



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 190

**An Act to amend the Charter of the
French language and other legislative
provisions in order to enhance the
protection of the French language**

Introduction

**Introduced by
Mr. Pascal Bérubé
Member for Matane-Matapédia**

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EXPLANATORY NOTES

The purpose of this bill is to enhance the protection of the French language and reverse the decline in the use of French. To that end, the bill makes several amendments to the Charter of the French language.

The bill proposes new fundamental language rights, including the right to French language learning services and the right to be greeted in French by the civil administration, the health and social services institutions, the public utility enterprises, the professional orders, the associations of employees, the state-owned enterprises and all enterprises doing business in Québec.

The bill proposes several amendments with regard to French as the language of the civil administration. For instance, it provides that the contracts entered into by the civil administration are to be drawn up exclusively in French. It also provides that the recognition granted to certain municipalities to use a language other than French is to be withdrawn if less than one-third of the municipality's residents have English as their mother tongue.

Several amendments are also proposed with regard to French as the language of work. For instance, the bill sets out the obligations applicable to employers to ensure that the workers' right to carry on their activities in French is respected. It prohibits employers from requiring a person to have knowledge or a specific level of knowledge of a language other than the official language in order to keep or obtain a position, unless the employer proves that both participating in the regular activities related to the employment or position and performing the duties concerned require such knowledge. The bill also imposes an additional burden of proof where an employer claims that knowledge or a specific level of knowledge of a language other than the official language is required to perform the duties concerned because exchanges with clients and suppliers generally take place in that language. In such cases, the employer must show that the services are organized so as to restrict, as much as possible, the number of positions to which this requirement applies.

As regards instruction, the bill extends the application of instruction in French to the entire college instruction network. Likewise, it strengthens the principle of instruction in French, in particular by limiting the circumstances that allow a child staying in Québec temporarily to receive instruction in English.

The bill updates the provisions relating to the francization of the civil administration and imposes on institutions within the meaning of the Act respecting health services and social services the obligation to establish, in the same manner as enterprises, a francization committee.

As regards the francization of enterprises, the bill extends to enterprises employing 25 or more persons the obligation to register with the Office québécois de la langue française for francization purposes. It also broadens the obligation to form a francization committee by imposing that obligation on enterprises employing 50 or more persons. In addition, it specifies that the civil administration may not enter into a contract with an enterprise or grant it a subsidy if it fails to comply with its francization obligations or if its name appears on a list of enterprises with regard to which the Office has refused to issue an attestation, or whose attestation or certificate the Office has suspended or cancelled.

The bill establishes the Ministère de la Langue française, de l'Immigration et de l'Intégration and sets out the functions and powers of the Minister of the French Language, Immigration and Integration. The bill allows the Minister to allocate financial assistance to an enterprise employing 25 or fewer persons for the implementation of a francization program or francization measures.

The bill provides for the creation of the office of French Language Commissioner, whose mission is to advise the Minister of the French Language, Immigration and Integration on any matter relating to the French language in Québec. It provides that the Commissioner's functions include monitoring the progression of the language situation in Québec and reporting on it to the Minister every year. The bill also confers the functions of the Office québécois de la langue française regarding inspection and complaint processing on the Commissioner.

The bill establishes the Comité consultatif sur la création d'un Conseil québécois de la radiodiffusion et des télécommunications, which is responsible for advising the Minister of the French Language, Immigration and Integration on the creation of a Conseil québécois

de la radiodiffusion et des télécommunications, whose functions include monitoring the activities of broadcasting and telecommunications enterprises in Québec.

The bill abolishes the Conseil supérieur de la langue française.

The bill provides that certain provisions of the Charter of the French language prevail over any subsequent provisions of any Act, unless expressly stated otherwise.

The bill specifies that the Charter of the French language has effect despite certain provisions of the Charter of human rights and freedoms and the Constitution Act, 1982.

As regards immigration, the bill amends the Québec Immigration Act to provide that, to be selected, a foreign national belonging to the economic immigration class and the common-law partner or spouse accompanying him or her must have intermediate or advanced knowledge of French. It also provides that the Minister of the French Language, Immigration and Integration is to develop in-class, workplace and online French language learning services, which must be offered to immigrants free of charge.

Under the bill, the Government establishes a Bureau de la promotion du contenu québécois, whose mission is to promote Québec creations with enterprises that transmit or retransmit digital content online.

Lastly, the bill includes miscellaneous, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (chapter A-6.001);
- Charter of the French language (chapter C-11);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- Charter of human rights and freedoms (chapter C-12);
- General and Vocational Colleges Act (chapter C-29);

- Executive Power Act (chapter E-18);
- Québec Immigration Act (chapter I-0.2.1);
- Act respecting the Ministère de l’Immigration, de la Diversité et de l’Inclusion (chapter M-16.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);
- Government Departments Act (chapter M-34);
- Act respecting municipal territorial organization (chapter O-9);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the language of commerce and business (chapter C-11, r. 9);
- College Education Regulations (chapter C-29, r. 4).

Bill 190

AN ACT TO AMEND THE CHARTER OF THE FRENCH LANGUAGE AND OTHER LEGISLATIVE PROVISIONS IN ORDER TO ENHANCE THE PROTECTION OF THE FRENCH LANGUAGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. The purpose of this Act is to strengthen the protection of the French language and reverse the decline in the use of French.

CHAPTER II

CHARTER OF THE FRENCH LANGUAGE

2. The preamble of the Charter of the French language (chapter C-11) is amended by inserting the following paragraph after the first paragraph:

“French is the only official language of Québec as well as the only common language of the Québec nation and the language of integration into that nation.”

3. Section 2 of the Charter is amended by inserting “, the state-owned enterprises” after “employees”.

4. The Charter is amended by inserting the following section after section 2:

“**2.1.** Every person has a right to be greeted in French by the civil administration, the health and social services institutions, the public utility enterprises, the professional orders, the associations of employees, the state-owned enterprises and all enterprises doing business in Québec.”

5. Section 6 of the Charter is amended by adding the following paragraph at the end:

“Every person who is eligible to receive instruction in English in Québec has a right to receive, from the educational institution he attends, training that enables the person to acquire the French skills needed to interact, thrive within Québec society, and participate in its development.”

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

“9. Every judgment rendered in writing in English by a court of justice and every decision rendered in writing in English by a body or person exercising quasi-judicial functions shall be translated into French.

A judgment or decision referred to in the first paragraph that is rendered in writing in French must be translated into English if one of the parties so requests.

The costs of a translation made under this section are borne by the government department or the body that makes it or bears the costs necessary for the exercise of the functions of the court that rendered the judgment.”

7. Section 15 of the Charter is amended by inserting “, including its public calls for tenders” after “documents” in the first paragraph.

8. Section 16 of the Charter is amended

(1) by replacing “established” by “and enterprises established”;

(2) by inserting “only” after “use”;

(3) by adding the following paragraph at the end:

“The Government may, however, determine by regulation the cases and circumstances in which and conditions on which another language may be used in addition to the official language.”

9. The Charter is amended by inserting the following section after section 18:

“18.1. Written documents sent to the civil administration by a legal person or by an enterprise to obtain a permit or another authorization of the same nature, or a subsidy or other form of financial assistance that is not a contract referred to in section 21, shall be drawn up exclusively in French.

The same applies to the written documents that a legal person or an enterprise receiving such a form of assistance or holding such an authorization is required to send to such an agency because of that assistance or authorization.

The Government may determine, by regulation, the situations in which a written document sent to the civil administration may be drawn up in a language other than French.”

10. Section 21 of the Charter is replaced by the following section:

“21. Contracts entered into by the civil administration, including the related sub-contracts, shall be drawn up exclusively in the official language.

Such contracts and the related documents may be drawn up in another language when the civil administration enters into a contract with a natural person not residing in Québec or with a legal person or an enterprise not required to be registered under the Act respecting the legal publicity of enterprises (chapter P-44.1) and whose head office is located in a State where French is not an official language.

The Government may, by regulation, prescribe exceptions to the first paragraph.

For the purposes of this Act, “State” has the meaning assigned by the first paragraph of article 3077 of the Civil Code.”

11. Section 29.1 of the Charter is amended by striking out the last paragraph.

12. The Charter is amended by inserting the following sections after section 29.1:

“29.2. Where the Office ascertains, in light of the language data from each census carried out in accordance with Canadian statistics legislation, that less than one-third of the residents of a municipality recognized under section 29.1 have English as their mother tongue, it shall send the municipality a written notice informing it accordingly.

The recognition obtained by the municipality is withdrawn, by the sole operation of law, on the expiry of 120 days after receipt of the notice sent by the Office.

“29.3. A body or an institution recognized under any of subparagraphs 1 to 3 of the second paragraph of section 29.1 may request the withdrawal of its recognition at any time. Such a request must be made to the Office, which shall forward it to the Government with a copy of the file. The Government shall inform the Office and the body or institution of its decision.”

13. Sections 41 to 50 of the Charter are replaced by the following sections:

“41. In order to ensure that workers’ rights under section 4 are respected, an employer shall

(1) use French in written communications, even those after termination of the employment relationship, to all or part of its staff, a worker in particular or an association of workers representing all or part of the staff;

(2) publish its job or promotion offers in French;

(3) make its job application forms available in French;

(4) sign its employment contracts in French, unless they are drawn up in another language at the express wish of the parties; and

(5) make available in French all documents relating to conditions of employment as well as the instructions required for the performance of the work, including with regard to hygiene and safety.

Despite subparagraph 3 of the first paragraph, the employer may communicate in writing with a worker exclusively in a language other than French if the latter has so requested.

For the purposes of this chapter, “association of workers” includes, in addition to an association of employees within the meaning of the Labour Code (chapter C-27), the association and the group referred to in the third paragraph of section 44.

“42. Any employer referred to in the first paragraph of section 4 of the Pay Equity Act (chapter E-12.001) shall post in a conspicuous place in the establishment a sign informing workers of the main provisions of sections 4 and 41 to 50.7 of this Act. The Minister of the French Language, Immigration and Integration shall make available on the Minister’s department’s website a model sign that employers can reproduce to comply with this section.

“43. Where an offer of employment concerns employment in the civil administration, a semipublic agency or an enterprise to which Division II or III of Chapter V of Title II applies, the employer publishing the offer of employment in a daily newspaper published in a language other than French must publish it simultaneously in a daily newspaper published in French, with at least equivalent display.

“44. Collective agreements and their schedules that must be filed under section 72 of the Labour Code (chapter C-27) must be filed in the official language.

A group agreement, if not already drafted in French, must also be available in French as soon as it is entered into.

For the purposes of this chapter, a “group agreement” is an agreement, other than a collective labour agreement, that is entered into by an association or other group empowered by an Act to negotiate the agreement and that, under that Act, applies even to persons who are not members of the association or other group.

“45. A French version must be attached without delay to an arbitration award rendered in English following arbitration of a grievance, disagreement or dispute, either regarding the negotiation, renewal or review of a collective agreement or group agreement, or resulting from the interpretation or application of a collective agreement or group agreement.

Such an award rendered in French shall be translated into English if a party so requests.

Any translation made under this section must be certified. The translation costs for the French version provided for in the first paragraph are borne, if applicable, by the parties; in all other cases, they are borne by the party requesting the translation.

“46. Before requiring knowledge or a specific level of knowledge of a language other than French for a position, an employer must thoroughly evaluate the actual linguistic needs associated with the position; the employer must subsequently review such needs periodically.

The evaluation must take into account, among other factors, the linguistic skills already required of other personnel members to satisfy the needs of the enterprise.

“47. An employer is prohibited from making knowledge or a specific level of knowledge of a language other than French a requirement to continue holding a position or to obtain a position, in particular through recruitment, hiring, transfer or promotion, unless the employer proves

(1) that participating in the regular activities related to the employment or position requires such knowledge or such a level of knowledge; and

(2) that performing the duties concerned requires such knowledge or such a level of knowledge.

Subparagraphs 1 and 2 of the first paragraph must not be interpreted as allowing an employer to require knowledge or a specific level of knowledge of a language other than the official language when it is useful but not necessary for participating in the regular activities related to the employment or position and for performing the duties concerned.

“48. It is incumbent on the employer to prove to the Administrative Labour Tribunal or to the arbitrator that the evaluation, conducted under section 47, of the actual linguistic needs associated with the position revealed that the required knowledge or specific level of knowledge of a language other than French is justified.

Moreover, in cases where an employer claims that knowledge or a specific level of knowledge of a language other than the official language is required to perform the duties concerned because exchanges with clients and suppliers generally take place in that language, the employer must show that he has organized his services so as to restrict, as much as possible, the number of positions to which this requirement applies.

“49. Every person has a right to work in an environment that is free from vexatious behaviour, discrimination or harassment based on the person’s not having a sufficient command of a language other than the official language, demanding the right to express himself in the official language, or having asserted a right arising from the provisions of this chapter.

The employer must take reasonable steps to prevent such conduct and, if such conduct is brought to the employer's attention, to put a stop to it.

“50. An employer is prohibited from dismissing, laying off, demoting or transferring a person he employs, or taking reprisals or imposing any other sanctions on the person, because the person does not have a sufficient command of a language other than French, or because the person has asserted a right arising from the provisions of this chapter.

“50.1. Any person who believes he is a victim of a prohibited practice referred to in section 47 or 50 may file a complaint with the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 123 of the Act respecting labour standards (chapter N-1.1), within 45 days after the occurrence of the practice complained of, unless the person is covered by a collective agreement or group agreement that includes an arbitration procedure.

“50.2. The Commission may, with the agreement of the parties, appoint a person to endeavor to settle the complaint referred to in section 50.1 to the satisfaction of the parties. Only a person who has not already acted in the matter in question in another capacity may be appointed for that purpose by the Commission.

Any verbal or written information gathered by the person referred to in the first paragraph must remain confidential. The person may not be compelled to disclose anything that has been revealed to him or that has come to his knowledge in the exercise of his functions, or to produce before a court or before any body or person exercising judicial or quasi-judicial functions any document made or obtained in the exercise of his functions, except in penal matters, where the court considers that such proof is necessary for a full and complete defence. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to any such document.

“50.3. If no settlement is reached after receipt of the complaint referred to in section 50.1 by the Commission, the latter shall, without delay, refer the complaint to the Administrative Labour Tribunal.

The provisions of the Labour Code (chapter C-27) and of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that are applicable to a remedy relating to the exercise by an employee of a right arising out of that Code apply, with the necessary modifications.

The Administrative Labour Tribunal may not, however, order the reinstatement of a domestic or a person whose exclusive function is to take care of or provide care to a child or to a sick, handicapped or elderly person in the employer's dwelling.

“50.4. The Commission may, in a proceeding relating to any of sections 47 and 49 to 50.7, represent a complainant who is not a member of an association of workers.

“50.5. Unless otherwise provided for in this Act, an employee who believes he is a victim of a prohibited practice referred to in section 49 and who wishes to assert his rights may do so by filing a complaint with the Commission.

The time limit for submitting such a complaint, as well as its processing by the Commission, including, among other things, an investigation and mediation, until the complaint can eventually be referred to the Administrative Labour Tribunal, and the employee’s representation by the Commission, are provided for by the provisions of Division II.1 of Chapter V of the Act respecting labour standards (chapter N-1.1).

“50.6. If a complaint referred to in section 50 or 50.5 is submitted to the Administrative Labour Tribunal within the time limits referred to in those sections, the failure to have submitted it to the Commission shall not be invoked against the complainant.

“50.7. Except as they regard the vested rights of employees and their associations, juridical acts, decisions and other documents not in conformity with 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 14 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1).

Despite sections 50 and 50.5, a worker covered by a collective agreement or a group agreement shall assert his rights in accordance with the lawful means provided for in the collective agreement or group agreement, to the extent that such means exist for the worker. If the association of workers representing the worker fails to submit the grievance to arbitration, the worker may do it personally.

“50.8. Every association of workers shall use the official language in written or oral communications with its members. It may use the language of an individual member in its communications with that member.

The same rule applies to a parity committee established under the Act respecting collective agreement decrees (chapter D-2) when it communicates with the parties.

“50.9. An association of workers that makes its articles or financial statements available to its members in a language other than French shall make the French version available on terms that are at least as favourable. The same applies, with the necessary modifications, to a parity committee formed under the Act respecting collective agreement decrees (chapter D-2).

“50.10. The provisions of sections 41 to 50.2 and 50.4, with the necessary modifications, are deemed to be an integral part of every collective agreement.

Any stipulation in the agreement that is contrary to a provision of this Act is absolutely null.”

14. The Charter is amended by inserting the following section before section 51:

“50.11. An enterprise that sells or otherwise makes available goods or services to consumers shall respect the consumer’s right under section 5 to be informed and served in French.”

15. The Charter is amended by inserting the following section after section 58:

“58.1. Despite section 58, on public signs and posters and in commercial advertising, a trademark may be drawn up, even partially, only in a language other than French, provided the trademark is registered within the meaning of the Trademarks Act (Revised Statutes of Canada, 1985, chapter T-13) and no corresponding French version appears in the register kept according to that Act.

However, in public signs and posters visible from outside premises, French must be markedly predominant if such a trademark appears in a language other than French. The Government shall determine, by regulation, the conditions for ensuring a markedly dominant presence.”

16. The Charter is amended by inserting the following section after section 68:

“68.1. On public signs and posters visible from outside premises, French must be markedly predominant if they bear an enterprise’s name that, under section 67, includes an expression taken from a language other than French, even where they otherwise comply with the second paragraph of section 68.”

17. The Charter is amended by inserting the following before section 72:

“DIVISION I

“PRINCIPLE OF INSTRUCTION IN FRENCH IN KINDERGARTEN CLASSES, ELEMENTARY AND SECONDARY SCHOOLS AND GENERAL AND VOCATIONAL COLLEGES AND EXCEPTIONS”.

18. Section 72 of the Charter is amended by replacing “and in the elementary and secondary schools shall be in French, except where this chapter allows otherwise” in the first paragraph by “, elementary and secondary schools and general and vocational colleges shall be in French, subject to the exceptions provided for in this division”.

19. Section 73 of the Charter is amended by adding the following paragraphs at the end:

“However, instruction in English received in Québec in a private educational institution not accredited for the purposes of subsidies by the child for whom the request is made, or by a brother or sister of the child, shall be disregarded.

The same applies to instruction in English received in Québec in such an institution after 1 October 2002 by the father or mother of the child.

Instruction in English received pursuant to a special authorization under section 81, 85 or 85.1 shall also be disregarded.”

20. Section 73.1 of the Charter is amended by replacing “responsible for the administration of this Act” in the third paragraph by “of the French Language, Immigration and Integration”.

21. Section 74 of the Charter is amended by replacing “this chapter” in the first paragraph by “this division”.

22. Section 75 of the Charter is amended by replacing “this chapter” in the second paragraph by “this division”.

23. Sections 78.2 and 79 of the Charter are amended by replacing all occurrences of “this chapter” by “this division”.

24. Section 84 of the Charter is repealed.

25. Section 85 of the Charter is amended by replacing “temporarily” by “for a period of less than 12 months”.

26. The Charter is amended by inserting the following after section 88:

“DIVISION II

“PRINCIPLE OF INSTRUCTION IN FRENCH IN COLLEGE INSTITUTIONS

“**88.0.1.** College instruction must be given in French, except in the case of a person who, under Division I, has been declared eligible to receive instruction in English.

This rule does not apply to university-level educational institutions referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

Nothing in this section shall, in an institution providing college instruction, preclude instruction in a language other than French to foster the learning of that other language, in accordance with the terms and on the conditions prescribed in the College Education Regulations established by the Government under section 18 of the General and Vocational Colleges Act (chapter C-29).

“88.0.2. No institution referred to in section 88.0.1 that provides college instruction may, without the authorization of the Minister of Higher Education, Research, Science and Technology, provide workforce training, applied research, technical assistance to enterprises or informational activities in a language other than French. Before granting his authorization, the Minister must consult the Minister of the French Language, Immigration and Integration.

“DIVISION III

“OFFICIAL LANGUAGE PROFICIENCY REQUIREMENTS FOR THE CERTIFICATION OF STUDIES

“88.0.3. Educational institutions that provide instruction in French or English at the preschool, elementary school, secondary school or college levels, and the Ministers responsible for those levels of education must, according to their respective jurisdictions, take reasonable steps to ensure that the persons attending those institutions receive training that enables them to have acquired, by the end of all their studies, the French skills needed to interact, thrive in Québec society, and participate in its development.

The institutions referred to in the first paragraph that provide instruction in French must ensure that, for any evaluation, at least 10% of the final grade is reserved for evaluating the quality of French.

“88.0.4. No secondary school diploma may be issued to a student who does not have the knowledge of spoken and written French required by the programs of the Minister of Education, Recreation and Sports.

“88.0.5. No diploma of college studies may be issued to a student domiciled in Québec who does not have the knowledge of spoken and written French required by the programs of the Minister of Higher Education, Research, Science and Technology.

To evaluate the knowledge of French, that minister shall impose a uniform examination whose content may be adapted for students having received college instruction in English.

“88.0.6. Nothing in this division shall be interpreted as requiring or authorizing a decrease in the quality of English instruction dispensed by schools to students declared eligible to receive instruction in English.

“88.0.7. Each minister must, periodically and at least every five years, review the various basic school regulations, programs, rules and directives under his responsibility to evaluate the possibility and advisability of enhancing the training provided to enable students to acquire high-level French skills.

The results of such a review must be sent to the Minister responsible for the administration of this Act and be included in the Minister’s annual activity report.

“88.0.8. In the month following the coming into force of this division, an initial review must be performed by each of the government departments regarding the teaching of French in educational institutions that provide instruction in English.”

27. Section 88.1 of the Charter is amended by striking out “Before 1 October 2004,” in the first paragraph.

28. The Charter is amended by inserting the following section after section 88.6:

“88.1.1. The language policy of an institution described in section 88.1 shall be developed and reviewed by the institution’s staff and students, in accordance with the consultation and participation mechanisms established by the institution.

The same rule applies to the preparation of the report provided for in section 88.6.”

29. Section 88.3 of the Charter is replaced by the following sections:

“88.3. The language policy of an educational institution must be sent to the Minister of Education, Recreation and Sports as soon as it is determined. The same applies to any amendment to the policy.

“88.4. An educational institution must make its language policy public and make it easily accessible to its staff and students.

“88.5. An educational institution is required to periodically review the measures in its language policy to verify their relevance and adapt them to, among other things, technological changes.

“88.6. Before (*insert the date that is two years after the date of coming into force of this section*) and subsequently every three years, an educational institution must send the Minister of the French Language, Immigration and Integration a report on the application of the various measures in its language

policy. The educational institution must send the Minister any additional information the Minister requires concerning the application of the policy.

The Minister may, after consultation with the Office, require an educational institution to take, within the time specified, the corrective measures the Minister prescribes. The institution must inform the Minister of the corrective measures taken.”

30. The Charter is amended by inserting the following before section 129:

“DIVISION I

“GENERAL PROVISIONS”.

31. Section 129 of the Act is amended by adding the following paragraph at the end:

“This division does not apply to institutions within the meaning of the Act respecting health services and social services (chapter S-4.2).”

32. Section 130 of the Charter is replaced by the following sections:

“130. A francization program is intended to ensure the generalized use of French in the agency’s various spheres of activity, at all levels, in particular through

- (1) the use of French as the language of work and internal communications;
- (2) an appropriate hiring, promotion and transfer policy;
- (3) the use of French in work documents, especially in manuals and directives;
- (4) the use of French in communications with other agencies of the civil administration, clients, suppliers and the public;
- (5) the use of French terminology;
- (6) the use of French on public signs and posters; and
- (7) the use of French in information technologies.

“130.1. A francization program must take into account

- (1) the agency’s sector of activity;
- (2) in the case of an agency with a special cultural or linguistic vocation, the particular situation of the work environments directly related to that vocation;

- (3) the agency's relations with foreign countries; and
- (4) if the agency is a body recognized under section 29.1, that recognition.

“130.2. An agency shall keep its francization program up to date to ensure that the use of French remains generalized at all levels. The Office may require an agency to review its francization program at the frequency the Office specifies. In such a case, the Office may require the agency to submit a report within the period the Office determines.”

33. The Charter is amended by inserting the following after section 133:

“DIVISION II

“SPECIAL PROVISIONS APPLICABLE TO HEALTH AND SOCIAL SERVICES INSTITUTIONS

“134. An institution within the meaning of the Act respecting health services and social services (chapter S-4.2) must, with the necessary modifications, establish a francization committee in accordance with the provisions of Chapter V, subject to the provisions of this division.

“134.1. If the Office considers, after examining the institution's language situation, that the use of French is generalized in all the institution's spheres of activity according to the terms of section 130, it shall issue a francization certificate.

However, if the Office considers that the use of French is not generalized in all the institution's spheres of activity, it shall notify the institution that it must adopt a francization program.

“134.2. Where a francization certificate is issued to the institution, the francization committee shall ensure that the use of French remains generalized in all the institution's spheres of activity according to the terms of section 130.

The francization committee shall also assess which of the institution's services must be provided in both French and English as well as the linguistic needs associated with the positions within the institution.

“134.3. The francization program of an institution governed by this division must pursue the objectives listed in section 130. The francization program shall be developed by the francization committee that also supervises its implementation.”

34. Section 135 of the Charter is replaced by the following:

“DIVISION I

“GENERAL PROVISIONS

“**135.** This chapter applies to all enterprises, including public utility enterprises and enterprises operating in an area of federal jurisdiction.

As of the time a division of this chapter applies to an enterprise, it continues to apply to the enterprise, despite any decrease in the number of persons in its employ, unless otherwise provided for by a regulation of the Government.

The Government may, by regulation, prescribe any rule for calculating the number of persons in the employ of an enterprise, making distinctions, where necessary, according to the sectors of activity or the characteristics of enterprises.

“**135.1.** So as to make French the normal and everyday language of work, an enterprise must, where necessary, adopt a francization program or francization measures.

“**135.2.** The Office shall provide support in the development and review of a francization program or francization measures.

“**135.3.** The employer shall disseminate the francization program or francization measures, as applicable, that are applied in the enterprise by posting signs or by any other means the employer considers appropriate to ensure their accessibility.

“**135.4.** The Minister of the French Language, Immigration and Integration may allocate financial assistance to an enterprise employing 25 or fewer persons for the implementation of a francization program or francization measures.”

35. The Charter is amended by inserting the following before section 136:

“DIVISION II

“ENTERPRISES EMPLOYING 50 OR MORE PERSONS”.

36. Section 136 of the Charter is amended by replacing “100” in the first paragraph by “50”.

37. Section 137.1 of the Charter is amended

(1) by inserting “, or take reprisals against or impose any other penalty on him,” after “transfer a worker” in the second paragraph;

(2) in the third paragraph,

(a) by replacing “Any” and “an action” by “Section 50 applies, with the necessary modifications, to any” and “a practice”, respectively;

(b) by striking out “may exercise the rights set out in the second or third paragraph of section 48, as the case may be”.

38. The Charter is amended by inserting the following before section 139:

“DIVISION III

“ENTREPRISES EMPLOYING 25 OR MORE PERSONS”.

39. Section 139 of the Charter is amended by replacing “50” in the first paragraph by “25”.

40. Section 141 of the Charter is amended by adding the following paragraph at the end:

“(10) the implementation of work schedules or other means to ensure that the consumer’s right to be informed and served in French is respected.”

41. Section 143 of the Charter is amended by replacing all occurrences of “100” in the third paragraph by “50”.

42. Section 151 of the Charter is amended, in the first paragraph,

(1) by replacing “50” by “25”;

(2) by replacing “responsible for the administration of this Act” by “of the French Language, Immigration and Integration”.

43. The Charter is amended by inserting the following after section 151:

“DIVISION IV

“COMPLIANCE WITH THE FRANCIZATION PROCESS, PENALTIES, EXEMPTIONS AND FORMS”.

44. The Charter is amended by inserting the following sections after section 151.1:

“152. The Office shall publish and keep up to date a list of enterprises with regard to which it has refused to issue an attestation, or whose attestation or certificate it has suspended or cancelled.

“152.1. The civil administration shall not enter into a contract with an enterprise to which Division II or III applies or grant it a subsidy where the enterprise does not have a certificate of registration, has not provided, within the time prescribed, an analysis of the language situation in the enterprise, or

has no attestation of implementation of a francization program or francization certificate, or if its name appears on the list provided for in section 152.”

45. The Charter is amended by inserting the following after section 156:

“CHAPTER VI

“LANGUAGE POLICIES OF MUNICIPAL BODIES

“156.1. The Minister may, by regulation, require any category of municipal body specified by the Minister to adopt a language policy in order to encourage the implementation of means for giving the French language a predominant place in their activities.

The regulation may, among other things, specify the time frame or deadline for the adoption of such a policy by the municipal bodies concerned. It may make any distinction or exemption considered appropriate to take special situations into account.

“156.2. In order to facilitate the implementation of such language policies and to standardize recommended practices for that purpose, the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) may develop a model language policy for municipal bodies.

The Office and the Minister shall provide support and cooperation in the development of a model policy and its dissemination to the municipal bodies concerned.

“156.3. A municipal body required to adopt a language policy may adopt as its own, with or without modifications, any model policy developed under section 156.2.

“156.4. In addition to specifying the means taken for generalizing the use of French and giving it a predominant place in a municipal body’s activities, the body’s language policy must emphasize the fact that French is the official language of Québec, the normal and everyday language used in the public sphere, and an essential instrument of social cohesion.

The language policy must, among other things, pertain to or include

(1) the body’s language of communication, that is, the language it uses in its texts and official documents and in any other communication;

(2) the language of contracts;

(3) the mechanisms planned for consultation during and participation in the development and review of the policy;

(4) the name of the person or committee responsible for the policy within the body, if not the highest-ranking officer; and

(5) the implementation and monitoring of the policy, specifying, among other things, the procedure for processing possible complaints relating to its application.

The language policy must specify the conditions on which and circumstances in which a language other than French may be used in accordance with this Act, while emphasizing the importance of setting an example and of preventing widespread institutional bilingualism.

The language policy of a municipal body recognized under section 29.1 shall take such recognition into account.

“156.5. A municipal body must make its language policy easily accessible to the public and its staff.

It must periodically review the measures in its language policy to verify their relevance and adapt them to, among other things, technological changes.

“156.6. On request, the Office shall provide support to a municipal body in the development and review of its language policy.

“156.7. A municipal body shall, on request, send its language policy and any policy changes to the Office.

“156.8. The Government may determine, by regulation, the obligations of municipal bodies regarding accountability in the application of their language policies. It may, among other things, determine the content and frequency of the report that may be required, and make any distinction, as regards the obligations it imposes, in order to take special situations into account.

“TITLE II.1

“MINISTER OF THE FRENCH LANGUAGE, IMMIGRATION AND INTEGRATION AND MINISTÈRE DE LA LANGUE FRANÇAISE, DE L’IMMIGRATION ET DE L’INTÉGRATION

“CHAPTER I

“RESPONSIBILITIES OF THE MINISTER

“156.9. The mission of the Minister of the French Language, Immigration and Integration is to promote, assert the value of and protect the French language and its status as well as to foster the establishment and maintenance of conditions that hold promise for the future of the French language.

The Minister of the French Language shall advise the Government on any matter relating to the Minister’s mission and refer to the Government any

intervention the Minister considers necessary for establishing or maintaining the above conditions.

“156.10. The Minister shall develop and propose to the Government his general policies defining Québec’s language planning and the actions of the Government, its departments and the other agencies of the civil administration as regards the French language. The Minister shall ensure cohesive action on the part of the civil administration in that regard as well as its compliance with the provisions of this Act in accordance with their true meaning, spirit and purpose. To that end, the Minister shall participate in the coordination of the measures implemented by the civil administration and must be consulted in the development of any ministerial measure or decision if such a measure or decision could impact the French language or its status; the Minister shall give an opinion on a measure or decision whenever the Minister considers it appropriate.

“156.11. In addition to the other functions this Act entrusts to the Minister, the latter’s functions include supporting and collaborating in the work carried out by the various government departments in relation to francization, in particular in the education sector and in the workplace. The Minister may also develop policies, programs and other measures for carrying out his mission. The Minister shall see to their implementation and coordinate their carrying out, monitoring and review. The Minister may also grant prizes or recognition to highlight outstanding contributions by persons or organizations with regard to language.

“156.12. The Minister shall, within the scope of his functions, promote knowledge, protection, enhancement and transmission of Québec’s francophone linguistic heritage. Québec’s francophone linguistic heritage is made up of all the knowledge about the French language in use at any given time in Québec that is stored on any type of medium. The knowledge thus stored on a medium is an element of that heritage.

“156.13. The mission of the Minister is also to develop and propose to the Government guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society in full equality and in keeping with the democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12). The Minister shall develop, among other things, a Québec policy on those matters.

The minister shall coordinate the implementation of those policy directions and policies and monitor them in order to ensure their relevance and effectiveness.

“156.14. The Minister’s functions in matters of immigration and ethnocultural diversity are, more particularly,

(1) to plan the number of immigrants Québec wishes to receive and the composition of that immigration;

(2) to ensure and coordinate, with the support of the departments and bodies concerned, the promotion of immigration to Québec and prospection for and recruitment of foreign nationals in foreign countries;

(3) to offer immigrants a personalized support pathway, in particular by providing them with support in their immigration process and steps to learn French and integrate, and by informing them about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12), the importance of the French language, Québec culture and the vitality of the regions;

(4) to select, as temporary or permanent immigrants, foreign nationals who are able to fully participate, in French, in particular through their integration into the labour market, in Québec society;

(5) to contribute, through the selection of foreign nationals as temporary or permanent immigrants, to the occupancy and vitality of the regions and to meeting Québec's needs, including current labour market needs, and reflecting Québec's choices, in light of economic, demographic, linguistic and sociocultural realities;

(6) to see that families are reunited, to participate in international solidarity efforts and to respond to other humanitarian situations;

(7) to coordinate, with the support of the departments and bodies concerned, the implementation of reception, francization and integration services for immigrants aimed, in particular, at their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms;

(8) to foster the commitment and coordinate the actions of the departments and bodies and of the other social actors concerned, including the municipalities, in order to build more inclusive communities that contribute to immigrants' long-term settlement in the regions, to promote immigrants' and ethnocultural minorities' full participation, in French, in community life, in full equality and in keeping with democratic values and the Québec values expressed by the Charter of human rights and freedoms, and to contribute, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society;

(9) to assess the contribution of immigration to Québec by monitoring immigrants' progress in order to be aware of the level of their knowledge of French as well as how they are integrating into the labour market, with a view to ensuring their full participation in Québec society;

(10) to promote the contribution of immigration to Québec's prosperity, to the preservation and vitality of French—the common language knowledge of

which is the key to successful participation in community life—and to the occupancy and vitality of the regions and to Québec’s international influence; and

(11) to coordinate and offer in-class, workplace and online French language learning services.

“156.15. The Minister is also responsible for the administration of the Acts assigned to the Minister, and shall assume any other responsibility the Government assigns to the Minister.

“156.16. In the exercise of his functions, the Minister may, in particular,

(1) require from the government departments and the agencies of the civil administration any assistance and information the Minister considers necessary;

(2) enter into agreements with any person, association, partnership or body;

(3) enter into agreements, in accordance with the law, with a government other than that of Québec or a department or body of such a government, or with an international organization or a body of such an organization;

(4) conduct or commission consultations, research, studies and analyses and publish them;

(5) grant, on the conditions the Minister sets, financial or technical assistance;

(6) intervene, on his own initiative and without notice, in any proceeding that could impact the status or use of French in Québec;

(7) take the necessary measures, in collaboration with the other ministers and the bodies concerned, to facilitate the recognition, in Québec, of qualifications acquired abroad, such as by accelerating the recognition process;

(8) establish comparisons between diplomas and education obtained abroad and those obtained within Québec’s education system; and

(9) collect from immigrants the information necessary

(a) to be aware of their progress, in particular as regards their level of knowledge of French, their integration into the labour market, and the obstacles to their full participation in Québec society;

(b) to develop and implement programs, guidelines and policies, monitor their relevance and effectiveness and assess them on an ongoing basis; and

(c) to put services in place for immigrants and assess their needs and satisfaction with respect to those services.

“CHAPTER II

“ORGANIZATION OF THE DEPARTMENT

“**156.17.** The Ministère de la Langue française, de l’Immigration et de l’Intégration is under the direction of the Minister of the French Language, Immigration and Integration.

“**156.18.** The Government shall appoint a Deputy Minister of the French Language, Immigration and Integration in accordance with the Public Service Act (chapter F-3.1.1).

“**156.19.** Under the Minister’s direction, the Deputy Minister shall administer the department.

In addition, the Deputy Minister shall exercise any other function assigned to him by the Government or the Minister.

“**156.20.** In the exercise of his functions, the Deputy Minister has the Minister’s authority.

“**156.21.** The Deputy Minister may, in writing and to the extent he specifies, delegate the exercise of his functions to a public servant or to the holder of a position. The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions he specifies; in such a case, he shall identify the public servant or holder of a position to whom they may be subdelegated.

“**156.22.** The personnel of the department shall consist in the public servants necessary for the exercise of the Minister’s functions; they shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Minister shall determine those public servants’ duties if they are not determined by law or by the Government.

“**156.23.** The Minister’s or Deputy Minister’s signature gives authority to any document emanating from the department.

No deed, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by him, the Deputy Minister, a member of the department’s personnel or the holder of a position but, in the latter two cases, only to the extent determined by regulation of the Minister.

“**156.24.** The Minister may, by regulation and on the conditions he determines, allow a signature to be affixed by means of an automatic device or of any other information technology-based process.

“**156.25.** A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 156.14, is authentic.

“156.26. An intelligible written transcription of a decision or any other data stored by the department in computerized or other electronic form is a document of the department and constitutes proof of its contents if certified by a person referred to in the second paragraph of section 156.23.

“156.27. The Minister shall table the department’s annual management report in the National Assembly; it shall be attached to the report on the carrying out of this Act.”

46. Section 160 of the Charter is repealed.

47. The Charter is amended by inserting the following section after section 163:

“163.1. The Office shall develop, and determine the conditions for obtaining, an insignia of good conduct that enterprises subject to and in compliance with the obligations regarding the francization of enterprises can obtain and publicly display.”

48. Section 165 of the Charter is amended by replacing “associate deputy minister responsible for the implementation of language policy” in the third paragraph by “Deputy Minister of the French Language, Immigration and Integration”.

49. Section 165.3 of the Charter is amended, in the second paragraph,

(1) by replacing “131” by “130.2”;

(2) by inserting “134.1,” after “133,”.

50. Division II of Chapter II.1 of Title III of the Charter is replaced by the following division:

“DIVISION II

“COMITÉ D’OFFICIALISATION LINGUISTIQUE

“165.11. A committee is hereby established within the Office under the name “Comité d’officialisation linguistique”.

On request or on its own initiative, the committee shall advise and submit proposals to the Office.

“165.12. The committee shall be composed of five members appointed by the Office as follows:

(1) a committee chair, chosen from among the members of the Office, for the unexpired portion of his term as a member of the Office;

(2) a secretary, chosen from among the staff of the Office, for a term not exceeding four years; and

(3) three persons who are neither members nor staff members of the Office, for a term not exceeding four years.

The committee shall include at least two specialists in French linguistics.

On the expiry of their term, committee members shall remain in office until replaced or reappointed.

“165.13. Committee members shall receive no remuneration, except in the cases, on the conditions and to the extent the Government may determine. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“165.14. The committee’s operating rules shall be determined by the internal by-laws of the Office.”

51. The Charter is amended by replacing Title III.1 and Title IV by the following:

“TITLE IV

“FRENCH LANGUAGE COMMISSIONER

“CHAPTER I

“APPOINTMENT

“166. The National Assembly shall appoint a French Language Commissioner on a motion of the Prime Minister and with the approval of two-thirds of its Members.

In the same manner, the National Assembly shall determine the remuneration, employee benefits and other conditions of employment of the Commissioner.

“167. The Commissioner is appointed for a non-renewable five-year term. At the expiry of the term, the Commissioner remains in office until replaced.

The Commissioner may resign at any time by giving written notice to the Minister. The Minister shall inform the President of the National Assembly without delay, in writing, of such a resignation.

The Commissioner may be dismissed only by a resolution of the Assembly approved by two thirds of its Members.

“168. Where the Commissioner is absent or unable to act, the Minister may appoint a person to act in that capacity for the duration of the absence or inability.

Where the position of Commissioner is vacant following a resignation or otherwise, the Minister may designate a person to act as interim commissioner for a period not exceeding 18 months.

“169. The head office of the Commissioner shall be located in Québec, at the place determined by the Government.

The address of the head office, as well as notice of any change of address, shall be published in the *Gazette officielle du Québec*.

“170. The staff of the Commissioner shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

“CHAPTER II

“MISSION AND FUNCTIONS

“171. The mission of the Commissioner is to advise the Minister of the French Language, Immigration and Integration on any matter relating to the French language in Québec.

In that capacity, the Commissioner shall

(1) monitor the language situation in Québec and report on it to the Minister every year, especially as regards the use and status of the French language and the behaviour and attitudes of the various linguistic groups;

(2) make recommendations to the Minister;

(3) advise the Minister on any matter the Minister submits to the Commissioner; and

(4) bring to the Minister’s attention any matter that, in the Commissioner’s opinion, requires the attention of the Government.

The Commissioner shall also

(1) receive complaints relating to the carrying out of this Act; and

(2) make inspections or investigations on the Commissioner’s own initiative or following a complaint.

“172. The Commissioner shall exercise his functions exclusively and on a full-time basis.

The Commissioner shall also exercise any other function assigned to him by law.

“173. In carrying out his mission, the Commissioner may

(1) receive and hear observations from persons or groups; and

(2) conduct or commission the studies and research the Commissioner considers necessary.

In addition, the Commissioner may inform the public on any matter relating to the French language in Québec.

“CHAPTER III

“COMPLAINTS, POWERS AND IMMUNITY

“174. Every complaint must be filed in writing; it must set out the grounds on which it is based and state the identity of the complainant. The Commissioner shall provide assistance to complainants in drawing up their complaints.

“175. The Commissioner shall refuse to act if the complaint is manifestly unfounded or in bad faith.

The Commissioner may refuse to act if an appropriate recourse is available to the complainant or if he considers that the circumstances do not justify the Commissioner’s intervention.

Where the Commissioner refuses to act, he shall inform the complainant of his decision, giving the reasons on which it is based. The Commissioner shall inform the complainant of the recourses available, if any.

“176. The Commissioner may designate, generally or specially, any person to make an inquiry or an investigation.

“177. The Commissioner has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Where necessary, the Commissioner may confer such powers and immunity on any person the Commissioner designates.

“178. No legal proceedings may be brought against the Commissioner or a person making an inspection or investigation for any act or omission in good faith in the exercise of his functions.

“179. Any person authorized to act under section 176 may, at any reasonable hour, for the purpose of verifying compliance with this Act and the regulations, visit any place where an activity governed by this Act is carried on.

The person must, on request, provide identification and show the operator of the place visited under this Title a certificate of authority.

“180. Within the scope of an inspection, a person acting under section 176 may

(1) examine any products or goods in the place visited and any thing used in relation to the labelling, display, promotion or sale of products or goods;

(2) verify whether signs are in compliance with requirements;

(3) require the production of any book, account, record, file or other document for examination or for the purpose of making copies or extracts if the person has reasonable grounds to believe that they contain information relating to the carrying out of this Act or the regulations; and

(4) take photographs of the place visited and the equipment, goods or products on the premises, or make recordings.

“181. The Commissioner may, for the purposes of this chapter, require any person to produce, within the time the Commissioner specifies, any relevant document or information.

“182. The operator of a place undergoing an inspection is required to give a person authorized to act under section 176 reasonable assistance in carrying out the inspection.

“183. During the course of an inspection, the person authorized to act as an inspector may seize any thing that the person has reasonable grounds to believe may be used as evidence of the commission of an offence under this Act or the regulations.

The rules established by Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to things seized.

“184. No person may hinder, in any way, the actions of the Commissioner or a person designated by the Commissioner when they are acting in the exercise of their functions, mislead the Commissioner or the person by withholding information or making false statements, or refuse to provide any information or document the Commissioner or the person is entitled to obtain.

“185. If the Commissioner is of the opinion that this Act or a regulation under this Act has been contravened, the Commissioner shall refer the matter to the Director of Criminal and Penal Prosecutions so that appropriate penal proceedings, where required, may be instituted.

“CHAPTER IV

“COMITÉ DE SUIVI DE LA SITUATION LINGUISTIQUE

“**186.** A committee is hereby established, under the authority of the Commissioner, under the name “Comité de suivi de la situation linguistique”.

On request or on its own initiative, the committee shall advise and submit proposals to the Commissioner.

“**187.** The committee shall be composed of five members appointed by the Commissioner as follows:

(1) a committee chair, chosen from among the Commissioner’s staff, for the unexpired portion of his term as a staff member;

(2) a secretary, chosen from among the members of the Commissioner’s staff, for a term not exceeding four years; and

(3) three persons who are not part of the Commissioner’s staff, for a term not exceeding four years.

The Comité de suivi de la situation linguistique shall include at least two specialists in demography or French sociolinguistics.

At the expiry of their term, committee members shall remain in office until replaced or reappointed.

“**188.** Committee members shall receive no remuneration except in the cases, on the conditions and to the extent the Government may determine. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“**189.** The committee’s operating rules shall be determined by the internal by-laws of the Commissioner.

“CHAPTER V

“ORGANIZATION

“**190.** The Commissioner shall prepare annual budgetary estimates and submit them to the Government, which shall approve them with or without modification.

“**191.** The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the Commissioner’s financial resources.

“192. Chapter III, Chapter IV with the exception of section 44, of the second and fourth paragraphs of section 45, of sections 46 and 53 and of the third paragraph of section 57, and section 73 of the Public Administration Act (chapter A-6.01) apply to the Commissioner.

“193. Not later than 31 August each year, the Commissioner shall submit a report to the Minister on the Commissioner’s activities for the preceding fiscal year.

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

“TITLE IV.1

“THE COMITÉ CONSULTATIF SUR LA CRÉATION D’UN CONSEIL QUÉBÉCOIS DE LA RADIODIFFUSION ET DES TÉLÉCOMMUNICATIONS

“194. An advisory committee is hereby established under the name “Comité consultatif sur la création d’un Conseil québécois de la radiodiffusion et des télécommunications”.

The advisory committee shall be composed of nine members, including a chair, appointed by the Government.

“195. The term of office of a member of the advisory committee shall not exceed four years.

At the expiry of their term, members of the advisory committee remain in office until reappointed or replaced.

“196. Advisory committee members shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“197. The advisory committee is responsible for advising the Minister of the French Language, Immigration and Integration on the creation of a Conseil québécois de la radiodiffusion et des télécommunications, whose functions will include regulating and monitoring the activities of broadcasting and telecommunication undertakings.

“198. The advisory committee may

(1) commission studies and research;

(2) solicit and receive observations and suggestions from persons or groups; and

(3) request from the Minister any available information necessary for the performance of its functions.

“199. The advisory committee must, not later than (*insert the date that is one year after the date of coming into force of this Act*), propose an action plan to the Minister for the creation of the Conseil québécois de la radiodiffusion et des télécommunications.

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

The action plan shall be studied by the competent committee of the National Assembly.”

52. The Charter is amended by inserting the following section before section 209:

“208.6. No provision of any Act, even subsequent to the Charter, may derogate from the sections of Title I and Chapters IV and V of Title II, except to the extent provided for in those sections, unless that Act expressly states that its provisions apply despite the Charter.”

53. Section 212 of the Charter is amended by striking out “and the staff of the Conseil supérieur de la langue française”.

54. The Charter is amended by inserting the following sections after section 213:

“213.1. This Act applies despite sections 1 to 38 of the Charter of human rights and freedoms (chapter C-12).

“214. This Act has effect notwithstanding sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

CHAPTER III

OTHER AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

55. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Conseil supérieur de la langue française”.

CHARTER OF VILLE DE LONGUEUIL

56. Section 12 of the Charter of Ville de Longueuil (chapter C-11.3) is amended, in the first paragraph,

(1) by replacing “pursuant to section 29.1” by “pursuant to section 29.3”;

(2) by inserting “or until the recognition is withdrawn by the operation of section 29.2 of the same Charter” after “that Charter”.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

57. Section 11 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended, in the second paragraph,

(1) by replacing “29.1” by “29.3”;

(2) by inserting “or until the recognition is withdrawn by the operation of section 29.2 of the same Charter” after “that Charter”.

CHARTER OF HUMAN RIGHTS AND FREEDOMS

58. The Charter of human rights and freedoms (chapter C-12) is amended by inserting the following section after section 3:

“3.1. Every person has a right to live and work in French in Québec to the extent provided for in the Charter of the French language (chapter C-11).

Every person who settles in Québec has a right to learn French and to benefit from reasonable measures to welcome him and to facilitate his integration into life in Québec.”

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

“Every person has a right to receive public education in French.”

EXECUTIVE POWER ACT

60. Section 4 of the Executive Power Act (chapter E-18) is amended by replacing paragraph 32 by the following paragraph:

“(32) a Minister of the French Language, Immigration and Integration.”

QUÉBEC IMMIGRATION ACT

61. Section 27 of the Québec Immigration Act (chapter I-0.2.1) is amended by adding the following paragraph at the end:

“Despite the first paragraph, a foreign national belonging to the economic class and the spouse or common-law partner accompanying him or her must have at least intermediate knowledge of French.”

62. The Act is amended by inserting the following section after section 60:

“60.0.1. The Minister shall develop in-class, workplace and online French language learning services.

The services are provided free of charge to immigrants.”

63. Section 92 of the Act is amended by inserting “, “Ministère de la Langue française, de l’Immigration et de l’Intégration”” in subparagraphs 1 and 2 of the first paragraph and after ““Ministère de l’Immigration, de la Diversité et de l’Inclusion””.

64. Section 129 of the Act is amended by replacing “Immigration, Diversity and Inclusiveness” by “the French Language, Immigration and Integration”.

ACT RESPECTING THE MINISTÈRE DE L’IMMIGRATION, DE LA DIVERSITÉ ET DE L’INCLUSION

65. The Act respecting the Ministère de l’Immigration, de la Diversité et de l’Inclusion (chapter M-16.1) is repealed.

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

66. The Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by inserting the following after section 15:

“CHAPTER II.1

“PROMOTING QUÉBEC CONTENT

“15.1. The Government shall establish the Bureau de la promotion du contenu québécois (the Office), whose mission is to promote Québec creations with enterprises that transmit or retransmit digital content online.

The Government shall appoint a director of the Office and determine the director’s salary and other conditions of employment.

The director of the Office shall direct the Office’s staff. The director shall perform his duties under the Deputy Minister’s authority.”

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

67. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) is amended by replacing “Immigration and Cultural Communities under the Act respecting the Ministère de l’Immigration, de la Diversité et de l’Inclusion (chapter M-16.1)” in paragraph *k* by “the French Language, Immigration and Integration under the Charter of the French language (chapter C-11)”.

GOVERNMENT DEPARTMENTS ACT

68. Section 1 of the Government Departments Act (chapter M-34) is amended by replacing paragraph 32 by the following paragraph:

“(32) the Ministère de la Langue française, de l’Immigration et de l’Intégration, presided over by the Minister of the French Language, Immigration and Integration;”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

69. Section 86.1 of the Act respecting municipal territorial organization (chapter O-9) is amended by replacing “applies” in paragraph 2 by “as well as section 29.2 of the Charter apply”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

70. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by striking out paragraph 12.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

71. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by striking out paragraph 13.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

72. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by replacing “the second paragraph of section 45, the second paragraph of section 46 and the third paragraph of section 137.1” by “section 50.3” in paragraph 1.

REGULATION RESPECTING THE LANGUAGE OF COMMERCE AND BUSINESS

73. Section 25 of the Regulation respecting the language of commerce and business (chapter C-11, r. 9) is amended by striking out paragraph 4.

74. Section 25.1 of the Regulation is amended

(1) by replacing “under paragraph 4 of section 25” in the first paragraph by “under the second paragraph of section 58.1 of the Charter of the French language”;

(2) by replacing “a sufficient presence” in the first paragraph by “a markedly predominant presence”.

75. Section 25.3 of the Regulation is amended by replacing “sufficient” in the first paragraph by “markedly predominant”.

COLLEGE EDUCATION REGULATIONS

76. Section 26 of the College Education Regulations (chapter C-29, r. 4) is replaced by the following section:

“26. The successful completion of a French uniform examination is a requirement for obtaining a diploma of college studies, regardless of the language of instruction.

In addition, in any other subject area included in the general education component provided for in section 7, the Minister may impose a uniform examination and make the passing of that examination a condition for obtaining the diploma of college studies.

All institutions shall see to the administration of any examination referred to in the first and second paragraphs.”

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

77. Section 45 of the Charter of the French language, as it read on (*insert the date preceding the date of coming into force of section 12 of this Act*), continues to apply to proceedings brought under that section until that date before the Administrative Labour Tribunal as well as to any grievance submitted to arbitration under that section until that date.

Section 46 of the Charter of the French language, as it read on (*insert the date preceding the date of coming into force of section 12 of this Act*), continues to apply to proceedings brought under that section until that date before the Administrative Labour Tribunal, to proceedings brought under that section following the failure of the mediation applied for to the Office under section 47 of that Charter until that date, and to any grievance submitted to arbitration under that section until that date.

78. Sections 47 to 47.2 of the Charter of the French language, as they read on (*insert the date preceding the date of coming into force of section 12 of this Act*), continue to apply to the mediation applied for to the Office under section 50.1 of that Charter until that date.

79. The initial review provided for in section 88.0.8 of the Charter of the French language, enacted by section 26, is to be carried out as follows:

(1) not later than (*insert the date that is eight months after the date of coming into force of this section*), each of the ministers must draw up a report on the measures available to enhance French proficiency that are suitable for the different categories of school clientele, in keeping with the characteristics of each category and with the types of institutions concerned; such measures may include amendments to the basic school regulations and college education regulations and changes to programs, courses, budgetary rules, evaluation methods or procedures for the certification of studies, as applicable;

(2) the report described in paragraph 1 must be submitted for comments, without delay, to the Minister responsible for the administration of the Charter of the French language and to the Conseil supérieur de l'éducation with a view to selecting the most appropriate measures to enhance French proficiency;

(3) within eight months after the report is submitted, the Ministers must each prepare and, in the case of regulatory amendments, publish in the *Gazette officielle du Québec* the proposed changes to the various measures with a view to implementing one or more of the avenues identified for enhancing proficiency in French;

(4) the initial review must be completed and the regulatory amendments enacted by the end of the year (*insert the year that is two years after the year of coming into force of this section*); and

(5) the amendments must be in force and applied in college-level institutions not later than the fall session of the year (*insert the year that is three years after the coming into force of this section*) and, in institutions dispensing preschool, primary and secondary instructional services, not later than 1 August of that year.

80. Every company to which section 139 of the Charter of the French Language, amended by section 39, applies on the date of coming into force of this Act, must register with the Office within six months after that date.

81. The processing of any complaint filed with the Office de la langue française before the coming into force of this section is continued by the French Language Commissioner.

82. The Conseil supérieur de la langue française is dissolved without other formalities than those prescribed by this Act.

Any reference to the Conseil supérieur de la langue française in an Act is struck out.

The French Language Commissioner acquires the rights and assumes the obligations of the Conseil supérieur de la langue française.

83. The assets of the Conseil supérieur de la langue française are transferred to the French Language Commissioner.

The employees of the Conseil supérieur de la langue française become, without other formalities, employees of the French Language Commissioner.

84. The records, archives and other documents of the Conseil supérieur de la langue française become records, archives and documents of the French Language Commissioner.

85. The records and other physical documents of the Ministère de l'Immigration, de la Diversité et de l'Inclusion are transferred to the Ministère de la Langue française, de l'Immigration et de l'Intégration. The same applies to the records and physical documents of the Ministère de la Justice that pertain to matters within the jurisdiction of the Minister of the French Language, Immigration and Integration.

86. Any proceeding to which the Minister of Immigration, Diversity and Inclusion is a party is continued by the Minister of the French Language, Immigration and Integration without continuance of suit.

Any proceeding relating to the French language or to any other matter devolved to the Minister of the French Language and to which the minister responsible for the Charter of the French language, the minister responsible for the application of the Charter of the French language or the minister responsible for the French language is a party is continued by the Minister of the French language, Immigration and Integration without continuance of suit.

87. The personnel members of the Ministère de l'Immigration, de la Diversité et de l'Inclusion, as well as the personnel members of the Ministère de la Justice assigned to the Secrétariat à la promotion et à la valorisation de la langue française, become personnel members of the Ministère de la Langue française, de l'Immigration et de l'Intégration.

88. Unless the context indicates otherwise and with the necessary modifications, in any other Act, regulation or other document:

(1) a reference to the Minister or Deputy Minister of Immigration and Cultural Communities or to the Ministère de l'Immigration et des Communautés culturelles is a reference to the Minister or Deputy Minister of the French Language, Immigration and Integration or to the Ministère de la Langue française, de l'Immigration et de l'Intégration, respectively;

(2) a reference to the Minister or Deputy Minister of Immigration, Diversity and Inclusion or to the Ministère de l'Immigration, de la Diversité et de l'Inclusion is a reference to the Minister or Deputy Minister of the French Language, Immigration and Integration or to the Ministère de la Langue française, de l'Immigration et de l'Intégration, respectively;

(3) a reference to the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-30.01) or one of its provisions is a reference to the Charter of the French language or its corresponding provision.

89. The Government may, by regulation, prescribe any other consequential or transitional provision necessary for the carrying out of this Act.

Such a regulation is not subject to the publication requirement or the time limit for its coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1) and may, once published and if it so provides, apply from any date not prior to (*insert the date of coming into force of this Act*).

90. This Act comes into force on (*insert the date that is 30 days after the date of assent to this Act*), except:

(1) sections 6 and 8, section 13 insofar as it enacts sections 41 and 42 and the second paragraph of section 44 of the Charter of the French language, and section 62, which come into force on (*insert the date that is six months after the date of assent to this Act*);

(2) sections 20, 28 to 36, 38 to 46, 48 to 51, 53, 55, 63 to 68, 70, 71, 79 and 81 to 88, which come into force on (*insert the date that is one year after the date of assent to this Act*);

(3) sections 19, 24 to 26 and 76, which come into force as of the 2022–2023 school year; and

(4) sections 15, 16 and 73 to 75, which come into force on (*insert the date that is 18 months after the date of assent to this Act*).

