
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 57

An Act to amend the Charter of the French language

First reading



Introduced by
Mr Gérald Godin
Minister of Cultural Communities and Immigration

EXPLANATORY NOTES

- This bill amends the Charter of the French language. The main objects of the proposed amendments are as follows:

(a) to authorize municipal bodies which, like other services or agencies of the public administration that provide services to persons who, in the majority, speak a language other than French, to use that language in their names, their internal communications and their communications to each other;

(b) to allow the use in such bodies of the language of the majority of the persons to whom they provide services, in written communications between two persons who so agree;

(c) to allow bilingual signs and posters outside establishments specializing in foreign national specialities or the specialities of a particular ethnic group;

(d) to exempt professionals who have received at least three years of secondary schooling in Québec from the obligation of proving that they have the appropriate knowledge of French for the practice of their profession;

(e) to authorize the Government to declare eligible for instruction in English children whose father or mother received their elementary education in English elsewhere in Canada in a place where it considers that the educational services offered in English to the English-speaking citizens of Québec;

(f) to give research centres the benefit of the same rules on language as apply to head offices of companies whose activities extend outside Québec;

(g) to limit the requirement to use standardized terms in public signs and posters to signs and posters erected by the public administration;

(h) to specify the responsibilities and the duration of the mandate of the francization committees in business firms and to authorize the Office de la langue française to suspend or revoke the francization certificate of a firm if French no longer has the status in the firm that francization programmes are designed to ensure.

Various administrative provisions are also amended, particularly those relating to the powers of the Office de la langue française and the Commission de toponymie, the appeals committee, and the Commission de surveillance de la langue française, to be known henceforth as the “Commission de protection de la langue française”.

Bill 57

An Act to amend the Charter of the French language

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Charter of the French language (R.S.Q., chapter C-11) is amended by inserting, after section 22, the following section:

“22.1 In municipalities, 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 hallowed by usage or if its use has unquestionable merit owing to its cultural or historical interest.”

2. Section 25 of the said Charter is repealed.

3. Section 26 of the said Charter is replaced by the following section:

“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.

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.”

4. Section 28 of the said Charter is replaced by the following section:

“28. In school bodies, departments recognized under paragraph *f* of section 113 which are entrusted with giving instruction in a language

other than French may use both French and the language of instruction in their signs and posters.”

5. The said Charter is amended by inserting, after section 30, the following section:

“30.1 If, 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.”

6. Section 35 of the said Charter is replaced by the following section:

“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.

A person is deemed to have the appropriate knowledge if, from and after the school year 1985-86, he has obtained a secondary school certificate in Québec or if, from and after (*insert here the date of coming into force of this Act*), he has received, full time, not less than three years of secondary instruction provided in French.

In other cases, the appropriate knowledge must be proved in accordance with the regulations of the Office de la langue française.

The Office shall, by regulation, provide for the issue of certificates and the conditions under which a person may be exempted from obtaining a certificate, provide for the establishment of an examining committee and its mode of operation, and fix the criteria for evaluating, and the mode of evaluating, the appropriate knowledge of French for the practice of a profession or a category of professions.”

7. Section 40 of the said Charter is replaced by the following section:

“40. A professional corporation, with the prior authorization of the Office de la langue française, may issue a special permit to a person declared qualified to practise his profession without having appropriate knowledge of the French language within the meaning of section 35.

The Office de la langue française shall grant an authorization prescribed in the first paragraph

(a) where, in the opinion of the Minister of Social Affairs, the issue of a special permit is necessary to ensure the availability of health services or social services;

(b) where reasons of a scientific or technological nature make it imperative.

In the case of subparagraph *b* of the second paragraph, a permit authorizes its holder to practise his profession for the exclusive account of a single employer, in a position that does not involve his dealing with the public.”

8. Sections 52 and 53 of the said Charter are replaced by the following sections:

“**52.** Catalogues, brochures, folders and any similar publications must be drawn up in French.

The same applies to information documents required to be distributed to investors by the Securities Act (R.S.Q., chapter V-1.1).

“**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.”

9. Section 58 of the said Charter is replaced by the following section:

“**58.** Public signs and posters and commercial advertising shall be solely in the official language.

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.”

10. Section 62 of the said Charter is replaced by the following section:

“**62.** Inside 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.

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

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.”

11. Section 68 of the said Charter is amended by adding the following paragraphs:

“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.

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

12. Section 82 of the said Charter is amended by adding the following paragraph:

“An appeal is brought within thirty days after communication of a decision.”

13. Section 83 of the said Charter is amended by adding the following paragraph:

“For the exercise of their functions under this Act, the members of the committee are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.”

14. Section 85 of the said Charter is replaced by the following section:

“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.

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.”

15. The said Charter is amended by inserting, after section 86, the following section:

“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 his elementary instruction in English elsewhere in Canada, 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 citizens are comparable to those offered to English-speaking citizens of 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*.

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.

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

16. Section 118 of the said Charter is replaced by the following section:

“**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.”

17. 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.

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

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

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

18. The first paragraph of section 131 of the said Charter is replaced by the following paragraph:

“**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.”

19. Section 134 of the said Charter is replaced by the following section:

“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.”

20. 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.

21. 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”.

22. The said Charter is amended by inserting, after section 138, the following section:

“138.1 Where, in a business firm, 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.”

23. Section 139 of the said Charter is replaced by the following section:

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

24. Section 140 of the said Charter is amended by striking out the word and figure “or 139” in the third line.

25. Section 143 of the said Charter is amended by inserting, after the word “offices” in the third line, the words “and research centres”.

26. Section 144 of the said Charter is replaced by the following sections:

“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.

The Government, by regulation, may prescribe matters that must be regulated in the agreements.

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.

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

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.”

27. 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:

“The francization committee shall meet at least than three times a year.”

28. Section 147 of the said Charter is amended by adding the following paragraph:

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

29. Section 148 of the said Charter is amended by adding the following paragraph:

“At least than one-third of the members of a subcommittee are designated in accordance with section 147.”

30. Section 150 of the said Charter is replaced by the following section:

“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.”

31. Section 153 of the said Charter is replaced by the following section:

“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 the firm is in the process of implementing a francization programme approved by the Office.

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

32. The said Charter is amended by replacing section 154 by the following sections:

“**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.

“**154.1** Before issuing, 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.”

33. Section 155 of the said Charter is replaced by the following sections:

“**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.

The committee consists of three members, including a chairman, appointed by the Government, which shall also determine their conditions of employment.

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).

“**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.

“**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.

No appeal lies from any decision of the committee.

“**155.3** For the exercise of their functions under this Charter, the members of the committee are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry

commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

“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.”

34. Section 179 of the said Charter is amended by adding, at the end, the following: “, except the power to impose imprisonment”.

35. 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 and 184 by the expression “Commission de protection”.

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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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).

41. 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.