



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 199

Charter of the French and English languages

Introduction

**Introduced by
Mr Neil Cameron
Member for Jacques-Cartier**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

The object of this bill is to repeal the Charter of the French language, passed in 1977, and establish French and English as the official languages of Québec.

In Chapter II, the bill recognizes certain fundamental individual language rights, namely:

– the right of every person to receive services from the Civil Administration, parapublic organizations, employees' associations and businesses operating in Québec in the official language of his or her choice;

– the right of every person to use French or English during deliberative assemblies;

– the right of every person to receive instruction in French or in English.

In Chapter III, the bill establishes French and English as the languages used in legislative texts and in the court system.

Bills, statutes, regulations and other acts of a similar nature to which section 133 of the Constitution Act, 1867, applies are printed and published in French and in English.

In addition, debates of the National Assembly and of the committees of the National Assembly, certain legislative documents, judgments rendered by a judicial tribunal and decisions rendered by a body exercising quasi-judicial functions are translated into the other official language and are printed and published in French and in English.

In Chapter IV, the bill makes French and English the languages of the civil administration.

In Chapter V, the bill requires public utility firms, professional corporations and the members of these corporations to ensure that

their services are available in French and in English and that they use one of the two official languages in their communications with the civil administration and with artificial persons.

In Chapter VI, the bill requires employers to draft their written communications to their employees and their offers of employment and promotion in French and in English.

Collective agreements, schedules to collective agreements and decisions rendered pursuant to a collective agreement or under the Labour Code must be drafted in French and in English.

No employer may dismiss, demote or transfer a member of his staff for the sole reason that the staff member speaks only one of the official languages.

In addition, no employer may require the knowledge of a particular official language for the obtaining of a job or office, unless the nature of the duties requires the knowledge of that language.

Chapter VII is concerned with the languages of commerce and business.

Inscriptions on a product made, used or consumed in Québec, on its container or wrapping, or in or on a document or object supplied with it, must be drafted in French and in English. Catalogues, brochures, folders, job application forms, order forms, invoices, receipts and quittances are subject to the same requirement.

However, firm names, public signs and posters and commercial advertising may be in French or in English.

Chapter VIII of the bill concerns the languages of instruction and allows children to receive their instruction in French or in English, at the request of one of their parents.

However, a child must have sufficient knowledge of spoken and written French and English in order to receive a secondary studies certificate.

The bill also recognizes certain particular rights of the Amerinds and the Inuit of Québec.

Finally, the bill contains a provision requiring the various branches of the civil administration which provide services to a community in which at least 10 % of the members speak an official language other than the official language of the majority to provide the services in the other official language also.

Bill 199

Charter of the French and English languages

WHEREAS French is the language used by the French-speaking majority in Québec;

Whereas English is the language used by the English-speaking minority in Québec;

Whereas the National Assembly recognizes that Québécois wish to see the quality and influence of French secured in Québec;

Whereas the Government of Québec promotes and adopts policies which facilitate the adaptation of the economy to the necessities of the globalization of markets;

Whereas, in addition to its historical status as an official language in Québec, English is the language of business, commerce and communication throughout the world;

Whereas the importance and necessity of knowing English has reached a level that transcends any historical or traditional conflict which may have existed in the past between the linguistic communities in Québec;

Whereas Québécois, desiring to preserve and develop the vitality of their economic, linguistic and cultural life, recognize the importance of the English language in achieving this goal;

Whereas Québécois recognize the benefit that the supremacy of individual choice and individual freedom promises in promoting the vitality and the development of Québec's economic, linguistic and cultural life;

Whereas the National Assembly recognizes the right of the Amerinds and the Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture;

Whereas it is expedient that all the inhabitants of the territory of Québec be able to choose freely their economic, linguistic, educational and cultural direction without the intervention of the Government;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

THE OFFICIAL LANGUAGES OF QUÉBEC

- 1.** French and English are the official languages of Québec.

CHAPTER II

FUNDAMENTAL LANGUAGE RIGHTS

2. Every person has the right to receive, in the official language of his choice, the services of the civil administration and semipublic agencies, within the meaning of the Schedule, of associations of employees and of firms doing business in Québec.

3. During a deliberative assembly, every person has the right to use French or English.

4. Every person eligible for instruction in Québec has a right to receive that instruction in French or in English.

CHAPTER III

THE LANGUAGES OF THE LEGISLATURE AND THE COURTS

5. French and English are the languages of the legislature and the courts in Québec.

6. Legislative bills shall be printed, published, introduced, passed and assented to in French and in English, and the statutes shall be printed and published in both languages.

7. The regulations and other similar acts to which section 133 of the Constitution Act, 1867, applies shall be made, passed or issued, and printed and published in French and in English.

8. The French and English versions of the texts referred to in sections 6 and 7 are equally authoritative.

9. The Order Paper and the Votes and Proceedings of the National Assembly and the Reports and Votes and Proceedings of the committees and subcommittees of the National Assembly shall be printed and published in French and in English.

The debates of the National Assembly and of the committees and subcommittees of the National Assembly shall be translated into the other official language and shall be printed and published in French and in English.

10. Either French or English may be used by any person in, or in any pleading in or process issuing from, any court of Québec.

11. Every judgment rendered by a court of justice and every decision rendered by a body discharging quasi-judicial functions shall, at the request of the parties, be translated into the other official language by the civil administration bound to bear the cost of operating such court or body.

CHAPTER IV

THE LANGUAGES OF THE CIVIL ADMINISTRATION

12. The various branches of the civil administration shall be designated both by their French and their English names.

13. The civil administration shall draw up and publish in French and in English its texts and documents intended for the public.

14. The civil administration shall use French or English in its written communications with other governments, with natural persons and with artificial persons established in Québec.

However, the civil administration must, where so requested by a natural person or the representative of an artificial person established in Québec, use French or English, as the case may be.

15. The various branches of the civil administration shall use French or English in their written communications with each other.

16. Notices of meeting, agendas and minutes of deliberative assemblies in the civil administration shall be drawn up in French or in English.

Where so requested by at least one participant of a deliberative assembly, such documents shall, however, be translated into the other official language.

17. Contracts entered into by the civil administration, including the related sub-contracts, shall be drawn up in French or in English. Such contracts and the related documents may be drawn up in another language where the civil administration enters into a contract outside Québec.

18. The civil administration shall use French and English in signs and posters. The inscriptions may be complemented or replaced by symbols or pictographs.

19. In institutions providing health services and social services, the documents filed in the clinical records shall be drafted in French or in English, as the person drafting them sees fit.

CHAPTER V

THE LANGUAGES OF SEMIPUBLIC AGENCIES

20. The public utility firms, the professional corporations and the members of such corporations must make their services available in French and in English.

They must draw up their notices, communications and printed matter intended for the public, including public transportation tickets, in French and in English.

21. Public utility firms, professional corporations and the members of such corporations shall use French or English in their written communications with the civil administration and with artificial persons established in Québec.

However, where so requested by a representative of an artificial person established in Québec, the public utility firms and professional corporations must use French or English, as the case may be.

22. Professional corporations shall use French or English in their written communications with their general membership.

However, where so requested by one of its members, the corporation must use French or English, as the case may be, in its written communications with him or her.

23. Professional corporations shall be designated both by their French and their English names.

CHAPTER VI

THE LANGUAGES OF LABOUR RELATIONS

24. Every employer shall draw up his communications to his staff and his offers of employment or promotion in French or in English.

However, where so requested by a member of its staff, the employer must use French or English, as the case may be.

25. Collective agreements and schedules to collective agreements must be drafted in French and in English, including those which must be filed under section 72 of the Labour Code (R.S.Q., chapter C-27).

26. An arbitration award made following arbitration of a grievance or dispute regarding the negotiation, renewal or review of a collective agreement shall be translated into the other official language.

27. An employer is prohibited from dismissing, laying off, demoting or transferring a member of his staff for the sole reason that the latter speaks only one of the official languages.

28. An employer is prohibited from making the obtaining of an employment or office dependent upon the knowledge of one official language in particular, unless the nature of the duties requires the knowledge of such language.

29. Every association of employees shall use French or English in written communications with the whole of its members.

However, where so requested by one of its members, the association must use French or English, as the case may be, in its written communications with him or her.

CHAPTER VII

THE LANGUAGES OF COMMERCE AND BUSINESS

30. Every inscription on a product made, used or consumed in Québec, on its container or on its wrapping, or in or on any document or object supplied with the product, including the directions for use and the warranty certificates, must be drafted in French and in English.

31. Catalogues, brochures, folders, commercial directories and any similar publications must be drawn up in French and in English.

The same requirement applies to applications forms for employment, order forms, invoices, receipts and quittances.

32. Contracts of adhesion, contracts containing printed standard clauses, and the related documents, shall be drawn up in French or in English.

However, where so requested by one of the parties, such documents shall be translated into the other official language.

33. Firm names may be in French or in English.

34. Public signs and posters and commercial advertising may be in French or in English.

35. Section 34 does not apply to advertising carried in the news media in a language other than French or English, or to messages of a religious, political, ideological or humanitarian nature if not for a profit motive.

CHAPTER VIII

THE LANGUAGES OF INSTRUCTION

36. Children, at the request of one of their parents, may receive instruction in French or in English.

The parent who may make the request must be the holder of parental authority. However, the person who has *de facto* custody of the child and who is not the holder of parental authority may also make such a request provided the holder of parental authority does not object.

37. No secondary school certificate may be issued to a student who does not have the speaking and writing knowledge of French and English required by the curricula of the Ministère de l'Éducation.

38. 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.

39. In the schools under the jurisdiction of the Cree School Board or the Kativik School Board, according to the Education Act

for Cree, Inuit and Naskapi Native persons (R.S.Q., chapter I-14), the languages of instruction shall be Cree and Inuktitut, respectively, and the other languages of instruction in use in the Cree and Inuit communities in Québec on the date of the signing of the Agreement referred to in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter C-67), namely, 11 November 1975.

The Cree School Board and the Kativik School Board shall pursue as an objective the use of French and of English as languages of instruction so that pupils graduating from their schools will in future be capable of continuing their studies in a school, college or university elsewhere in Québec, if they so desire.

After consultation with the school committees, in the case of the Crees, and with the parents' committees, in the case of the Inuit, the commissioners shall determine the rate of introduction of French and English as languages of instruction.

This section, with the necessary changes, applies to the Naskapi of Schefferville.

CHAPTER IX

MISCELLANEOUS PROVISIONS

40. The branches of the civil administration providing services to a community in which at least 10 % of the members speak an official language other than the official language of the majority must provide services in the other official language also.

41. The following persons and bodies have the right to use Cree and Inuktitut and are exempt from the application of this Act, except sections 38, 39 and 42:

(1) persons qualified to benefit under the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec, in the territories envisaged by that Agreement;

(2) bodies to be created under the Agreement, within the territories envisaged by the Agreement;

(3) bodies of which the members are in the majority persons referred to in subparagraph 1, within the territories envisaged by the Agreement.

This section, with the necessary changes, applies to the Naskapi of Schefferville.

42. The bodies envisaged in section 41 must introduce the use of French and of English into their administration, both to communicate in these two languages with the rest of Québec and with those persons under their administration who are not contemplated in subparagraph 1 of that section, and to provide their services in French and in English to those persons.

This section, with the necessary changes, applies to the Naskapi of Schefferville.

43. The Indian reserves are not subject to this Act.

44. Within six months of the coming into force of this Act, the Government shall establish the English names referred to in sections 12 and 23.

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

46. Sections 83 and 83.1 of the Cinema Act (R.S.Q., chapter C-18.1) are repealed.

47. Section 40.1 of the Interpretation Act (R.S.Q., chapter I-16) is repealed.

48. This Act comes into force on *(insert here the date of assent to this Act)*.

SCHEDULE

A. THE CIVIL ADMINISTRATION:

1. The Government and Government departments.
2. Government agencies:

Agencies to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) or of which at least one half of the capital stock is derived from the consolidated revenue fund, except, however, health services and social services, general and vocational colleges and the Université du Québec;

3. Municipal and school bodies:

(a) the urban communities of Québec, Montréal and the Outaouais, the Québec Urban Community Transit Commission, the transit corporations of the south shore of Montréal, the Outaouais, the Montréal Urban Community and the City of Laval and the Outaouais Development Corporation;

(b) municipalities:

City, town, village, rural and county corporations, whether incorporated under a general law or a special Act, and the agencies under the jurisdiction of such a corporation which participate in the administration of their territory;

(c) school bodies:

The school boards and the School Council of the island of Montréal;

4. Health services and social services:

Institutions within the meaning of the Act respecting health services and social services and amending various legislation (1991, chapter 42) or the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5).

B. SEMIPUBLIC AGENCIES:

1. Public utility firms:

If they are not already Government agencies, telephone, telegraph or cable-delivery companies, air, ship, autobus and rail transport companies, firms which produce, transport, distribute or sell gas, water or electricity, and firms holding authorizations from the Commission des transports.

2. Professional corporations:

The professional corporations listed in Schedule I to the Professional Code (R.S.Q., chapter C-26) or established in accordance with that Code.