment The Government shall fix the conditions of employment of those members who are not public servants of the Office.

Continuance in office “**123.1** The members of the Commission remain in office notwithstanding the expiry of their term until they are reappointed or replaced.”

c. C-11, s. 131, am. **26.** The first paragraph of section 131 of the said Charter is replaced by the following paragraph:

Report “**131.** Every agency of the civil administration must, not later than 180 days after the beginning of its activities, submit to the Office a report including an analysis of the language situation in that agency and an account of the measures it has adopted and those it intends to adopt in view of complying with this Act.”

c. C-11, s. 134, replaced **27.** Section 134 of the said Charter is replaced by the following section:

Action authorized by the Office “**134.** No action may be instituted without the express authorization of the Office against any agency of the civil administration for an offence against section 26, 28 or 131 committed before 1 January 1985.”

c. C-11, s. 136, am. **28.** Section 136 of the said Charter is amended by striking out the words “which shall not be later than 31 December 1983,” in the second and third lines.

c. C-11, s. 137, am. **29.** Section 137 of the said Charter is amended by replacing the words “From 3 January 1979, any” in the first line by the word “Any”.

c. C-11, s. 138.1, added **30.** The said Charter is amended by inserting, after section 138, the following section:

Francization programme “**138.1** Where, in a business firm that is required to hold a francization certificate, the French language does not enjoy, in the

opinion of the Office, the status that francization programmes are designed to ensure, the firm shall adopt a francization programme and have it approved by the Office within such time as the Office prescribes by regulation.”

c. C-11, s. 139, replaced **31.** Section 139 of the said Charter is replaced by the following section:

Registration with the Office **“139.** Any business firm that is required to hold a francization certificate shall, within the time prescribed by regulation, register with the Office.”

c. C-11, s. 140, am. **32.** Section 140 of the said Charter is amended by striking out the word and figure “or 139” in the third line.

c. C-11, s. 143, am. **33.** Section 143 of the said Charter is amended by inserting, after the word “offices” in the third line, the words “and research centres”.

c. C-11, s. 144, replaced, s. 144.1, added **34.** Section 144 of the said Charter is replaced by the following sections:

Agreements with the Office **“144.** The manner of applying francization programmes in head offices and in research centres may be decided by special agreements with the Office to allow the use of a language other than French as the language of operations.

Prescribed matters The Government, by regulation, may prescribe matters that must be dealt with in the agreements.

Presumption While any agreement under this section remains in force, the head office or the research centre is deemed to be observing sections 136 to 156.

Recognition **“144.1** The Office shall recognize such head offices and research centres as avail themselves of section 144.

“head office”, “research centre” The Office, by regulation, may define “head office” and “research centre” and prescribe in what cases, on what conditions and according to what modalities a head office or a research centre may be recognized and be the subject of an agreement.”

c. C-11, s. 146, am. **35.** Section 146 of the said Charter is amended
(1) by striking out the words “, before 30 November 1977,” in the second line;

(2) by adding the following paragraph:

Meetings **“The francization committee shall meet not less than three times a year.”**

c. C-11, s. 147, am. **36.** Section 147 of the said Charter is amended by adding the following paragraph:

Term “The workers’ representatives are designated for a period of not over two years. Their term as representatives may be renewed.”

c. C-11, s. 148, am. **37.** Section 148 of the said Charter is amended by adding the following paragraph:

Members “Not less than one-third of the members of a subcommittee are designated in accordance with section 147.”

c. C-11, s. 150, replaced **38.** Section 150 of the said Charter is replaced by the following section:

Duties of the francization committee **“150.** The francization committee is responsible for devising the francization programme, where such a programme is required, and for supervising its application. It shall see to it that French retains the status in the firm that francization programmes are designed to ensure.”

c. C-11, s. 153, replaced **39.** Section 153 of the said Charter is replaced by the following section:

Exemptions **“153.** The Office may, for such period as it may determine, exempt a business firm from the application of any provision of this Act or of the regulations

(a) where it issues a certificate of registration or a francization certificate, or

(b) where a francization programme approved by the Office is in the process of being implemented in the firm.

Notice to the Commission **The Office shall notify the Commission de protection de la langue française established in Title III.”**

c. C-11, s. 154, replaced, s. 154.1, added **40.** The said Charter is amended by replacing section 154 by the following sections:

Suspension or cancellation of certificate **“154.** The Office may suspend or cancel the certificate of any business firm no longer conforming to its obligations under this Act or the regulations or if French is no longer used at all levels in the firm as stipulated in section 141.

Representations **“154.1** Before refusing, suspending or cancelling a francization certificate, the Office may, according to the procedure it establishes by regulation, hear the views of any interested person on the situation of the business firm concerned.”

c. C-11, s. 155, replaced, ss. 155.1-155.4, added **41.** Section 155 of the said Charter is replaced by the following sections:

- Appeal “**155.** An appeal lies from a decision of the Office refusing, suspending or cancelling a francization certificate. An appeals committee is established for such purpose.
- Composition The committee consists of three members, including a chairman, appointed by the Government, which shall also determine their conditions of employment.
- Applicability of the Civil Service Act The secretary and the members of the personnel of the appeals committee are appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1).
- Procedure “**155.1** An appeal is brought and heard according to the procedure and rules of evidence prescribed by regulation of the Government and within the time limits fixed therein.
- Powers of the committee “**155.2** The committee has all the necessary powers for the exercise of its jurisdiction and may make any order it sees fit to protect the rights of the parties, and rule on any question of fact or of law.
- Decision No appeal lies from any decision of the committee.
- Immunities “**155.3** For the exercise of their functions under this Act, the members of the committee are vested with the immunities provided in sections 16 and 17 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37).
- Representations “**155.4** Before ruling on an application, the committee may, according to the procedure prescribed by regulation of the Government, hear the views of any interested person on the situation of the business firm concerned.”
- c. C-11, s. 179, am. **42.** Section 179 of the said Charter is amended by adding, at the end, the following: “, except the power to impose imprisonment”.
- c. C-11, heading, ss. 157 to 162, 164, 167, 168, 180, 183, 184, 212, am. **43.** The said Charter is amended by replacing the expression “Commission de surveillance” in the heading of Title III and in sections 157 to 162, 164, 167, 168, 180, 183, 184 and 212 by the expression “Commission de protection”.
- Expression replaced Wherever, in any Act, regulation, by-law, order in council, order, decree or other document, the expression “Commission de surveillance” is used to designate the Commission de surveillance de la langue française, it is replaced by the expression “Commission de protection”, unless the context requires otherwise.
- c. V-1.1, s. 40.1, added **44.** The Securities Act (R.S.Q., chapter V-1.1) is amended by inserting, after section 40, the following section:

Language of
drafting

“40.1 Every prospectus, preliminary prospectus, document authorized by the Commission for use in lieu of a prospectus, offering notice contemplated in section 53 and permanent information record contemplated in section 85, as well as every take-over bid circular, take-over bid, circular of a board of directors and notice of a senior executive contemplated in Title IV, shall be drawn up in French or in French and another language.”

c. V-1.1, s.
302.1, added

45. The said Act is amended by inserting, after section 302, the following section:

Report to
the Office de
la langue
française

“302.1 At the end of every fiscal year, the Commission shall remit to the Office de la langue française a report of the use it has made of its power to grant exemptions under section 263 with regard to the obligation enacted in section 40.1.

Form

The Office shall determine the mode of drawing up the report.”

Members of
the Commis-
sion de topo-
nymie

46. The members of the Commission de toponymie in office at the coming into force of this Act remain in office for the period determined by the Government.

Presumption

47. Agencies of the civil administration constituted on or after 31 December 1978 to the date of coming into force of the first paragraph of section 131 of the Charter of the French language enacted by section 26 of this Act are deemed to have been constituted on (*insert here the date of coming into force of section 26 of this Act*) for the purposes of that section.

Members of
the
francization
Committees

48. The members of the francization committees designated pursuant to section 147 of the Charter of the French language in office at the coming into force of this Act remain in office for two years or for the unexpired part of their term, if less than two years remain.

Geographical
names

49. The geographical names chosen or approved by the Commission de géographie and published in the *Gazette officielle du Québec* pursuant to the Geographical Commission Act (R.S.Q., 1964, chapter 100) are deemed to have been chosen or approved by the Commission de toponymie in accordance with Chapter III of the Charter of the French language on the date they were so published.

Regulations
in force

50. Regulations of the Office de la langue française and of the Government that were made under provisions of the Charter of the French language which are replaced by this Act remain in force until repealed or replaced.

“Inuktitut”

51. In every section of this Charter where the word “Inutituut” appears, it is replaced by the word “Inuktitut”.

Exception **52.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force **53.** This Act will come into force on the date fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force on any later date fixed by proclamation of the Government.