

SECOND SESSION

THIRTY-FIRST LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

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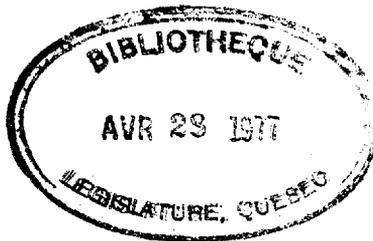
**Bill 1**

**Charter of the French language in Québec**

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First reading

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MR CAMILLE LAURIN

Minister of State for Cultural Development

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CHARLES-HENRI DUBÉ, QUÉBEC OFFICIAL PUBLISHER

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# Bill 1

## Charter of the French language in Québec

### Preamble

The National Assembly, being aware that the French language has always been the language of the Québec people, that it is, indeed, the very instrument by which they have articulated their identity;

And acknowledging that Québécois wish to see the quality and influence of the French language assured, despite past and present obstacles to its development, and being resolved therefore to make of French the language of Government and the Law, as well as the normal and everyday language of work, instruction and communication;

And intending in this pursuit to deal fairly and openly with the minorities who have a share in the development of Québec;

And considering that these observations and intentions are in keeping with a new perception of the worth of national cultures in all parts of the earth, and of the moral obligation of every people to contribute in its special way to the international community;

Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows:

## EXPLANATORY NOTES

*This bill, which is to replace the Official Language Act passed in 1974, declares in Chapter I of Title I that French is the official language of Québec (section 1).*

*In Chapter II, the bill recognizes certain fundamental language rights of Québécois, namely*

*— a right to demand that the civil administration and certain public or semipublic services communicate with them in French (section 2);*

*— a right to be recognized and to speak in French in deliberative assembly (section 3);*

*— a right, as workers, to carry on their activities in French (section 4);*

*— a right, as consumers, to be informed and served in French (section 5);*

*— a right to receive their instruction in French (section 6).*

*In Chapter III, French is declared to be the language of the legislature and the courts (section 7).*

*Legislative bills will be drafted in French, and only the French text will be official, although an English translation is to be printed and published by the civil administration (sections 8 to 10).*

*Artificial persons addressing themselves to the courts and to judicial or quasi-judicial bodies, and pleading before them, will do so in the official language, unless all the parties to the action agree to plead in English (section 11).*

*Every interested person will be entitled to demand that citations, summonses and notices of putting in default be drawn up in French (section 12).*

*Judgments rendered in Québec will be required to be drawn up in French or to be accompanied with a duly authenticated*

TITLE I

STATUS OF THE FRENCH LANGUAGE

CHAPTER I

THE OFFICIAL LANGUAGE OF QUÉBEC

- 1.** French is the official language of Québec.

CHAPTER II

FUNDAMENTAL LANGUAGE RIGHTS

- 2.** Every Québécois has a right to demand that the civil administration, the health services and social services, the public utility firms, the professional corporations, the associations of employees and all business firms doing business in Québec communicate with him in French.

- 3.** In deliberative assembly, every one has a right to be recognized and to speak in French.

- 4.** Workers have a fundamental right to carry on their activities in French, regardless of the nature, form or size of the business firm.

- 5.** Consumers of goods and services have a right to be informed and served in French.

- 6.** Every Québécois has a right to receive his instruction in French.

CHAPTER III

THE LANGUAGE OF THE LEGISLATURE AND THE COURTS

- 7.** French is the language of the legislature and the courts in Québec.

*French version; only the French version of the judgment will be official (section 13).*

*Chapter IV deals with the language of the civil administration.*

*Subject to certain restrictions, French will be, in the civil administration, the language*

*— of the names of the agencies and services (section 14);*

*— of the texts and documents of the administration (subject to certain unilingual forms of publicity and the use of translations in certain cases) (sections 15 and 16);*

*— of communications with other governments and with artificial persons (where, however, a translation into the language of the interlocutor may be added) (section 17);*

*— of contracts entered into by the civil administration (with certain reservations regarding contracts concluded with a Canadian party outside Québec or a foreign party) (section 18);*

*— of which knowledge is required for appointment, transfer or promotion (section 19);*

*— of communications between the services and agencies, and their internal communications (sections 20 and 21);*

*— of posters (except for reasons of public health or safety) (section 22);*

*— of traffic signs (with the reservation that symbols and pictographs may be used) (section 24).*

*Municipal and school bodies in which the majority of the persons administered are English speaking will have until the end of 1983 to comply with sections 14 to 22, but will be required meanwhile to draw up the texts and documents addressed to the persons under their administration in French, if the latter request it; in the school bodies, French and English will be authorized as the language of internal communication in services entrusted with organizing or giving instruction in English (section 23).*

*Chapter V requires the health services, the social services, the public utility agencies and the professional corporations to offer their services to the public in the official language, to use this language to address themselves to the civil administration, to issue their notices, communications, forms and printed matter, and passenger tickets, to the public in this language (although they will be allowed to use certain unilingual forms of publicity) and, in the case of the professional corporations, to communicate with their members and with the public in French (sections 25 to 28).*

*The professional corporations*

*— are to be designated by their French names alone (section 29);*

**8.** Legislative bills shall be drafted in French, and shall be tabled in the National Assembly, passed and assented to in French.

**9.** Only the French text of the statutes of Québec is official.

**10.** An English version of every legislative text shall be printed and published by the civil administration.

**11.** Artificial persons addressing themselves to the courts and to bodies discharging judicial or quasi-judicial functions shall do so in the official language, and they shall use the official language in pleading before them unless all the parties to the action agree to plead in English.

**12.** Every interested person has a right to demand that the citations, summonses and notices of putting in default issued by the courts and by bodies discharging judicial or quasi-judicial functions, or drawn up and sent by the advocates practising before them, be drawn up in French.

**13.** The judgments rendered in Québec by the courts and by bodies discharging judicial or quasi-judicial functions must be drawn up in French or be accompanied with a duly authenticated French version. Only the French version of the judgment is official.

## CHAPTER IV

### THE LANGUAGE OF THE CIVIL ADMINISTRATION

**14.** The agencies and services of the civil administration shall be designated by their French names alone.

**15.** The texts and documents of the civil administration shall be drawn up in the official language.

This section does not apply to communiqués and publicity intended for news media that publish in a language other than French.

**16.** The texts and documents of the civil administration may be accompanied with a translation for reasons of public

— will not be authorized to issue permits to practise in Québec except to persons whose knowledge of the official language is appropriate to the practice of their profession; students will be authorized to give proof of their knowledge of the official language within the last two years before obtaining a diploma (sections 30 and 31);

— will be allowed to issue temporary permits to persons who are authorized to practise their profession under the laws of another province or another country (section 32).

Under Chapter VI, which deals with the language of labour relations,

— every member of the personnel of an employer will have a right to demand that the employer's written communications to him be drawn up in French (section 33);

— collective agreements and the schedules to them will be required to be drawn up in French (section 34);

— where a grievance or dispute is the subject of arbitration, the arbitration award will be required to be drawn up in French or accompanied with a duly authenticated French version; the same rule will apply to decisions rendered by investigators, investigation-commissioners and the Labour Court; where an accompanying French version is required, it alone will be official (section 35);

— employers will be forbidden to dismiss or demote employees for the sole reason that they are exclusively French-speaking or that they have insufficient knowledge of a language other than French; any contravention will give the employee the same entitlement to vindicate his rights as if he were dismissed for union activities (section 36);

— it will be prohibited for any employer to make the obtaining of an employment or office dependent upon the knowledge of a language other than French, unless the nature of the duties requires the knowledge of that other language, in accordance with the regulations made to that effect by the Office de la langue française; the burden of proof that the knowledge of the other language is necessary will be on the employer (section 37).

Any contravention of the chapter on the language of labour relations will entail nullity (section 38).

Employees will have a right to demand that their associations communicate with them in the official language (section 39).

The chapter dealing with the language of labour relations will be deemed a part of every collective agreement (section 40).

health or safety, in relations with the exterior, in publicity addressed to non-Québec clients or to tourists, and in the other cases provided for by government regulation.

**17.** The civil administration shall use the official language to communicate with other governments and with artificial persons. If the person with whom it is corresponding has addressed it in a language other than French, a translation into that person's language may be included with the reply.

**18.** Contracts entered into by the civil administration, including the related sub-contracts, shall be drawn up in the official language; they may also be drawn up in both French and another language when they are concluded with a Canadian party outside Québec, or even in another language alone when concluded with a foreign party.

**19.** No one may be appointed, transferred or promoted to an office in the civil administration unless his knowledge of the official language is appropriate to the office applied for.

That knowledge must be proved in accordance with the prescriptions of government regulation, which may provide for the holding of examinations and the issuance of certificates.

**20.** The services and agencies of the civil administration shall use the official language to communicate with each other.

**21.** French is the language of internal communication in the services and agencies of the civil administration.

The agendas and minutes of all deliberative assemblies in the civil administration shall be drawn up in the official language.

**22.** Except for reasons of public health or safety, the civil administration shall use only French in posters.

**23.** Municipal and school bodies in which the majority of the persons administered are English-speaking must comply with sections 14 to 22 before the end of 1983 and, meanwhile, must take the required measures to attain that objective, failing which the Office de la langue française may intervene in accordance with section 99.

*Chapter VII deals with the language of commerce and business. It sets out in detail the consumer's right to be informed in French, subject to certain exceptions (Sections 41, 42, 44 and 45), and forbids the offering of toys or games to the public which require the use of a non-French vocabulary for their operation, unless a French version of the toy or game is available on comparable terms on the Québec market (section 43).*

*It also makes the use of French obligatory in commercial advertising (sections 46 and 47) and in firm names (sections 48 to 50).*

*Instruction (Chapter VIII) in the kindergartens and in the elementary and secondary schools, in both the public and the subsidized sectors, will be required to be in French (section 51).*

*In derogation, the following children, at the request of their father and mother, will be entitled to receive their instruction in English:*

*(a) a child whose father or mother received his or her elementary instruction in English, in Québec;*

*(b) a child who, on the date of the coming into force of this act, is domiciled in Québec and*

*(i) is already receiving his instruction in English at kindergarten or elementary or secondary school in Québec, in which case this right will be shared by his younger brothers and sisters;*

*(ii) whose father or mother is domiciled in Québec on the said date and received his or her elementary instruction in English outside Québec.*

*Where a child is in the custody of only one of his parents, the request is to be made by that parent (section 52).*

*Children's eligibility for instruction in English in accordance with paragraph b of section 52 must be verified before 31 December 1977 (section 54).*

*A school body not already giving instruction in English will not be required to introduce it, and will not be permitted to introduce it without express and prior authorization of the Minister of Education (section 53).*

*The Minister of Education will have authority to empower such persons as he may designate to verify children's eligibility for instruction in English, and an appeal will lie from the decisions of these persons (sections 54 and 55).*

*It will be allowable to verify the eligibility of children to receive their elementary instruction in English even if they are already receiving or are about to receive their instruction in French (section 56).*

*A secondary school leaving certificate will not be issued to a student who does not have the speaking and writing know-*

Every person administered by such a body has a right, however, from the coming into force of this act, to demand that the texts and documents addressed to him be drawn up in French.

In the school bodies, French and English may be used as the language of internal communication in services entrusted with organizing or giving instruction in English.

**24.** Only French shall be used on traffic signs. It may be complemented by the use of symbols and pictographs.

## CHAPTER V

### THE LANGUAGE OF CERTAIN SEMIPUBLIC AGENCIES

**25.** The health services, the social services, the public utility agencies and the professional corporations must offer their services to the public in the official language; they must also use the official language to address themselves to the civil administration.

**26.** Every interested person may demand that the health services, the social services and the public utility agencies issue their notices, communications, forms and printed matter to the public in the official language; this section also applies to passenger tickets.

**27.** The professional corporations must use French to communicate with their members and with the public.

**28.** Sections 25 to 27 do not apply to communiqués or publicity intended for news media that publish in a language other than French.

**29.** The professional corporations shall be designated by their French names alone.

**30.** The professional corporations shall not issue permits to practise in Québec except to persons whose knowledge of the official language is appropriate to the practice of their profession.

ledge of French required by the curricula of the Department of Education (section 57).

The bill does not apply to persons who, on the conditions determined by government regulation, are only passing through Québec or staying for a limited time (section 58).

Subject to those provisions of the Education Act which apply to them, the Amerinds and the Inuit will be entitled to receive their instruction in their own language if they wish; if not, the provisions of this bill will apply (section 59).

Chapter IX contains a number of provisions of a general order; thus,

— in case of doubt, the construction placed on the statutes is to be such as not to impinge on the status of French as the official language of Québec (section 60);

— notices required by law to be published in French and English will be allowed to be published only in French (section 61);

— where documents may be published in more than one language, French will be required to be displayed more prominently or at least not less prominently than every other language (section 62);

— nothing is to prevent the use of a language in derogation of this act where international usage requires it (section 63);

— draft regulations will be required to be pre-published sixty days before being passed, unless they have been tabled in the National Assembly before this bill comes into force (section 65).

Title II establishes the Office de la langue française, to replace the Régie de la langue française, and provides for the francization of the services of the civil administration and of business firms by means of francization programmes and francization certificates.

This title first of all establishes the Office (sections 66 to 74), defines its powers (sections 75 to 80), sets up terminology committees (sections 81 to 86) and attaches the Geographical Commission (to which it gives the new title of Commission de toponymie) to the Office de la langue française (sections 87 to 94).

Specific functions of the Office de la langue française will be to verify whether the services and agencies of the civil administration are taking the required measures to comply with the new act (sections 95 to 105), and to see that business firms having fifty or more employees adopt and apply francization programmes and obtain francization certificates, failing which

Proof of that knowledge must be given in accordance with the prescriptions of government regulation, which may provide for the holding of examinations and the issuance of certificates.

**31.** Within the last two years before obtaining a diploma, every person enrolled in a faculty or school in Québec who intends to apply later for admission to a professional corporation may give proof that his knowledge of the official language meets the requirements of section 30.

**32.** The professional corporations may issue temporary permits valid for not more than one year to persons who are authorized to practise their profession under the laws of another province or another country and whose knowledge of the official language does not meet the requirements of section 30.

Such permits may be renewed only twice, and only if the public interest warrants it. For each renewal, the persons concerned must sit for examinations held according to government regulation.

## CHAPTER VI

### THE LANGUAGE OF LABOUR RELATIONS

**33.** Every member of the personnel of an employer has a right to demand that his employer draw up written communications to him in French.

**34.** Collective agreements and the schedules to them cannot be filed pursuant to section 60 of the Labour Code (Revised Statutes, 1964, chapter 141) unless they are drawn up in French.

**35.** Where a grievance or dispute regarding the negotiation, renewal or review of a collective labour agreement is the subject of arbitration, the arbitration award shall be drawn up in French or be accompanied with a duly authenticated French version. Only the French version of the award is official.

The same rule applies to decisions rendered under the Labour Code by investigators, investigation-commissioners and the Labour Court.

*they will not qualify for contracts with the civil administration or for certain benefits from it (sections 106 to 113).*

*Every business firm having one hundred or more employees will be obliged to establish a francization committee within three months of the coming into force of this act, and one-third of its members are to be employees. Its mandate will be to analyse the language situation in the firm, and, where necessary, to adopt and apply a francization programme (sections 114 to 117).*

*The Office will have authority to temporarily exempt business firms to which it grants francization certificates from certain provisions of the act and, upon a contravention, will be authorized to suspend or cancel the francization certificate (sections 118 and 119).*

*Title III establishes a Commission de surveillance de la langue française, which will be responsible for inquiring into contraventions of the new act and preparing the records for the Attorney-General, who will have power to institute proceedings under the new act (sections 120 to 144).*

*Title IV establishes the Conseil consultatif de la langue française (sections 145 to 162).*

*Title V deals with offences and penalties (sections 163 and 164).*

*Finally, the bill contains a number of transitional provisions and provisions regarding special details (sections 165 to 177).*

*The Schedule lists the various services of the civil administration, the health services and social services, the public utility firms and the professional corporations referred to in the bill.*

**36.** It is prohibited for any employer to dismiss or demote an employee for the sole reason that he is exclusively French-speaking or that he has insufficient knowledge of a particular language other than French.

Any contravention of this section, in addition to being an offence against this act, gives the employee the same entitlement to vindicate his rights through an investigation-commissioner appointed under the Labour Code as if he were dismissed for union activities; sections 14 to 19 of the Labour Code then apply, *mutatis mutandis*.

**37.** It is prohibited for any employer to make the obtaining of an employment or office dependent upon the knowledge of a language other than French, unless the nature of the duties requires the knowledge of that other language, in accordance with the regulations made to that effect by the Office de la langue française.

The burden of proof that the knowledge of the other language is necessary is on the employer.

**38.** Except as they regard the vested rights of employees and their associations, juridical acts, decisions and other documents not in conformity to this chapter are null; the use of a language other than that prescribed in this chapter shall not be considered a defect of form within the meaning of section 134 of the Labour Code.

**39.** It is hereby acknowledged that employees have a right to demand that their associations communicate with them in the official language.

**40.** This chapter is deemed an integral part of every collective agreement.

## CHAPTER VII

## THE LANGUAGE OF COMMERCE AND BUSINESS

**41.** It is hereby acknowledged that consumers have a right to be informed in French in all the following cases: the designation of goods and services, and any offer, presentation, oral or written advertising, directions for use, or coverage and conditions of warranty.

The same provisions apply to catalogues, folders and brochures, to permanent labels and inscriptions, and to all written or printed material supplied with goods offered to the public.

The Office de la langue française may regulate the use of other languages on the condition that French is displayed more prominently or at least not less prominently than any other language.

**42.** Section 41 does not apply to the designation of standard products and specialties which have foreign names known to the public at large, to advertising intended for news media that publish in a language other than French, or to the other cases that may be provided for in the regulations of the Office de la langue française.

**43.** Except as provided by regulation of the Office de la langue française, it is forbidden to offer toys or games to the public which require the use of a non-French vocabulary for their operation, unless a French version of the toy or game is available on comparable terms on the Québec market.

**44.** It is hereby acknowledged that every person concerned has a right to demand that contracts pre-determined by one party, contracts containing printed standard clauses and application forms for employment, and the related documents, be drawn up in French.

**45.** It is hereby acknowledged that every person has a right to demand that the order forms, invoices, receipts and quittances presented to him, as well as menus and wine lists, be drawn up in French.

**46.** Commercial advertising must be in French alone.

“Advertising” means the act of placing lettered messages on public display, and also means lettered messages of every size, shape and kind so displayed, the material equipment on which they are displayed, and bill-boards and illuminated signs of every description, but does not include anything excepted by regulation of the Office de la langue française, such as:

- (a) messages of an international character;
- (b) messages intended for foreigners, for particular individuals or for limited groups; and
- (c) messages intended for news media publishing in a language other than French.

**47.** Any court of civil jurisdiction, on a demand brought by the Attorney-General by way of a motion, may order the removal or destruction at the expense of the defendant, within eight days of the judgment, of any poster, sign, advertisement, bill-board or illuminated sign not in conformity with this act.

The motion may be directed against the owner of the advertising equipment or against whoever placed the poster, sign, advertisement, bill-board or illuminated sign or had it placed.

**48.** Firm names must be in French.

Every one who uses a firm name in contravention to this section must change it or cause it to be changed before (*insert here the date falling three years after the coming into force of this act*).

This section also applies to the registration of firm names under the Companies and Partnerships Declaration Act (Revised Statutes, 1964, chapter 272).

**49.** Juridical personality shall not be conferred unless the firm name is in French.

**50.** Family names, place names, expressions formed by the artificial combination of letters, syllables or figures, and expressions taken from other languages may appear in firm names, in accordance with the other acts and with the regulations of the Office de la langue française.

A firm name may include a version in another language for use outside Québec. Only the French version may be used in the Province.

In the health services and the social services, firm names adopted before the coming into force of this act may remain bilingual or must become so, unless they are changed in accordance with section 48, provided one of the versions is French.

## CHAPTER VIII

### THE LANGUAGE OF INSTRUCTION

**51.** Instruction in the kindergartens and in the elementary and secondary schools shall be in French, except where this chapter allows otherwise.

This rule obtains in schools governed by the Education Act (Revised Statutes, 1964, chapter 235) and in school bodies governed by the Private Education Act (1968, chapter 67) that are declared to be of public interest or recognized for purposes of grants in virtue of the latter act.

**52.** In derogation of section 51, the following children, at the request of their father and mother, may receive their instruction in English:

- (a) a child whose father or mother received his or her elementary instruction in English, in Québec;
- (b) a child who, on the date of the coming into force of this act, is domiciled in Québec and
  - (i) is already receiving his instruction in English at kindergarten or elementary or secondary school in Québec, in which case this right is shared by his younger brothers and sisters;
  - (ii) whose father or mother is domiciled in Québec on the said date and received his or her elementary instruction in English.

Where a child is in the custody of only one of his parents, the request provided for in this section must be made by that parent.

**53.** A school body not already giving instruction in English is not required to introduce it, and shall not introduce it without express and prior authorization of the Minister of Education, who shall grant it if of opinion that it is warranted by the number of pupils in its jurisdiction who are eligible for instruction in English under section 52.

**54.** The Minister of Education may empower such persons as he may designate to verify and decide on children's eligibility for instruction in English.

Children's eligibility for instruction in English in accordance with paragraph *b* of section 52 must be verified before 31 December 1977.

**55.** The Government may, by regulation,

(*a*) prescribe the procedure to be followed where parents invoke section 52, and the elements of proof they must furnish in support of their request;

(*b*) provide for an appeal from the decisions of the school bodies and the persons designated by the Minister, dealing with the application of section 52.

The appeal provided for hereinabove shall be lodged before an appeal committee formed for that purpose by the Minister. The decision of the appeal committee is final.

**56.** The persons designated by the Minister under section 54 may verify the eligibility of children to receive their elementary instruction in English even if they are already receiving or are about to receive their instruction in French.

Children whose eligibility has been confirmed in accordance with the preceding paragraph are deemed to receive their instruction in English for the purposes of section 52.

**57.** No secondary school leaving certificate may be issued to a student who does not have the speaking and writing knowledge of French required by the curricula of the Department of Education.

**58.** This chapter does not apply to persons who, on conditions fixed by government regulation, are only passing through Québec or staying for a limited time.

**59.** Subject to the special provisions regarding them in the Education Act, the Amerinds and the Inuit may receive their instruction in their own language if they wish; if not, this chapter applies.

Reserves are not subject to this act.

CHAPTER IX  
MISCELLANEOUS

**60.** In case of doubt, the construction placed on any provision of this act or of any other act of Québec shall be such as not to impinge on the status of French as the official language of Québec.

**61.** Notices by the civil administration required by law to be published in French and English may nevertheless be published only in French.

Similarly, notices by the civil administration required by law to be published in a French newspaper and in an English newspaper may be published only in a French newspaper.

**62.** Where this act authorizes the drafting of documents in more than one language, the French version must be displayed more prominently or at least not less prominently than that in every other language.

**63.** Nothing shall prevent the use of a language in derogation of this act where international usage requires it.

**64.** The various services and agencies of the civil administration, and the health services and social services, public utility agencies and professional corporations contemplated by this act are listed in the Schedule.

**65.** Draft regulations of the Government and of the Office de la langue française relating to this act shall not be passed except on a prior notice of sixty days published in the *Gazette officielle du Québec* presenting the text of the draft.

The regulations mentioned above come into force on the date of publication in the *Gazette officielle du Québec* of a notice that the Government has approved them in the case of regulations of the Office, or that the Government has adopted them in the case of regulations of the Government, or, if it has amended them, of their final text.

Regulations tabled in the National Assembly before the date of the coming into force of this act come into force without other formality on the date of their publication in the *Gazette officielle du Québec*, with a notice of the date of their approval by the Government in the case of regulations of the Office de la langue française, the date of their adoption by the Government in the case of regulations of the Government, and the date of their tabling in the National Assembly.

TITLE II

THE OFFICE DE LA LANGUE FRANÇAISE AND FRANCIZATION

CHAPTER I

INTERPRETATION

**66.** In this title,

(a) "Office" means the Office de la langue française established by this act;

(b) "Commission" means the Commission de toponymie established by this title;

(c) "Minister" means the Minister responsible for the application of this act.

CHAPTER II

THE OFFICE DE LA LANGUE FRANÇAISE

DIVISION I

ESTABLISHMENT AND COMPOSITION

**67.** An Office de la langue française is established.

**68.** The Office is directed by a president appointed by the Government for not more than ten years.

**69.** The members of the personnel of the Office shall be appointed and remunerated under the Civil Service Act (1965, 1st session, chapter 14).

The president shall exercise in regard to the members of the personnel of the Office the powers vested by the said act in the deputy-heads of departments.

**70.** The Government shall fix the fees, allowances or salary of the president or, as the case may be, his additional salary.

**71.** The duties of president of the Office are incompatible with any other duties.

**72.** If the president is temporarily unable to act, he shall be replaced by a person appointed by the Government.

**73.** At the expiry of his term, the president of the Office shall remain in office until he is reappointed or replaced.

**74.** The seat of the Office shall be in the City of Québec or in the City of Montreal, as the Government may decide by an order which shall come into force on publication in the *Gazette officielle du Québec*.

The Office shall also have an office in the city mentioned above in which it does not have its seat.

## DIVISION II

### POWERS

**75.** The Office shall

(a) see to the correction and enrichment of spoken and written French;

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

(c) define and conduct a Québec policy on terminology and on linguistics research;

(d) advise the Minister on the regulations provided for by this act and on any other matter pertaining to its application;

(e) provide counselling to the civil administration, the professional corporations and business firms and assist them in defining and applying francization programmes and the other measures provided for by this act;

(f) act as standards setter in language, in accordance with this act, and approve the expressions and terms recommended by the terminology committees;

(g) oversee the application of the francization programmes provided for by this act;

(h) for the application of section 23, recognize the municipal and school bodies contemplated there, and the services which have charge of organizing and giving instruction in English within the school bodies.

**76.** The Office may,

(a) subject to approval by the Government, adopt internal by-laws;

(b) establish by by-law the services and committees necessary for the attainment of its purposes;

(c) subject to approval by the Government and according to the law, make agreements with any other agency or any government to facilitate the application of this act.

**77.** The Government may, by regulation, prescribe the measures of co-operation with the Office that must be taken by the services and agencies of the civil administration.

**78.** Not later than 31 October every year, the Office must submit a report of its activities for the preceding fiscal year to the Minister.

**79.** The Minister shall table such report in the National Assembly if he receives it during a session; if he receives it between sessions or after an adjournment, he shall table it within thirty days after the opening of the next session or after resumption.

**80.** No civil action may be brought by reason or in consequence of the publication of the whole or a part of the reports made to the Office under this act, or the publication of resumés of such reports made in good faith.

### DIVISION III

#### LINGUISTICS RESEARCH — TERMINOLOGY COMMITTEES

**81.** The Office shall develop and coordinate linguistics research.

**82.** The Office may establish terminology committees and determine their composition and their terms and conditions of operation; it may also delegate such committees to the departments and agencies of the civil administration.

**83.** The mandate of the terminology committees shall be to make an inventory of the technical expressions in use in the

sector assigned to them, to indicate any lacunae that become apparent, and to prepare a list of the terms they recommend, particularly in the field of neologisms and borrowings.

**84.** Once their work has been completed, the terminology committees shall submit their conclusions to the Office for approval, and it must see to the standardizing of the usage of the terms.

**85.** The expressions and terms approved by the Office shall be forwarded to the ministers or to the managing officers of the interested agencies, and they may confirm them and prepare a list of them.

**86.** Upon publication in the *Gazette officielle du Québec* of the list contemplated in section 85, the use of the expressions and terms appearing in it becomes obligatory in texts and documents emanating from the civil administration, 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.

#### DIVISION IV

##### THE COMMISSION DE TOPONYMIE

**87.** A service called the Commission de toponymie is established at the Office de la langue française.

**88.** The Commission is composed of such members of the personnel of the Office as the Government may designate.

**89.** The Commission shall

(a) see to the enrichment of the geographical nomenclature of Québec;

(b) officialize place names;

(c) publicize the official geographical nomenclature of Québec;

(d) advise the Government on questions submitted by it to the Commission;

- (e) verify whether the statutes and regulations regarding the geographical nomenclature are being observed;
- (f) establish and standardize geographical terminology.

**90.** The Commission shall catalogue and preserve place names, verify the official documentary evidence and, where it considers it expedient, name geographical places or approve the names given them.

In organized territories, the Commission shall not change place names without the consent of the municipal authorities concerned.

**91.** Upon the publication in the *Gazette officielle du Québec* of the names chosen or approved by the Commission, the use of such names becomes obligatory in texts and documents of the civil administration and in teaching manuals and educational and research works published in Québec and approved by the Minister of Education.

**92.** The Commission may publish standards and rules of spelling to be followed in place names.

**93.** The names approved by the Commission during the year must be published at least once a year in the *Gazette officielle du Québec*.

**94.** The Commission may publish its decisions periodically in the form of fascicles or indices.

## CHAPTER III

### FRANCIZATION OF SERVICES AND BUSINESS FIRMS

#### DIVISION I

##### GENERAL OBJECTIVE

**95.** It is the responsibility of the Office to see that, as soon as possible, French becomes the language of communications and work in the civil administration and in business firms carrying on in Québec.

This objective must be achieved before the end of 1983.

## DIVISION II

## SERVICES AND AGENCIES OF THE ADMINISTRATION

**96.** The Office shall verify whether the services and agencies of the civil administration are taking the required measures to comply with this act.

**97.** For that purpose, the Office may hear the services and agencies in question, have all the documents and information it considers indispensable communicated to it, and hear all the persons concerned.

**98.** Whoever hinders the work of the Office or refuses to comply with section 97 is guilty of an offence against this act.

**99.** If the Office concludes that a service or agency is unduly deferring compliance with this act, it may serve notice on it either to comply with the act or to submit a francization programme to the Office stating its objectives, the measures it envisages and the time-limits it foresees.

**100.** Every service or agency that fails or refuses to comply with section 99 must be named in the annual report of the Office.

If it considers it expedient, the Office may also submit a special report to the Minister, which he shall table in the National Assembly without delay.

**101.** Before (*date falling one year after the coming into force of this act*), every service and agency of the civil administration must submit a report to the Office on the situation of French in that service or agency and on the measures it has adopted or that it envisages in view of complying with this act.

**102.** The Office shall determine the form of the report provided for in section 101 and the information it must contain.

**103.** If the Office considers the adopted or envisaged measures insufficient, it shall recommend such correctives as it considers necessary to the Minister.

**104.** For a period of not more than one year, the Office may exempt from the application of any provision of this act any service or agency of the civil administration that requests it, if it is satisfied with the measures taken by that service or agency towards the objectives set by this act and the regulations.

**105.** No civil or penal sanction may be imposed on a service or agency of the civil administration for an offence against this act committed before (*date falling one year after the coming into force of this act*) without the express authorization of the Office.

### DIVISION III

#### FRANCIZATION PROGRAMMES AND CERTIFICATES

**106.** All business firms, including public utility firms, which have fifty or more employees, must, from the date determined under section 109, give proof of possession of a francization certificate issued by the Office. Subject to any penal recourse, a firm must give proof of possession of such a certificate in order:

(a) to be entitled to receive from the civil administration the permits, premiums, subsidies, concessions or benefits determined by government regulation, or

(b) to conclude with the civil administration or with the health services, social services, public utility agencies, universities or general and vocational colleges, the contracts of purchase, sale, service, lease or public transport determined by government regulation.

**107.** Section 106 shall not be invoked against any firm before (*date falling one year after the coming into force of this act*).

**108.** A francization certificate attests that the business firm is observing this act, in that it has adopted and is applying a francization programme in accordance with this division, or in that French already enjoys the status in the firm which such programmes are designed to ensure.

**109.** The Government may, by regulation, establish classes of business firms according to the nature of their activities and the size of their personnel, and for each class so established, fix

the date on which francization certificates become exigible, set the terms on which certificates are issued and prescribe the conditions to be met by firms holding certificates.

The Government may, in the same manner, establish criteria for recognizing firms as belonging to the class of business firms having fifty or more employees or to that of business firms having one hundred or more employees, and may for that purpose define the expressions "business firm" and "employee".

**110.** The Government may, by regulation, provide for the issue of provisional francization certificates to business firms that plan to adopt a francization programme, if they show that they have made the necessary arrangements.

**111.** The Office may require any business firm having less than fifty employees to prepare and implement a francization programme.

The Office must make a return to the Minister every year of the representations it has made in this regard and of the measures taken by the business firms.

**112.** The francization programmes adopted and applied by business firms in accordance with the foregoing sections must provide for the attainment of the following objectives:

(a) a satisfactory knowledge of the official language on the part of both management and personnel;

(b) an increase in the number of Québécois at all levels of the business firm, including the board of directors and the senior executive level, so as to generalize the use of French;

(c) the use of French in the working documents of the business firm, especially in manuals and catalogues;

(d) the use of French in internal communications and in communications with clients, suppliers and the public;

(e) the use of French terminology;

(f) the use of French in advertising;

(g) the use of French as the language of work and the language of communication with the personnel.

**113.** Francization programmes must take account of the relations of business firms with the exterior and of the particular case of head offices established in Québec by companies or firms whose activities extend outside the Province.

**114.** Every business firm having one hundred or more employees on (*date falling three months after the coming into force of this act*) must form a francization committee, in accordance with the regulations, to which at least one-third of the members shall be appointed by the associations of employees certified to represent the employees of the firm; in the absence of such associations or of agreement between them, these members shall be elected by the whole body of the employees of the firm.

Where the number of a business firm's employees reaches one hundred after the coming into force of this act, the firm has a delay of three months to comply with this section.

**115.** Using the forms and questionnaires furnished by the Office, the francization committee and the management of the business firm shall jointly analyse the language situation in the firm and make a return to the Office.

**116.** After studying the return referred to in section 115, the Office shall decide whether or not the business firm must adopt and apply a francization programme; if the decision is that it must, the firm shall entrust the drafting of the programme to its francization committee.

**117.** The Office shall grant a francization certificate to a business firm if the Office is of opinion that the firm meets the conditions set out in section 108 or 110, whichever applies.

**118.** When granting a francization certificate, even a provisional one, the Office may temporarily exempt the business firm from the application of any provision of this act indicated by the Office, and notify the Commission de surveillance established in Title III.

**119.** The Office may suspend or cancel the certificate of every business firm failing to comply with the francization programme it has undertaken to follow, or no longer observing its obligations under this act and the regulations.

In its annual report, the Office shall indicate the cancellations of certificates it has declared, and the business firms having failed to obtain francization certificates within the prescribed delay or to comply with section 114.

## TITLE III

## THE COMMISSION DE SURVEILLANCE AND INQUIRIES

**120.** In this title,

(a) "Commission de surveillance" means the Commission de surveillance de la langue française established by this title;

(b) "Office" means the Office de la langue française;

(c) "chairman" designates the chairman of the Commission de surveillance;

(d) "Minister" designates the Minister responsible for the application of this act.

**121.** A Commission de surveillance de la langue française is established.

The Commission de surveillance is under the direction of a chairman and is composed of investigation commissioners, inspectors and such other functionaries and employees as are considered necessary.

**122.** The chairman of the Commission de surveillance shall be appointed by the Government for not more than ten years.

[[**123.** The investigation commissioners, inspectors and the other members of the personnel of the Commission de surveillance shall be appointed and remunerated under the Civil Service Act (1965, 1st session, chapter 14).]]

The chairman shall exercise in regard to the investigation-commissioners, inspectors and the other members of the personnel of the Commission de surveillance the powers granted by the said act to the deputy-heads of departments.

[[**124.** The Government shall fix the fees, allowances or salary of the chairman or, as the case may be, his additional salary.]]

**125.** The duties of chairman of the Commission de surveillance are incompatible with any other duties.

**126.** If the chairman is unable to act, his powers shall be exercised by a person appointed by the Government.

**127.** At the expiry of his term, the chairman shall remain in office until he is reappointed or replaced.

**128.** In addition to his attributions under the foregoing sections, the chairman shall direct, coordinate and assign the work of the investigation commissioners, inspectors and other members of the personnel of the Commission de surveillance and shall himself, if need be, exercise the functions of an investigation commissioner.

**129.** Section 80 applies to the chairman, to the investigation commissioners and to the personnel of the Commission de surveillance.

**130.** The investigation commissioners shall make the inquiries provided for by this act.

**131.** The inspectors shall:

(a) assist the investigation commissioners in the performance of their duties;

(b) verify and establish facts that may constitute offences against this act;

(c) submit reports and recommendations to the investigation commissioners on the facts established.

**132.** The investigation commissioners shall make an inquiry whenever they have reason to believe that this act has not been observed or that a business firm is failing to comply with the requirements of sections 106 to 119.

Business firms to which the Office is about to issue a francization certificate must also be inquired into by the investigation commissioners, at the request of the Office.

**133.** Any person or group of persons may petition for an inquiry.

**134.** The investigation commissioners must refuse to make an inquiry:

(a) if they do not have the required competence under the terms of this act;

(b) if the petitioners could have brought their petition more than one year previously;

(c) if the question is within the jurisdiction of the Public Protector.

In the case contemplated in subparagraph c, the investigation commissioners shall forward the record to the Public Protector.

**135.** The investigation commissioners may refuse to make an inquiry if, in their opinion,

(a) the petitioners do not have a sufficient personal interest or have a right of appeal or other sufficient recourse;

(b) the petition is frivolous, vexatious or in bad faith;

(c) the circumstances do not justify it.

**136.** If they refuse the petition, the investigation commissioners must notify the petitioners, giving them the reasons for their refusal and advising them of their rights and recourses, if any.

**137.** Petitions for inquiry must be in writing and be accompanied with indications of the grounds on which they are based and identification of the petitioners.

**138.** The petitioners are entitled to the assistance of the investigation commissioners and their staff to draw up their petitions.

**139.** For their inquiries, the investigation commissioners and the inspectors delegated by them are vested with the powers and immunity granted commissioners appointed under the Public Inquiry Commission Act (Revised Statutes, 1964, chapter 11).

**140.** Investigation commissioners and the inspectors delegated by them must on demand produce a certificate of office signed by the chairman of the Commission de surveillance.

**141.** Articles 307, 308 and 309 of the Code of Civil Procedure apply to witnesses heard by the investigation commissioners and the inspectors delegated by them.

**142.** When, after an inquiry, the investigation commissioners consider that this act has been contravened, they may forward the record to the Attorney-General for his consideration and, if necessary, institution by him of appropriate penal proceedings.

**143.** Not later than 31 October each year, the Commission de surveillance must submit to the Minister a report of its activities for the preceding fiscal year.

The report of the Commission de surveillance shall indicate the inquiries made, the proceedings instituted and the results obtained.

**144.** The Minister shall table the report of the Commission de surveillance in the National Assembly if he receives it during a session; if he receives it between sessions or after an adjournment, he shall table it within thirty days after the opening of the next session or after resumption.

## TITLE IV

### THE CONSEIL CONSULTATIF DE LA LANGUE FRANÇAISE

**145.** In this title,

(a) "Conseil" means the Conseil consultatif de la langue française;

(b) "Minister" designates the Minister entrusted with the application of this act.

**146.** A Conseil consultatif de la langue française is established.

**147.** The Conseil shall advise the Minister on the questions he submits to it relating to the situation of the French language in Québec.

It may also, with the prior approval of the Minister, undertake the study of any questions pertaining to language and carry out or have others carry out any research it considers expedient or necessary.

The Conseil may receive and hear petitions and suggestions from individuals and groups on the questions contemplated in this section.

It may also receive the observations of any business firm on the manner in which the Office de la langue française is applying the francization programmes provided for in this act, and report such observations to the Minister.

The Conseil may inform the public on the questions of individuals or groups regarding language in Québec.

**148.** The Conseil shall communicate its findings and conclusions to the Minister and any recommendations it considers appropriate.

**149.** The Conseil shall apprise the Minister of the problems or questions that in its opinion require study or action by the Government.

**150.** The Conseil may, with the prior 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 Conseil. The attendance allowances and fees of such persons shall be determined by the Conseil in accordance with the standards established for that purpose by the Government.

**151.** The Conseil shall be composed of the following members, appointed by the Government:

- (a) the chairman;
- (b) two persons chosen from among those recommended by the representative socio-cultural associations;
- (c) two persons chosen from among those recommended by the representative union bodies;
- (d) two persons chosen from among those recommended by the representative management groups;
- (e) two persons chosen from among those recommended by the universities.

The Government shall appoint a vice-chairman from among the persons contemplated in subparagraphs *b* to *e*.

**152.** The members of the Conseil shall be appointed for four years and the chairman shall be appointed for five years.

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

The term of office of the members of the Conseil may be renewed.

**153.** The members of the Conseil shall remain in office at the expiry of their term until they are reappointed or replaced.

**154.** Any vacancy occurring during the term of office of a member of the Conseil other than the chairman shall be filled in the mode prescribed for the appointment of the member to be replaced, for the remainder of his term.

[[ **155.** The chairman shall direct the activities of the Conseil and coordinate its work; he shall be responsible for liaison between the Conseil and the Minister.

The Government shall fix the fees, allowances or salary of the chairman or his additional salary.]]

[[ **156.** The members of the Conseil other than the chairman shall not be remunerated. They are entitled however to reimbursement of their justifiable expenses incurred in the exercise of their functions and shall receive an attendance allowance fixed by the Government.]]

[[ **157.** The secretary and the other officers and employees of the Conseil are appointed and remunerated under the Civil Service Act (1965, 1st session, chapter 14).]]

**158.** Notwithstanding section 157, the Conseil, with the prior approval of the Minister, may employ the persons required to carry out the work authorized by the Minister.

**159.** The Conseil may hold sittings at any place in Québec. Five members are a quorum of the Conseil. The Conseil shall meet as often as necessary.

**160.** If the chairman is temporarily unable to act, he shall be replaced by the vice-chairman.

**161.** The Conseil may adopt internal by-laws; to have effect, such by-laws must be approved by the Government.

**162.** Not later than 31 October each year, the Conseil must submit to the Minister a report of its activities for the preceding fiscal year.

The Minister shall table the report of the Conseil in the National Assembly if he receives it during a session; if he receives it between sessions or after an adjournment, he shall table it within thirty days after the opening of the next session or after resumption.

## TITLE V

### OFFENCES AND PENALTIES

**163.** Every person who contravenes this act or a regulation made under this act by the Government or by the Office de la langue française is guilty of an offence and liable, in addition to costs,

(a) for the first offence, to a fine of not less than \$25 nor more than \$500 in the case of an individual, and of not less than \$50 nor more than \$1,000 in the case of an artificial person;

(b) for any subsequent offence within two years of a first offence, to a fine of not less than \$50 nor more than \$1,000 in the case of an individual, and of not less than \$500 nor more than \$5,000 in the case of an artificial person.

**164.** Prosecutions under this act shall be brought, by way of summary proceedings, by the Attorney-General or by any person generally or specially authorized by the Attorney-General.

## TITLE VI

## TRANSITIONAL AND FINAL PROVISIONS

**165.** Section 11 shall have effect from (*insert here the date falling one year after the coming into force of this act*) and shall not affect cases pending on that date.

**166.** Sections 29, 46 and 47 shall have effect from 1 June 1978, subject to sections 167 and 168.

**167.** Owners of bill-boards or illuminated signs erected before 31 July 1974 must comply with section 46 before 1 June 1978.

**168.** Every person who has complied with the requirements of section 35 of the Official Language Act (1974, chapter 6) in respect of bilingual public signs shall have a delay of four years from (*date of the coming into force of this act*) to make the required changes, in particular to change his bill-boards and illuminated signs, in order to comply with this act.

**169.** This act replaces the Geographical Commission Act (Revised Statutes, 1964, chapter 100).

**170.** Section 4 of the Consumer Protection Act (1971, chapter 74) is repealed.

**171.** This act replaces the Official Language Act (1974, chapter 6):

(a) from 1 June 1978, for sections 34 and 35 of the said act, and

(b) from the date of its coming into force for the other provisions of the said act.

**172.** Section 52 of the Charter of human rights and freedoms (1975, chapter 6) is amended by adding after the word "Charter" at the end the words "or except in the case of the Charter of the French language in Québec (1977, chapter *insert here the chapter number of Bill 1*)".

**173.** The members of the Régie de la langue française and its personnel shall be assigned to the Office de la langue française, the Commission de surveillance de la langue française or the Conseil consultatif de la langue française, as the Government may determine, notwithstanding section 151.

The members of the Geographical Commission and the personnel assigned thereto at the Department of Lands and Forests shall become members of the Commission de toponymie or, as the case may be, shall be attached to the personnel of the Office de la langue française, as the Government may determine.

|| **174.** The moneys allocated to the Régie de la langue française shall devolve to the Office de la langue française, the Commission de surveillance de la langue française or the Conseil consultatif de la langue française, as the Government may determine.

The sums made available to the Department of Lands and Forests under the entry Geographical Commission shall be allocated to the payment of the expenditures made for the application of Division IV of Chapter II of Title II.

The other sums required for the application of this act shall be taken for the fiscal year 1977/1978 out of the consolidated revenue fund.||

**175.** In any act, proclamation, order in council, contract or document, the expression "Régie de la langue française" is to be construed as Office de la langue française, Commission de surveillance de la langue française or Conseil consultatif de la langue française, according to their respective jurisdictions under this act, and the expression "Geographical Commission" as Commission de toponymie.

**176.** The Minister designated by the Government is responsible for the application of this act.

**177.** This act shall come into force on the day of its sanction.

## SCHEDULE

A. *The civil administration*

1. The Government and the government departments.

2. The government agencies:

Agencies to which the Lieutenant-Governor in Council 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 Civil Service Act (1965, 1st session, chapter 14), or at least half of whose capital stock or resources are derived from the Consolidated Revenue Fund except, however, health services and social services.

3. The municipal and school bodies:

(a) the urban communities:

The Québec Urban Community, the Montreal Urban Community and the Outaouais Regional Community, the Québec Urban Community Transit Commission, the Greater Québec Water Purification Board, the Montreal Urban Community Transit Commission, the Outaouais Regional Community Transit Commission, the Outaouais Development Corporation, the City of Laval Transit Commission and the Montreal South Shore Transit Commission;

(b) the municipalities:

The city, town, village, country and county corporations, whether incorporated under a general law or a special act, and the agencies under the jurisdiction of such corporations which participate in the administration of their territory;

(c) the school bodies:

The regional school boards, the school boards and the corporations of school trustees governed by the Education Act (Revised Statutes, 1964, chapter 235), the School Council of the island of Montreal.

B. *Health services and social services*

Establishments within the meaning of the Act respecting health services and social services (1971, chapter 48).

C. *Public utility firms*

If they are not already government agencies, the telephone and telegraph companies, the air, ship, autobus and rail transport

companies, the companies which produce, transport, distribute or sell gas, water or electricity, and business firms holding authorizations from the Transport Commission.

D. *Professional corporations*

The professional corporations listed in Schedule I to the Professional Code (1973, chapter 43) under the designation "professional corporations", or established in accordance with that Code.