

Submission to the Culture and Education
Committee, National Assembly, Quebec
City, Quebec, Canada.

Analysis and Commentary for:

*Special consultations and public hearings on
Bill 96, An Act respecting French, the official
and common language of Québec*

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Date: September 3, 2021.

NOTE: No comments in this document should be interpreted or construed as support for the existing Charter of the French Language (Bill 101).

19.

DIVISION III - CONCORDANCE OF THE CIVIL ADMINISTRATION'S ACTIONS WITH THE ROLE OF QUÉBEC IN THE CANADIAN FRANCOPHONIE AND ABROAD

29.7. The Minister of Higher Education, Research, Science and Technology shall contribute to the mobility of francophone students across Canada, in particular by entering into agreements in accordance with the law.

Analysis:

Does contributing to the “mobility of francophone students across Canada” involve financial support for French-Canadian students (e.g., Acadians, Franco-Ontarians, etc.) studying in English-Canadian institutions, whether inside and outside Quebec? Only French Quebec institutions and French-Canadian institutions (e.g., Université de Moncton)? Bilingual universities like the University of Ottawa?

How about English-Canadian students fluent in French who pursue higher studies somewhere in Canada? Will they eligible for a mobility grant from the Government of Quebec, too?

Francophones outside Quebec have a high rate of fluency in English, nearly double that of francophone Quebecers. Hence, they arguably have a high rate of mobility as it stands, and can choose to study in French or English anywhere in Canada without assistance from a second provincial government.

Presumably, student exchange programs between Quebec’s and other provinces’ institutes of higher learning already allow students - regardless of language background - to acquire a uniquely Canadian academic experience.

So, what will be the nature of these new agreements? And if the other provinces refuse to negotiate, then what?

It seems strange that the Minister would insert a clause to help francophone students outside Quebec, while making it more difficult for francophones inside Quebec to become “mobile”.

For example, making it more difficult for francophone high school graduates to study in Quebec’s English CEGEPs by imposing student quotas and enrolment freezes.¹ Also, by discouraging the amount of English taught in primary and secondary schools, particularly in French public schools.

¹ Dunlevy, T’Cha. (2021, June 18). Quebec freezes enrolment in anglo CEGEPs, expands francophone capacity. Montreal Gazette. <https://montrealgazette.com/news/local-news/quebec-expands-francophone-cegep-capacity-freezes-enrolment-in-anglo-colleges> Last Accessed September 2, 2021.

20. Section 30.1 of the Charter is amended.

Before: *The members of the professional orders must, where a person who calls upon their services so requests, provide a French copy of any notice, opinion, report, expertise or other document they draw up concerning that person, without requiring a charge for translation. The request may be made at any time.*

After: The members of the professional orders must, ~~where a person who calls upon their services so requests,~~ provide a French copy of any notice, opinion, report, expertise or other document they draw up **to any person authorized to obtain them and who so requests**, without requiring a charge for translation. The request may be made at any time.

Analysis:

Any authorized person at any time? This amendment to the Charter of the French Language imposes mandatory and burdensome French documentation requirements on professionals belonging to an order. Previously, such requests only related to the actual person receiving services. Now, multiple French copies may have to be created for anyone in a position of authority, even if that person is not directly involved in a project.

In many Quebec companies, both French and English are working languages by necessity. Many project documents may have text, images, diagrams, charts, etc. with English words interspersed throughout. In such scenarios, does everything have to be redone (i.e., translated) with only French terminology? If so, this clause will adversely affect productivity, add unreasonable costs, and fuel a bureaucratic nightmare.

In several business, science, and technologically-oriented professions, English is the de facto language and can't be avoided. That's a reality, even in the province of Quebec. This clause risks forcing companies to consider moving operations to other jurisdictions (e.g., Ontario, Vermont, upstate New York, etc.) either partially or completely. Just as occurred in the years immediately following passage of the original French language charter in 1977.

Who gets to judge what is considered adequate French if the client isn't satisfied and complains to the Office Québécoise de la langue française (OQLF) or the French Language commissioner? And how far up the chain of command can unique requests for documents be made?

Do such requests include complicated briefs, designs, drawings, graphics etc., as well?

The end result will be more red tape and price uncertainty for Quebec businesses, who will be forced by this language law to absorb greater translation costs than before. Even if the client/customer themselves do not make the demand. In some cases, the supplementary requests may be completely unwarranted, deliberate, and without justification.

21. Section 32 of the Charter is amended

Before:

32. The professional orders shall use the official language in their written communications with their general membership.

They may, however, in communicating with an individual member, reply in his language.

After:

32. The professional orders shall **only** use the official language in their written **and oral** communications ~~with their general membership~~ **with all or some of their members and of the candidates to the practice of the profession.**

~~They may, however, in communicating with an individual member, reply in his language.~~

Unless otherwise provided for in this Act, they shall use only that language when communicating orally or in writing with an individual member.

Analysis:

English is an official language of Quebec (British North America Act, 1867, section 133). However, the clause refers only to the “official language”, not specifically the French language. So, which definition of official language status takes precedence, the one linked to the national (Canadian) Constitution, or the one contemplated for the revised provincial constitution?

Regulating the language of communication between professionals and their order is detrimental to professional growth and development. Forcing professional orders to only use French is particularly insulting to its non-francophone members and candidates. In particular those members whose preferred Canadian official language of use is English, even if their French is functional (or better).

In a worst-case scenario, this clause will discourage many professionals from keeping their Quebec membership, and eventually accelerate out of province transfers in order to practice in their field of choice. Or, people wishing to continue residing in Quebec may leave the profession in question altogether. In rare cases, people may continue to do professional work in Quebec after losing their status, but at what cost?

Furthermore, this amendment will further discourage non-francophones – in particular recent non-francophone graduates - from joining professional orders and pursuing their careers in Quebec. Contributing to an exodus of professional talent from Quebec (accountants, nurses, doctors, lawyers, engineers, etc.) that the province can ill-afford coming out of the COVID-19 pandemic.

A 'Big Brother' dictate of language use contravenes the inalienable right of persons to receive and deliver communications in the language they are most comfortable using whenever possible. This includes the dissemination of critical information to and from a professional order. As mentioned in the *Universal Declaration of Human Rights*, Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

If French is declared Quebec's only official language, this amendment will adversely affect relationships in professional orders, and further entrench a language hierarchy of permit holders/dues-paying members in Quebec orders, i.e.:

1. French-speaking members.
2. Other members (English communication preferred).

This amendment to section 32 discriminates against English-speaking members of orders who, while continuing to pay the same dues as their francophone counterparts, will not receive the services they're entitled to.

22. Section 35 of the Charter is amended

35. The professional orders shall not issue permits except to persons whose knowledge of the official language is appropriate to the practice of ~~their~~ the profession.

When issuing a permit, a professional order shall consider that a person has such knowledge if

~~A person is deemed to have the appropriate knowledge if~~ (1) he has received, full time, no less than three years of secondary or post-secondary instruction provided in French;

(2) he has passed the fourth- or fifth-year secondary level examinations in French as the first language;

(3) from and after the school year 1985-86, he obtains a secondary school certificate in Québec.

In all other cases, a person must obtain a certificate issued by the Office québécois de la langue française or hold a certificate defined as equivalent by regulation of the Government.

The Government, by regulation, may determine the procedures and conditions of issue of certificates by the Office, establish the rules governing composition of an examining committee to be formed by the Office, provide for the mode of operation of that committee, and determine criteria for evaluating the appropriate knowledge of French for the practice of a profession or a category of professions and a mode of evaluating such knowledge.

Analysis:

Section 35 in the Charter remains discriminatory towards Quebecers who have completed secondary and post-secondary schooling in the English sector. So, in the interests of improving the quality of French of all Canadian citizens residing in Quebec, preventing the demise of the French language in general, and ensuring a level playing field for all Quebecers when being considered for admission to a professional order, section 35 should be amended as follows:

Proposed Amendment:

When issuing a permit, a professional order shall consider that a person has such knowledge if:

(1) They have received, full time, no less than three years of post-secondary instruction provided in French;

(2) they have passed the fourth or fifth-year secondary level examinations in French as the first language, with a minimum 80% passing grade in the fifth year;

(3) from and after the school year 2021-22, they obtain a secondary school certificate in Québec provided a minimum 80% passing grade is obtained in fifth-year secondary level examinations in French.

In all other cases, a person must obtain a certificate issued by the Office québécois de la langue française or hold a certificate defined as equivalent by regulation of the Government.

In the spirit of fairness, French language competency tests should be requested of both the majority and minority official language groups in Quebec.

23. The Charter is amended by inserting the following sections after section 35:

“35.1. The holder of a permit issued in accordance with section 35 shall, as long as the permit is held, maintain knowledge of the official language that is appropriate to the practice of the profession.

The permit holder may not, in carrying on his professional activities, refuse to render a prestation for the sole reason that he is asked to use the official language in performing the prestation.

Analysis:

English is an official language of Quebec (British North America Act, 1867, section 133).

What exactly is appropriate language knowledge maintenance to practice a profession, and how will it be judged and determined? Isn't the language certificate issued by the Office québécois de la langue française (OQLF) or its equivalent to a professional good enough?

The OQLF and the rest of Quebec's hawkish language bureaucracy is once again overstepping its role in society, undermining the relationship between professional orders and their members, potentially stunting and threatening careers. All in the name of self-aggrandisement and power politics.

In Quebec, the appropriate official language of use will more often than not be French, but in some cases, it will be English (s. 133 of the British North America Act, 1867), depending on the nature of the work, the language used by co-workers (both professionals and non-professionals), the customer's language choice, location, etc. To what extent does the provincial government want to interfere with the professional lives of its residents and the provincial economy?

By and large, a professional will make every effort to deal with a client, customer, etc. in the language – official or otherwise – of their choosing. That is the duty of a professional. However, imposing additional language requirements is an unwise and unnecessary intrusion into professional duties by the OQLF that will neither add economic value nor improve work performance. Nor make French language use more attractive. More likely than not, it will do the opposite.

“35.2. A professional order that considers, for serious reasons, that a member’s knowledge of the official language is not appropriate to the practice of the profession may, in addition to the measures that may be taken in respect of the member under the Professional Code (chapter C-26), require that the member obtain the certificate issued by the Office under the third paragraph of section 35.

Moreover, the refresher courses that a member of a professional order may be required to successfully complete as well as any other obligation, determined by a regulation made under section 90 of the Code, that may be imposed on the member may be aimed at enabling the member to recover knowledge of the official language that is appropriate to the practice of the profession.”

Analysis:

Are professional orders really going to be forced by government bureaucrats to judge the (French) language competency of all its members in good standing? If so, how frequently? Every five years? Three years? Annually? Recall that according to the *Office des professions*, Quebec recognizes 46 professional orders with a total membership exceeding 411,000 people. That means policing the French language skills of 411,000 people on a regular basis. Does that make any sense?

English is an official language of Quebec (British North America Act, 1867, section 133). Presumably, this clause targets non-francophone (English-speaking) professionals for their lack of French. Why is professional competence and the ability to perform duties based on their technical/managerial qualifications, skills and previous work experience taking a back seat to linguistic background in Quebec?

The imposition of French “refresher courses” even AFTER obtaining the OQLF certificate or equivalent will unnecessarily burden professionals (and families) already stressed by normal employment and/or business pressures and obligations.

Will francophone professionals - including Quebec-born, mother-tongue, francophone *québécois* professionals - be subject to this same French language quality control scheme as their non-francophone counterparts? Or, as has been the case up to now, will francophones be given preferential treatment simply because they are francophone?

The wording in this clause points an accusatory finger towards, and will reinforce negative stereotypes of, non-francophones. Namely, that they are cause of the alleged “decline” of French in Quebec. It also supports French unilingualism in the workplace, even when serious studies demonstrate that French-English bilingualism is a socioeconomic asset.

Unlike other North American jurisdictions, Quebec is placing French language fluency ahead of professional competence and turning its professional orders into (French) language police informants on behalf of the onerous provincial language bureaucracy.

References:

Bourhis, R. Y. (2019). Evaluating the impact of Bill 101 on the English-speaking communities of Quebec. *Language Problems & Language Planning*, 43(2), 198-229.

Breton, A. E. (1998). *Economic Approaches to Language and Bilingualism. New Canadian Perspectives*. Ottawa: Canadian Heritage.

Canadian Heritage. (2016). *Economic Advantages of Bilingualism*. Ottawa: Canadian Heritage.

24. Section 37 of the Charter is replaced by the following section:

Before: *The professional orders may issue temporary permits valid for not more than one year to persons from outside Québec who are declared qualified to practise their profession but whose knowledge of the official language does not meet the requirements of section 35.*

After: “37. Despite section 35, a professional order may issue a permit referred to in sections 40 to 42.2 of the Professional Code (chapter C-26) to a person whose knowledge of the official language is not appropriate to the practice of the profession, provided that

(1) the permit is temporary; and

(2) the person has, outside Québec, successfully completed the training or obtained the diploma required to practise that profession in Québec.

A permit issued under the first paragraph is valid for not more than one year.”

Analysis:

English is an official language of Quebec (British North America Act, 1867, section 133). This clause provides an admission, albeit a grudging admission, that Quebec requires talented professionals from other provinces/countries to contribute to its economy and societal well-being.

Will Quebec residents - including francophones - who fail to satisfy the French language requirements of the OQLF also be eligible for a temporary one-year permit, during which time they can improve their French language skills without fear of permit (and possibly employment) loss?

Can the permit be renewed after one year if the nature of the professional’s employment status, project duration, etc. has changed?

25. Section 39 of the Charter is repealed.

Before: *39. Persons having obtained, in Québec, a diploma referred to in section 36 may, until the end of 1980, avail themselves of sections 37 and 38.*

Nothing to add.

26. Section 40 of the Charter is amended by adding the following paragraph at the end:

Before: Where it is in the public interest, a professional order, with the prior authorization of the Office québécois de la langue française, may issue a restricted permit to a person already authorized under the laws of another province or another country to practise his profession. This restricted 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.

In the case of this section, a permit may be issued to the spouse as well.

After: 40. Where it is in the public interest, a professional order, with the prior authorization of the Office québécois de la langue française, may issue a restricted permit to a person already authorized under the laws of another province or another country to practise his profession. This restricted 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.

In the case of this section, a permit may be issued to the spouse as well.

When authorizing an order to issue such a permit, the Office may determine the term of the permit and the other related conditions.

Analysis:

We must continue to seriously question this clause's implications for labour mobility rights, as guaranteed by Section 6 of the Canadian Charter of Rights and Freedoms. Specifically, to what degree if any does the OQLF have a right to dictate work terms for out-of-Quebec professionals?

This clause's open-ended wording evokes the poor working environments that have led to many scandals in Canada – both pre-COVID-19 and during the pandemic – with domestic workers, fruit pickers, meat packers, and new immigrants/refugees brought in to work in CHSLDs (long-term care homes) or hospitals.

Presumably in this scenario, Quebec companies have exhausted all local hiring options and determined that engaging a professional from outside Quebec is in its interests. Presumably, it's willing to adhere to all requirements from the appropriate order regarding permit eligibility. So why does the original clause and its update treat professionals from outside Quebec as threats and pariahs, and with utter contempt?

Why is the Government of Quebec empowering the language bureaucracy to make business and hiring decisions for companies, something even professional orders don't do? Can it be more precise about "the other related conditions" that the OQLF will be imposing on said companies and the people they bring in to help them grow and prosper?

Why is the justice minister so frightened about chance interactions (presumably in English) between the outside hire and the Quebec public? Is there a fear of some sort of contamination, as with a disease? Does a francophone Quebecer become less francophone by interacting with

a non-Quebec professional (or an English-speaking Quebecer, for that matter), even on a limited basis?

What happens if job requirements change, and some interaction with the Quebec public is necessary, including interaction with francophone Quebecers? Even if interaction occurs by accident, will the OQLF rescind the professional's permit?

27. The Charter is amended by inserting the following sections after section 40:

“40.1. The Office des professions shall, each year and for each professional order, send the Office the number of permits issued under section 37 and the number of special authorizations granted under section 42.4 of the Professional Code (chapter C-26), as well as the number of renewals for such special authorizations.

The Office shall indicate in its annual report of activities the information so transmitted by the Office des professions.”

“40.2. A professional order may use another language in addition to the official language in a particular written communication to

(1) a candidate to the practice of the profession who applies for a permit to be issued to him in accordance with section 37 or under section 40; or

(2) a member of the order who, under this Act, is not required to have knowledge of the official language that is appropriate to the practice of the profession.

A professional order may also use that other language in a particular oral communication with one of those persons, without being required to use the official language at the same time.”

Analysis:

English is an official language of Quebec (British North America Act, 1867, section 133). Clearly, the Office des professions (and the orders it represents) is subservient to the Office québécois de la langue française and will be subservient to a future Commission de la langue française as well. This will continue to have a detrimental effect on the morale of all professionals, and the Quebec companies who hire them.

In particular, it will negatively impact professionals who identify as English-speakers, work in at least a partially English environment, and interact with an English-speaking or international clientele on a regular basis.

40.1 and 40.2 read like Orwellian bureaucratic micromanagement gone wild. Gauging Quebec’s reliance on out of province or international professionals is perfectly legitimate for responding to the province’s labour and educational deficiencies (e.g., How can we train and retain more nurses? Why are so many electrical engineers working in Quebec today foreign-trained?).

However, I fear that the data collected by the OQLF will be used to justify further language restrictions for “non-québécois” professionals and limit their opportunities to live and prosper in Quebec society. Once again, the myth of French decline supersedes all other considerations – including the ability to fully compete in a global economy with all the tools – and languages – at your disposal.

Given the already onerous restrictions imposed on professionals by the current French Charter (Bill 101), and the additional burdens being considered for companies with 25 or more employees to conform with provincial language legislation, shouldn't it be evident to the government that bringing in "les étrangers" for work purposes isn't a plot to undermine the French language in Quebec?

Hence, the Minister is willing to allow the restricted use of English by non-resident professionals, and English communication by the professional orders, because it is deemed to be in the public interest. Is he also willing to be as generous with professionals who identify as English-speaking Quebecers - born, raised and educated in Quebec? Some of whom have roots in the province that go back years, decades, if not centuries?

68. Section 97 of the Charter is amended

Before: The Indian reserves are not subject to this Act.

The Government, by regulation, shall determine the cases, conditions and circumstances where or whereunder an agency or body contemplated in the Schedule is authorized to make an exception to the application of one or several provisions of this Act in respect of a person who resides or has resided on a reserve, a settlement in which a native community lives or on Category I and Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

After: The Indian reserves are not subject to this Act.

The Government, by regulation, shall determine the cases, conditions and circumstances where or whereunder an agency or body contemplated in **Schedule I** is authorized to make an exception to the application of one or several provisions of this Act in respect of a person who resides or has resided on a reserve, a settlement in which a native community lives or on Category I and Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

In addition, the Government may determine by regulation the cases, conditions and circumstances in which a professional order is authorized to depart from the first paragraph of section 35 in respect of a person who resides outside Québec and practises his profession in Québec solely on such a reserve, settlement or lands.

Analysis:

A question of jurisdiction, i.e., does the Quebec government have the right to dictate to indigenous nations which professionals they can hire to work in their territory, and does the provincial French charter give it the right to dictate these professionals' work terms?

Does the provincial government have the right to decide the working conditions of professional, non-Quebec residents on First Nations or Inuit territory? Whose land is it anyway, and do self-governing indigenous peoples (e.g., the Cree of Eeyou Istchee, Inuit of Nunavik, Kanien'kehá:ka (Mohawk) etc.) have the right to hire professionals without interference from the provincial government, especially with regards to the imposition of onerous French proficiency requirements?

96. Section 160 of the Charter is amended by adding the following paragraphs at the end:

Before: *The Office shall monitor the linguistic situation in Québec and shall report thereon to the Minister at least every five years, especially as regards the use and status of the French language and the behaviour and attitudes of the various linguistic groups.*

After: Above paragraph plus:

“The report shall compare, in particular, the progression of the use of French and English in Québec and the progression of the use of those languages in the rest of Canada. For that purpose, the Office shall take into account the statistical data produced by the Institut de la statistique du Québec.

The Office, together with the French Language Commissioner, shall determine the indicators of the use of French in the public sphere by the Québec population as well as the other monitoring indicators used to produce the report.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 15 days after resumption.”

Analysis:

With these amendments, the Government of Quebec once again strikes a deliberately accusatory tone by empowering Language Charter bureaucrats (OQLF, Office of the French Language Commissioner, etc.) and even the Institut de la statistique du Québec to continue intimidating and targeting “various linguistic groups” perceived as not “Québécois” enough and – presumably as implied in the text – having bad “attitudes” towards French.

The existing section 160 already sets a chillingly Orwellian tone towards non-francophones through its “monitoring” mandate, and is predisposed to blaming ethnic minorities for the alleged decline of French language use in Quebec. Especially visible ethnic minorities – English-speaking visible minorities to be sure, but French-speaking ethnic and/or visible minorities who are by normal definition francophones (e.g., mother-tongue Creole, Arabic, or Spanish speakers whose First Canadian Official Language of choice is French) aren’t exempt from criticism. This amendment if passed into law will make things even worse.

Will the provincial government ever have the guts to single out the majority linguistic community of Quebec for the demise of French in Quebec, if indeed that’s the conclusion from the OQLF, the French Language Commissioner, and the Institut de la statistique du Québec? Will it finally admit that exceedingly high illiteracy, innumeracy and dropout rates among French Quebecers - especially male French Quebecers - are the main reasons that French doesn’t thrive in the way that everyone desires?² Perhaps the unwillingness of successive provincial governments to set

² Savard, Simon et Homsy, Mia. (2018, avril). Décrochage scolaire au Québec : Dix ans de surplace, malgré les efforts de financement. Institut du Québec. <https://institutduquebec.ca/dcrochage-scolaire-au-quebec-dix-ans-de-surplace-malgre-les-efforts-de-financement/> Last accessed August 29, 2021.

rigorous standards for High School Leaving French? The low rate of high school graduation in Quebec, especially among boys?³⁴

The Institut de la statistique du Québec risks being politicized in order to provide the provincial government and its French language bureaucracy the ammunition to justify a self-fulfilling prophecy. Namely, that French is under attack in the province, and that punitive measures must be enacted to “protect” the language. Recall that Statistics Canada operates at arm’s length from the Government of Canada.

Prime responsibility for the province’s French language’s health belongs to the majority population, the Québécois, who constitute 79% of the population. If French language use in the province today is deemed a failure, it’s their failure, not the failure of the minority language communities who are increasingly French-English bilingual if not multilingual, and Montreal’s emerging socioeconomic and cultural force.

Is there someone, anyone, in the provincial government with the guts to finally admit these self-evident truths?

³ Quebec's high school graduation rate is lowest in Canada. (2018, May 02) CTV Montreal. <https://montreal.ctvnews.ca/quebec-s-high-school-graduation-rate-is-lowest-in-canada-1.3911723> Last accessed August 29, 2021.

⁴ Alphonso, Caroline and Perreux, Les. (2018, May 02) Quebec public-school graduation rates slip behind other provinces: study. The Globe and Mail. <https://www.theglobeandmail.com/canada/education/article-quebec-public-school-graduation-rates-slip-behind-other-provinces/> Last accessed August 29, 2021.

PROFESSIONAL CODE

142. Section 59 of the Professional Code (chapter C-26) is amended by adding the following paragraph at the end:

Every professional who contravenes section 58 or 58.1 commits an act derogatory to the dignity of his profession.

The same applies to a professional who contravenes section 35.1 of the Charter of the French language (chapter C-11).

Analysis:

Please note the definition of the word dignity⁵:

1. The state or quality of being worthy of honour or respect.
 - 1.1. A high rank or position.
2. A composed or serious manner or style.
 - 2.1. A sense of pride in oneself; self-respect.

Putting French language deficiencies – no matter how minuscule – on par with professional *misrepresentation* (i.e., no valid Doctoral or Specialist certification) or *misconduct* (e.g., collusion, corruption, breach of trust, etc.) is itself a derogatory act. Nothing less than mean-spirited aggression from the provincial government that will disproportionately target and profile non-francophone professionals, especially ethnic minorities.

While Bill 96 asks all Quebecers to respect the French language, this clause shows extreme disrespect for professional people, both inside and outside Quebec, who have struggled to earn their degrees and status, only to be told that at any time and on a whim, a language bureaucrat with the blessings of your professional office and order can penalize you and threaten your career and livelihood.

Not for the quality of your work per se., but because you fail some ill-defined measure of French functionality that may not be relevant at all to your job. This in spite of obtaining a French proficiency certificate (or equivalent) at some point of your career, and demonstrating that language hasn't hindered your work relationships or professional growth.

It's completely preposterous and unacceptable that, in a globalized world where people frequently cross interprovincial and international borders to apply their trade, an artificial barrier, i.e., not having sufficient fluency in "professional" French (?) is now grounds for professional misconduct and a citation.

⁵ Dignity. (2021). [lexico.com](https://www.lexico.com) Retrieved from <https://www.lexico.com/definition/dignity>.

Here again, the OQLF is overriding the jurisdiction of Quebec's professional orders - this time by awkwardly redefining misconduct and undermining their means of questioning and investigating its members in legitimate cases.

Under this scheme, will all Quebec residents with professional status be judged in a fair and equitable manner under the amended clause? Specifically, will native-born, francophone Quebecers be monitored and duly reprimanded for their poor quality of professional French in proportion to non-francophone and especially ethnic minority Quebecers? This type of law risks targeting ethnic minorities – even those defined as francophone - who have overcome historical systemic barriers to entry in many professions in just the recent years.

Clause 142 risks creating a two-tiered hierarchy of Quebec professionals by granting one class of person – the (mostly white), native-born, mother tongue francophone - the privilege of subjecting their less worthy colleagues, subordinates, trainees, etc. to state-sanctioned French language harassment.

Before proceeding with this clause, now may be a good time to deeply contemplate the concepts of dignity and human respect and their real meanings.

ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

145. Section 3.1 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011) is replaced by the following section:

Before: 3.1. In the pursuit of its mission, the Institut shall collect, produce and disseminate the statistical information needed to develop and monitor the Government’s sustainable development strategy, including the statistical information needed for sustainable development indicators, as well as the statistical information needed to prepare the reports provided for in the Sustainable Development Act.

After:

“3.1. In the pursuit of its mission, the Institut shall, among other things, collect, produce and disseminate the statistical information necessary for the following purposes:

(1) to help develop and monitor the Government’s sustainable development strategy, including the statistical information required for sustainable development indicators;

(2) to draft the reports provided for in the Act respecting sustainable development (chapter D-8.1.1);

(3) to help monitor the language situation in Québec, including the indicators of the use of French in the public sphere by the Québec population; and

(4) to draft the reports, conduct the research, analyses and studies and draft the opinions provided for in the Charter of the French language (chapter C-11).”

Analysis:

The proposed clause risks politicizing and weaponizing the Institut de la statistique du Québec on language issues, thus jeopardizing its independence and reputation. It will be seen as the conduit of “Orwellian truth” to justify a self-fulfilling prophecy. Namely, that use of the French language in the province of Quebec is in long-term decline, especially in Montreal.

While some Quebec demographers aren’t above selective interpretations of data to promote causes, others like Jack Jedwab, President and CEO of the *Canadian Institute for Identities and Migration and the Association for Canadian Studies* eschew political agendas. His analysis is far superior to that found in certain Quebec tabloids that ignore the influence of immigration and the flight of *de souche* francophones to the suburbs when discussing Montreal’s evolving mother tongue demographics. Why not give him a call and invite him to testify in this special session?⁶

⁶ Hall, N. & Rand, A. (Hosts). (2021, July 15). Is French Actually in Freefall in Quebec Right Now? <https://www.iheartradio.ca/cjad/audio/is-french-actually-in-freefall-in-quebec-right-now-1.15628347> CJAD Radio 800. Last accessed August 26, 2021.

As recently as July and August, 2021, Dr. Jedwab published findings that contradict much of the flawed analysis that inspired and led to Bill 96⁷⁸⁹:

MISCELLANEOUS PROVISIONS

163. The name assigned to the electoral division of Bourget is replaced by the name “Camille-Laurin”.

Analysis:

Provincial ridings shouldn't be named after politicians, especially divisive and controversial figures like the late Dr. Laurin who has already had many honours bestowed on him in life and after death.

If nothing else, a formal toponymy study conducted by Elections Quebec with public input should determine if renaming this Montreal riding is justified.

In the era of Black Lives Matter, reconciliation efforts with indigenous peoples, and an increasingly multilingual, ethnically diverse Montreal, it seems rather bizarre to polarize Quebecers yet again when more suitable names can be found.

Leaving the riding name as is should also be considered.

⁷ Hanes, A. (2021, July 15). Challenging the orthodoxy that French is in free fall in Quebec. Montreal Gazette. <https://montrealgazette.com/opinion/columnists/allison-hanes-challenging-the-orthodoxy-that-french-is-in-free-fall-in-quebec> Last accessed August 26, 2021.

⁸ Hall, N. & Rand, A. (Hosts). (2021, August). Is the French language truly on the decline in Montreal? <https://www.iheartradio.ca/cjad/audio/is-the-french-language-truly-on-the-decline-in-montreal-1.15870192> CJAD Radio 800. Last accessed August 26, 2021.

⁹ How Real is the Decline of the French Language? (2021, August 16) Montreal Gazette, A2-A3.