



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 140

An Act to amend the Charter of the French language

Introduction

**Introduced by
Madam Lise Bacon
Minister of Cultural Affairs**

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EXPLANATORY NOTES

The object of this bill is to establish a body, the Office de la langue française, which will replace the Office de la langue française and the Commission de protection de la langue française established by the Charter of the French language. The new Office will consist of a board of directors of not more than seven members appointed by the Government. The mission assigned to it is essentially a combination of the tasks entrusted to the bodies it will replace, namely, establishing, consolidating and generalizing the use of French in the agencies of the civil administration, parapublic agencies and business firms with fifty employees or more and promoting the refining and enriching of spoken and written French for the benefit of associations and individuals.

To such ends, the bill provides that it will be the duty of the Office to

— assist business firms in defining, preparing and maintaining the francization programmes provided for in the Charter of the French language and oversee their administration;

— establish the research programmes necessary for the administration of the Charter, in particular the linguistic and terminological research needed to establish French as the normal and everyday language of work in Québec, consolidate its position and bring it into general use in the workplace;

— assist the agencies of the civil administration, parapublic agencies, business firms, associations and individuals in refining and correcting written and spoken French and, lastly,

— make business firms alive to the objectives pursued by the Charter.

In addition, this bill empowers the Office to receive complaints relating to non-compliance with the Charter, to evaluate them and to decide what action should be taken.

For such purpose, the bill requires that an investigator of the Office examine with the interested persons possible means of ensuring compliance with the Charter.

In another connection, the bill proposes to replace the Conseil de la langue française by a body called “Haut comité de la langue française”, whose mission is to consist primarily in advising the Minister on Québec policy with regard to the French language, and establishing and maintaining close ties with bodies dedicated to the development and promotion of the French language, with a view to enhancing the influence of the French language.

Moreover, provisions are included in the bill to give the jurisdiction in appeals held by the Commission d’appel des décisions relatives au certificat de francisation to the Provincial Court and to make the Commission de toponymie responsible to the Minister of Cultural Affairs.

Finally, the bill contains a number of transitional provisions to ensure an orderly reorganization of the institutional framework for the application of the Charter.

ACTS AMENDED BY THIS ACT

- Charter of the French language (R.S.Q., chapter C-11);
- Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20).

Bill 140

An Act to amend the Charter of the French language

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Sections 20, 23, 24, 26 and 28 of the Charter of the French language (R.S.Q., chapter C-11) are amended by replacing the words and figure “paragraph *f* of section 113” by the words and figure “paragraph *h* of section 118”

2. Section 99 of the said Charter is amended by striking out paragraph *a*.

3. Sections 100 to 121 of the said Charter are replaced by the following sections:

“**100.** A body called the “Office de la langue française” is hereby established

(1) to define and guide Québec policy on research in linguistics and terminology;

(2) to ensure that French is the language of the civil administration and the normal and customary language of communications, work, commerce and business;

(3) to deal with questions of failure to observe this Act.

“**101.** The seat of the Office shall be in Québec City or in Montréal, as the Government may decide and the Office shall have an office in both cities. The Office may hold its sittings at any place in Québec.

“102. The Office shall consist of a board of directors composed of not more than seven members, as follows:

(1) the President of the Office appointed by the Government for a term of not more than five years;

(2) six other members appointed by the Government for a term of not more than three years.

“103. The President shall be chairman of the board of directors, shall see to its proper management, and shall have any other duties assigned to him by regulation of the Office.

The President shall act as an intermediary between the Office and the Minister.

“104. Each year, the members of the board of directors shall elect a vice-chairman from among their number. The vice-chairman shall replace the President if he is unable to act.

“105. Each of the members of the board of directors shall remain in office at the end of their term until they are reappointed or replaced.

“106. The President, under the authority of the board of directors, shall manage the Office within the scope of its regulations and objectives. He shall be, *ex officio*, chief executive officer of the Office and shall hold office on a full-time basis.

The President shall have in respect of the members of the staff of the Office the powers vested in the chief executive officer of an agency by the Public Service Act (R.S.Q., chapter F-3.1.1).

He shall, in particular,

(a) ensure the implementation of the resolutions of the board of directors;

(b) prepare the organizational plan of the Office and submit it to the board of directors for approval;

(c) prepare the budget of the Office, submit it to the board of directors for approval and ensure that it is implemented in accordance with the approvals and authorizations obtained;

(d) sign, on behalf of the Office, the agreements authorized by the board of directors.

If the President is unable to act, his duties under this section may be validly performed by the vice-chairman of the board of directors or any other person designated by the board.

“107. The Government shall fix the remuneration, social benefits and other conditions of employment of the President.

The other members of the board of directors shall not be remunerated, except in the cases, on the conditions and to the extent that the Government may determine. They are, however, entitled to reimbursement of the expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

“108. Any vacancy on the board of directors before the expiry of a term shall be filled pursuant to section 102 for the term provided therein.

“109. The secretary and other staff of the Office shall be appointed and remunerated under the Public Service Act (R.S.Q., chapter F-3.1.1).

“110. The board of directors may adopt internal management by-laws, in particular to define or add to the duties and powers of the President set forth in section 106.

“111. The minutes of the sittings of the board of directors approved by the board and certified by the chairman or any other person so authorized under the internal management by-laws of the Office, are authentic. The same applies to documents or copies emanating from the Office or forming part of its records.

“112. The members of the board of directors may, subject to the internal management by-laws and provided all agree thereto, take part in a meeting of the board of directors by using any means that allows them to communicate orally with one another.

Any decision of the board of directors signed by the majority of the members thereof has the same force as if it had been made at a sitting.

“113. No member of the board of directors shall participate in the discussion of a question in which he has a personal interest.

The other members shall decide whether he has a personal interest.

“114. A majority of the members, including the President or the vice-chairman, is a quorum at sittings of the board of directors.

In case of a tie-vote, the President has a casting vote.

“115. The members and staff of the Office cannot be prosecuted for official acts done in good faith.

“116. The Office shall carry out any mandate entrusted to it by the Government within the scope of its duties as defined in section 100.

“117. The Minister may give directives to the Office as to its aims and objectives; the directives require prior approval by the Government.

Every directive shall be tabled in the National Assembly within fifteen days after its approval if the Assembly is sitting or, if it is not, within fifteen days after the opening of the next session or after resumption.

No prejudice or advantage to third persons can result from the non-observance by the Office of the directives given to it under this section.

“118. In the performance of its duties, the Office shall

(a) assist in defining, preparing and maintaining the francization programs provided for in this Act and oversee their administration;

(b) define, by regulation, the procedure for the issue, suspension or cancellation of the francization certificate;

(c) establish the research program necessary for the administration of this Act, in particular the linguistic and terminological research programs needed to establish French as the normal and everyday language of work in Québec, and to consolidate its position and generalize its use in the work place;

(d) recommend or standardize the terms, expressions and rules of spelling to be used in Québec;

(e) assist the agencies of the civil administration, parapublic agencies, business firms, associations and individuals in refining and enriching spoken and written French;

(f) assist the Ministère de l'Éducation in defining French instruction programs and in determining means to ensure the quality of written and spoken French;

(g) make enterprises alive to the objectives pursued by this Act;

(h) recognize, on the one hand, the municipal bodies, school bodies, health services and social services that provide services to persons who,

in the majority, speak a language other than French, and, on the other hand, the departments in charge of giving instruction in a language other than French in school bodies;

(i) receive complaints regarding non-compliance with this Act, evaluate them and decide what action should be taken in accordance with this Act.

“119. The Office may

(a) establish terminology committees in cooperation with the departments and agencies of the civil administration;

(b) make agreements, within its jurisdiction, with any agency to facilitate the administration of this Act.

“120. The Government may, by regulation, prescribe the measures that must be taken by the departments and other agencies of the civil administration to cooperate with the Office.

“121. The mandate of the terminology committees established by the Office shall be to make an inventory of the technical words and expressions in use in a given sector of activities, point out the terminological deficiencies in that sector, prepare a list of the technical words and expressions they recommend and facilitate their circulation among persons required to use them on a regular basis.

“122. The terminology committees shall submit the conclusions of their work to the Office for approval.

“123. Upon publication in the *Gazette officielle du Québec* of the terms and expressions standardized by the Office, their use becomes obligatory in all texts 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 or by the Minister of Higher Education and Science.

“124. Not later than 31 October every year, the Office shall submit a report of its activities for the preceding fiscal year to the Minister.

“125. The Minister shall table the report of the Office in the National Assembly within thirty days after its receipt if the Assembly is sitting or, if it is not, within thirty days after the opening of the next session or after resumption.

“126. No civil action may be brought by reason of the publication in whole or in part in good faith of the reports of the Office or of resumés of such reports.”

4. Chapter III of Title II of the said Charter is repealed.

5. Section 153 of the said Charter is amended by striking out the second paragraph.

6. Sections 155 to 156 of the said Charter are replaced by the following sections:

“155. Any business firm which has been denied a francization certificate or whose francization certificate has been suspended or cancelled may bring an appeal before the Provincial Court.

“156. The appeal is brought by depositing a notice to that effect with the secretary of the Office within thirty days after the date of the decision appealed from.

“156.1 The secretary of the Office shall transmit the notice of appeal and the record relating to the decision appealed from to the office of the Provincial Court nearest to the principal establishment of the appellant.

The record referred to in the first paragraph shall contain the decision of the Office and, where such is the case, the views presented or the minutes of the hearing, the documents produced and a transcription of the stenographic notes taken on the request and at the expense of the appellant.

“156.2 The appeal is subject to articles 491 to 524 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required. However, the parties need file only four copies of their factums.

“156.3 The appeal does not suspend the execution of the decision appealed from unless the Provincial Court decides otherwise.

“156.4 The Provincial Court may, by the procedure provided in article 47 of the Code of Civil Procedure, make the rules of practice necessary for the exercise of the right of appeal under this chapter.

“156.5 No appeal lies from the decision of the Provincial Court.

“156.6 In its report of activities, the Office shall indicate the suspension and cancellations of certificates it has declared, and the business firms having failed to obtain a francization certificate within

the prescribed time or to form the francization committee provided for in section 146.”

7. Title III of the said Charter is replaced by the following title:

“TITLE III

“REMEDIES AND INQUIRIES

“**157.** An inquiry may be requested by the Office or by its President to examine any matter relating to the administration of this Act, in particular the case of any business firm to which the Office has issued or is about to issue a francization certificate.

“**158.** The President may designate in writing any person to act as an investigator.

“**159.** Any individual or group of persons aware of facts that, in his or their opinion, constitute non-compliance with this Act may file a complaint with the Office.

“**160.** Every complaint shall be in writing and indicate the identity of the complainant and the grounds on which his complaint is based. His identity may be disclosed only with his express authorization.

“**161.** The complainant is entitled to assistance from the staff of the Office to draw up his complaint.

“**162.** The Office shall dismiss the complaint where

- (a) the subject of the complaint exceeds the scope of this Act;
- (b) the subject of the complaint is within the jurisdiction of the Public Protector or the Commission des droits de la personne;
- (c) the subject of the complaint no longer exists at the time it is filed.

In the case contemplated in subparagraph *b*, the Office shall forward the record to the Public Protector or to the Commission des droits de la personne, as the case may be.

“**163.** The Office may dismiss a complaint where in its opinion,

- (a) the complainant has a right of appeal or appropriate recourse;
- (b) the subject of the complaint will no longer exist at the time the inquiry is to begin;

(c) the circumstances do not justify an inquiry;

(d) the complaint is frivolous or in bad faith.

“164. If the complaint is dismissed, the Office shall notify the complainant and give him the reasons for the dismissal.

“165. For the purposes of his inquiry, an investigator is vested with the powers and immunity granted commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

“166. Every investigator shall, in the exercise of his powers, identify himself on request and produce a certificate of his capacity bearing the signature of the President.

“167. Articles 307, 308 and 309 of the Code of Civil Procedure, dealing with the rights of witnesses, apply to witnesses heard by an investigator.

“168. If, after his inquiry, an investigator is of opinion that there is non-compliance with this Act, he shall examine with the persons concerned the means to remedy the situation and ensure compliance with this Act.

“169. If the investigator cannot reach an agreement with the persons concerned as provided in section 168, he shall transmit the record of the inquiry to the President, except in the case of a contravention of section 78.1.

Where the investigator is of opinion that section 78.1 has been contravened, he shall transmit the record to the Attorney General for examination, and the institution of penal proceedings if necessary.

“170. In the case of a contravention other than a contravention of section 78.1, the President shall formally demand that the contravener comply with this Act within a given time.

If the contravener does not comply within the allotted time, the President shall submit a report on the matter to the board of directors.

According to the decision of the board of directors, the President shall either order a new inquiry, close the record or transmit it to the Attorney General for the institution of penal proceedings, if necessary.

“171. In its report of activities, the Office shall indicate the inquiries made, the proceedings instituted and the results obtained.”

8. Title IV of the said Charter is replaced by the following title:

“TITLE IV

“THE HAUT COMITÉ DE LA LANGUE FRANÇAISE

“185. A Haut comité de la langue française is hereby established to advise the Minister on Québec policy with regard to the French language and on any question relating to the interpretation and application of this Act.

“186. The Haut comité shall be composed of sixteen members, including a secretary general, appointed by the Government.

With the exception of the secretary general, the members shall be appointed as follows:

(a) two members, after consultation with the representative socio-cultural associations;

(b) two members, after consultation with the representative union bodies;

(c) two members, after consultation with the representative management groups;

(d) two members, after consultation with academic community;

(e) two members, after consultation with agencies, associations and groups within the cultural communities;

(f) two members, after consultation with the representative associations of French-speaking Canadians outside Québec;

(g) two members, representing the international French-speaking community.

The President of the Office is *ex officio* a member of the Haut comité.

“187. The Haut comité shall

(a) advise the Minister on the questions he submits to it relating to the situation of the French language in Québec;

(b) keep a watch on language developments in Québec with respect to the status and quality of the French language and communicate its findings and conclusions to the Minister;

(c) apprise the Minister of the questions pertaining to language that in its opinion require attention or action by the Government;

(d) according to law and with the approval of the Minister, establish and maintain ties with bodies dedicated to the development and promotion of the French language, with a view to enhancing the influence of the French language.

“188. The Haut comité may

(a) receive and hear observations of and suggestions from individuals or groups on questions relating to the status and quality of the French language;

(b) with the approval of the Minister, undertake the study of any question pertaining to language and carry out or have others carry out any appropriate research;

(c) receive the observations of any agency of the civil administration or business firm on the difficulties encountered in the application of this Act and report to the Minister;

(d) adopt internal management by-laws, subject to approval by the Government.

“189. The secretary general shall be appointed for not more than five years and the other members for four years.

However, four of the first members other than the secretary general shall be appointed for one year, four for two years, three for three years and three for four years.

“190. At the expiry of their term, the members of the Haut comité shall remain in office until they are reappointed or replaced.

“191. In the case where a member does not complete his term, the Government shall replace him, as provided in section 186 for the remainder of his term.

“192. The secretary general shall direct the activities of the Haut comité and coordinate its work. The secretary general shall act as an intermediary between the Haut comité and the Minister.

“193. The office of secretary general is incompatible with any other office.

“194. The Government shall fix the fees, allowances or salary of the secretary general.

“195. The other members of the Haut comité shall not be remunerated, except in the cases, on the conditions and to the extent that the Government may determine. They are, however, entitled to reimbursement of the expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

“196. The staff of the Haut comité shall be appointed and remunerated under the Public Service Act (R.S.Q., chapter F-3.1.1).

The secretary general shall have in respect of the members of the staff of the Haut comité the powers vested in the chief executive officer of an agency by the said Act.

“197. The Haut comité may, with the approval of the Minister, establish special committees for the study of specific questions and commission them to collect the relevant information and report their findings and recommendations to it.

Such committees may, with the prior approval of the Minister, consist in whole or in part of persons who are not members of the Haut comité.

Section 195, adapted as required, applies to the members of special committees.

“198. The seat of the Haut comité shall be in Québec City or in Montréal, as the Government may decide.

“199. Eight members are a quorum of the Haut comité. In case of a tie-vote, the secretary general has a casting vote.

“200. If the secretary general is unable to act, the Government shall appoint a person to replace him.

“201. Not later than 31 October every year, the Haut comité shall submit a report of its activities for the preceding fiscal year to the Minister.

“202. The Minister shall table the report of the Haut comité in the National Assembly within thirty days after its receipt if the Assembly is sitting or, if it is not, within thirty days after the opening of the next session or after resumption.”

9. Section 212 of the said Charter is replaced by the following section:

“212. The Government shall entrust a minister with the administration of this Act. Such minister shall exercise in regard to the staff of the Office de la langue française and that of the Haut comité de la langue française the powers of the incumbent minister of a department.”

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

10. Section 2 of the Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20) is amended by adding, at the end, the following paragraph:

“He shall also be responsible for the preservation of cultural property, the management of the public archives and all questions relating to toponymy.”

11. Section 3 of the said Act is replaced by section 1 of the Act to abolish the Conseil des arts du Québec (1986, chapter *insert here the chapter number of Bill 116*), is amended by adding, at the end, the words “and the Commission de Toponymie”.

12. The said Act is amended by inserting, after section 14, the following division:

“DIVISION II.1

“COMMISSION DE TOPONYMIE

“14.1 A body called the “Commission de toponymie” is hereby established.

“14.2 The Commission shall be composed of seven members, including a chairman, appointed by the Government. Their term shall not exceed five years.

“14.3 The Government shall fix the remuneration, social benefits and other conditions of employment of the chairman. The other members of the Commission who are not public servants shall not be remunerated except in the cases, on the conditions and to the extent that the Government may determine.

They are, however, entitled to reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

“14.4 At the expiry of their term, the members of the Commission shall remain in office until they are reappointed or replaced.

“14.5 The chairman shall administer the Commission and manage its staff.

“14.6 If the chairman is unable to act, the Minister shall designate a substitute from among the members of the Commission.

“14.7 The staff of the Commission shall be appointed and remunerated under the Public Service Act (R.S.Q., chapter F-3.1.1).

“14.8 The Commission has competence to establish the criteria of selection and rules of spelling of all place names and to make the final decision on the assignment of names to places not already named and to approve any change of place names.

“14.9 The Commission shall

(1) establish the standards and rules of spelling to be followed in place names;

(2) catalogue and preserve place names;

(3) establish and standardize geographical terminology, in cooperation with the Office de la langue française;

(4) officialize place names;

(5) publicize the official geographical nomenclature of Québec;

(6) advise the Government on any question it submits to the Commission relating to toponymy.

“14.10 The Commission may

(1) advise the Government and other agencies of the civil administration within the meaning of the Charter of the French language (R.S.Q., chapter C-11) on any question relating to toponymy;

(2) make regulations on the criteria of selection of place names, on the rules of spelling of place names and on the method to be followed in naming places and approving the names given them;

(3) in unorganized territories, name geographical places or change their names;

(4) with the consent of the department or agency having concurrent jurisdiction over the place name, determine or change the name of any place in an organized territory.

“14.11 The names chosen or approved by the Commission during the year shall be published at least once a year in the *Gazette officielle du Québec*.

“14.12 Upon their publication by the Commission, the use of the names chosen or approved by the Commission becomes obligatory

(1) in texts and documents of the civil administration and parapublic agencies within the meaning of the Charter of the French language;

(2) on traffic signs;

(3) on public signs and posters;

(4) in teaching manuals and educational and research works published in Québec and approved by the Minister of Education or by the Minister of Higher Education and Science.”

13. The Commission de toponymie established by this Act acquires the rights and assumes the obligations of the Commission de toponymie established by the Charter of the French language (R.S.Q., chapter C-11).

14. Any duty performed or power exercised by the Commission de toponymie established by the Charter of the French language is deemed to have been performed or exercised by the Commission de toponymie established by this Act.

15. The members of the Commission de toponymie established by the Charter of the French language in office on (*insert here the date of coming into force of this Act*) remain in office for the remainder of their term.

16. The staff of the Commission de toponymie established by the Charter of the French language in office on (*insert here the date of coming into force of this Act*) become, without further formality, the staff of the Commission de toponymie established by this Act.

17. The records and documents of the Commission de toponymie established by the Charter of the French language become the records and documents of the Commission de toponymie established by this Act.

18. The sums placed at the disposal of the Commission de toponymie established by the Charter of the French language are transferred to the Commission de toponymie established by this Act.

19. The Office de la langue française established by this Act acquires the rights and assumes the obligations of the Office de la langue française and the Commission de protection de la langue française established by the Charter of the French language.

20. Any duty performed or power exercised by the Office de la langue française or the Commission de protection de la langue française established by the Charter of the French language is deemed to have been performed or exercised by the Office de la langue française established by this Act.

21. Matters pending at the Office de la langue française or at the Commission de protection de la langue française established by the Charter of the French language are continued and decided by the Office de la langue française established by this Act.

22. Proceedings to which the Office de la langue française or the Commission de protection de la langue française established by the Charter of the French language is a party are continued, without continuance of suit, by the Office de la langue française established by this Act according to its powers and duties under the law.

23. The members of the Office de la langue française and the chairman of the Commission de protection de la langue française established by the Charter of the French language shall cease to hold office on or before the date of the coming into force of this Act.

24. The secretary and the other members of the staff of the Office de la langue française, as well as the investigator commissioners, inspectors and staff of the Commission de protection de la langue française established by the Charter of the French language in office on *(insert here the date of coming into force of this Act)* become, without further formality, the staff of the Office de la langue française established by this Act.

25. The records and documents of the Office de la langue française and of the Commission de protection de la langue française established by the Charter of the French language become the records and documents of the Office de la langue française established by this Act.

26. The sums placed at the disposal of the Office de la langue française and of the Commission de protection de la langue française established by the Charter of the French language are transferred to the Office de la langue française established by this Act.

27. The Haut comité established by this Act acquires the rights and assumes the obligations of the Conseil de la langue française established by the Charter of the French language.

28. Any duty performed or power exercised by the Conseil de la langue française established by the Charter of the French language is deemed to have been performed or exercised by the Haut comité established by this Act.

29. The members of the Conseil de la langue française established by the Charter of the French language in office on (*insert here the date of coming into force of this Act*) shall cease to hold office on or before the date of the coming into force of this Act.

30. The staff of the Conseil de la langue française established by the Charter of the French language in office on (*insert here the date of coming into force of this Act*) become, without further formality and as the Government may determine, the staff of the Haut comité de la langue française or of the Office de la langue française established by this Act.

31. The records and documents of the Conseil de la langue française established by the Charter of the French language become the records and documents of the Haut comité established by this Act.

32. The sums placed at the disposal of the Conseil de la langue française established by the Charter of the French language are transferred, as the Government may determine, to the Haut comité or to the Office de la langue française established by this Act.

33. The members of the Commission d'appel des décisions relatives au certificat de francisation des entreprises in office on (*insert here the date of coming into force of this Act*) shall cease to hold office on or before the date of coming into force of this Act.

34. This Act comes into force on the date fixed by the Government.