



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 14

**An Act to amend the Charter of the
French language, the Charter of human
rights and freedoms and other legislative
provisions**

Introduction

**Introduced by
Madam Diane De Courcy
Minister responsible for the Charter of the French
language**

**Québec Official Publisher
2012**

EXPLANATORY NOTES

This bill proposes various amendments concerning French, the official language of Québec.

First, amendments are made to the Charter of the French language. The role of the Minister responsible for the administration of the Charter is specified and new measures providing for the protection and bolstering of French by the civil administration, enterprises, municipalities, universities and colleges.

Amendments are introduced to promote the rights recognized under the Charter relating to language of work and of the service sector.

Other amendments seek to reinforce the learning of French among the various educational clienteles and to discourage the circumvention of the measures provided for in the Charter regarding the language of instruction.

The provisions governing the powers of inspection and other provisions that have become outdated or unsuitable are updated.

In addition, the Charter of human rights and freedoms is amended to enshrine new language rights.

The bill also contains a number of amending provisions for concordance, and others designed to complete the new provisions regarding the protection and bolstering of French, including in the areas of childcare and immigration.

Lastly, the bill contains transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Charter of the French language (chapter C-11);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal (chapter C-11.4);

- Charter of human rights and freedoms (chapter C-12);
- Professional Code (chapter C-26);
- Labour Code (chapter C-27);
- Act to promote workforce skills development and recognition (chapter D-8.3);
- Act respecting immigration to Québec (chapter I-0.2);
- Act respecting the Ministère de l’Immigration et des Communautés culturelles (chapter M-16.1);
- Act respecting labour standards (chapter N-1.1);
- Educational Childcare Act (chapter S-4.1.1).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily (chapter C-11, r. 7).

ORDER IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 850-2001 dated 4 July 2001, concerning the amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont, Ville de Bromptonville and the municipalities of Ascot and Deauville.

Bill 14

AN ACT TO AMEND THE CHARTER OF THE FRENCH LANGUAGE, THE CHARTER OF HUMAN RIGHTS AND FREEDOMS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF THE FRENCH LANGUAGE

1. The preamble of the Charter of the French language (chapter C-11) is amended

(1) by inserting the following after “language assured,” in the second paragraph: “acknowledges that a common language constitutes a strong vector for social cohesion in a diversified society, conducive to developing that society and maintaining harmonious relations among its various components,”;

(2) by replacing “the ethnic minorities” in the third paragraph by “cultural communities”.

2. Section 1 of the Charter is amended by adding the following paragraph at the end:

“It constitutes the foundation of Québec’s identity and of a distinct culture that is open to the world.”

3. The Charter is amended by inserting the following chapter after section 1:

“CHAPTER I.1

“ROLE OF THE CIVIL ADMINISTRATION AND THE MINISTER

1.1. In accordance with the provisions of this Act, the Government, its departments and the other agencies of the civil administration shall play an exemplary role in language matters, according to their respective powers and functions and in keeping with the specific context in which they operate,

(1) by making French the normal and everyday language in which they address others and are addressed; and

(2) by making sure that it is possible for all who so desire to live in French in Québec and that French is the language used in the public sphere.

“1.2. The Government shall designate the Minister responsible for the administration of this Act.

The Minister is responsible for advising the Government on language matters, and determining and proposing any appropriate measures relating to language planning and policy.

The functions of the Minister include

(1) promoting the use and quality of French within the civil administration and throughout society, including through grants and other types of assistance, while favouring consultation and cohesion to harmonize the different interventions in this area;

(2) developing and proposing to the Government language policies applicable to the civil administration and, in cooperation with the Office québécois de la langue française, ensuring their implementation and coordinating their execution, follow-up and review;

(3) providing support to and collaborating with the various departments and agencies of the civil administration in the francization of various clientele, in particular in schools and the workplace;

(4) analyzing language-planning experiences elsewhere in the world and enhancing knowledge of the status of the French language in Québec and the rest of the French-speaking world;

(5) providing expertise to and cooperating with the various players in government and civil society with a view to achieving goals in terms of the perpetuity, vitality and quality of French in Québec;

(6) raising the profile of the French language in the various spheres of activity in Québec society, so that it is used and respected in the business sector, in the workplace, in teaching and research environments, in cultural industries and in international institutions;

(7) holding the consultations the Minister considers appropriate on the policies and measures envisaged in order to make informed decisions and encourage the participation of interested groups and the public;

(8) keeping a register of the bodies recognized under section 29.1 that specifies for each body the date of recognition and, if applicable, the date of the withdrawal of such recognition; and

(9) carrying out any other mandate determined by the Government.

“1.3. As part of the Minister’s functions, the Minister may make an agreement with any person and, in accordance with the applicable legislative provisions, with a government other than that of Québec, a department or

agency of such a government, an international organization or an agency of such an organization.

The Minister may inquire personally or authorize in writing any competent person to inquire, in the Minister's place, into any matter related to the Minister's functions.

For the purposes of such an inquiry, the Minister or the authorized person has all the powers set out in sections 9, 10 and 11 of the Act respecting public inquiry commissions (chapter C-37), except the authority to impose a term of imprisonment.

“1.4. The Government shall appoint, in accordance with the Public Service Act (chapter F-3.1.1), an Associate Deputy Minister responsible for the implementation of language policy. The Associate Deputy Minister exercises any function assigned to the Associate Deputy Minister by the Minister or the Government.

“1.5. The Minister may, in writing and to the extent the Minister indicates, delegate the exercise of the Minister's functions to a public servant or to the holder of a position.

The Minister may, in the instrument of delegation, authorize the subdelegation of the functions the Minister specifies, and, in such a case, the Minister shall identify the public servant or holder of a position to whom the functions may be subdelegated.

“1.6. When solicited by the Minister, the government departments and other agencies of the civil administration shall lend their assistance to the Minister in linguistic matters in the areas that fall within their jurisdiction. They shall provide to the Minister the information required to obtain a better assessment of the linguistic situation and to develop, monitor and review policies and programs.

“1.7. The Minister shall table an annual activity report in the National Assembly within six months of the end of the financial year or, if the Assembly is not sitting, within 30 days of resumption.”

4. Section 2 of the Charter is amended

- (1) by striking out “the health services and social services,”;
- (2) by adding the following paragraph at the end:

“The various agencies of the civil administration, the public utility enterprises and the professional orders covered by this Act are listed in the schedule.”

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 attended instruction that enables the person to acquire the French skills needed to interact and flourish in Québec society, and participate in its development.”

6. Section 16 of the Charter is amended by replacing “established” by “and partnerships established”.

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

“18.1. If the documents that may be required under the applicable legislative provisions to establish entitlement to a licence or a similar type of authorization, a grant or another type of assistance, an indemnity, a benefit or another advantage awarded by the civil administration are not provided in French, the applicant shall, at the request of the civil administration, provide a French version of any document specified within the period indicated. If the applicant fails to do so, the civil administration may have the document translated into French at the applicant’s expense.

The same rule applies to any report or document that must be sent to the civil administration under legislative or regulatory measures for the purpose of following up or monitoring regulated activities.

If the applicant considers that the request sets an excessively short deadline or imposes a disproportionately heavy burden, the applicant may apply for a review of the request to the highest authority of the department or agency concerned.”

8. 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 in the official language.

Such contracts and related documents may be drawn up in another language if the contracts are entered into with a natural person who is not resident in Québec or with a legal person or a partnership that has no establishment in Québec, and the other contracting party is not required to register in the enterprise register for the purpose of performing the contracts.”

9. Section 22 of the Charter is amended by replacing the third paragraph by the following paragraph:

“The Government may determine by regulation the other cases, conditions or circumstances in which the civil administration may use French and another language on signs and posters.”

10. Section 27 of the Charter is replaced by the following section:

“27. In the health services and social services, if documents filed in clinical records are not in French, the institution concerned, at the request of any person authorized to obtain such a document, shall prepare free of charge a French summary of the file or a French version of the document or documents specified.

If the situation requires greater dispatch, the person authorized to obtain the documents may also require a quick rundown of their content in French.”

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. Every 10 years following the recognition of a municipal body under subparagraph 1 or 2 of the second paragraph of section 29.1, the Office shall evaluate whether the conditions justifying the recognition have been maintained, and shall send a written status report to the Minister and the body concerned.

The evaluation must be based on the information relating to language in the most recent census taken in accordance with Canadian statistics legislation. If, at the time of the first evaluation, the publication of that data was more than two years old, the evaluation is postponed until the year that follows the publication of the subsequent census. Subsequent evaluations are postponed accordingly.

Unless otherwise provided by law, the Office may also be required to perform such an evaluation, at the Minister’s request, in anticipation of or following a major restructuring of the body, such as a merger or an integration involving the recognized body and another body that does not have such recognition.

“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.

“29.4. The Government may also, upon the filing of a status report by the Office under section 29.2, on the Minister’s recommendation and when the body concerned no longer satisfies the conditions that justified its recognition, withdraw such recognition if it considers it appropriate in light of all the circumstances.

Elements that may be considered for that purpose include the historical presence of an English-speaking community receiving services from the recognized body or the significant involvement of members of such a community within that body.

No decision to withdraw the recognition of a body may be made without the Office and the body having been invited by the Minister to submit their observations. They must be allowed at least 45 days to do so.”

13. Section 35 of the Charter is amended

(1) by replacing subparagraph 3 of the second paragraph by the following subparagraphs:

“(3) he holds a college diploma issued only upon the successful completion of any prescribed French courses; or

“(4) in the case of a profession which requires that level of schooling, he holds a secondary school diploma issued only upon the successful completion of any prescribed French courses.”;

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

“The Government may also specify, by regulation, the secondary school level and college level French courses the successful completion of which establishes a presumption of appropriate knowledge of the official language for the purposes of subparagraphs 3 and 4 of the second paragraph. It may for that purpose apply any requirement it considers appropriate, including the number of courses, the type of program or the number of hours of instruction. The requirements may vary, among other things, according to the profession.”

14. Section 36 of the Charter is amended by replacing “every person enrolled in an educational institution that issues such diploma” by “any person enrolled in an educational institution in a training program leading to the diploma”.

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

“37. The professional orders may issue temporary permits valid for not more than one year to persons who, elsewhere than in Québec, either were admitted to a profession, or acquired training or obtained a diploma allowing them to be declared qualified to practise their profession in Québec, but whose knowledge of the official language does not meet the requirements of section 35.

They may, subject to the same conditions, issue temporary permits to persons who obtained a diploma from an educational institution in Québec and, during all or part of those studies, were temporary residents in Québec as foreign students.”

16. Section 39 of the Charter is repealed.

17. Section 40 of the Charter is amended

(1) by replacing “of the Office québécois de la langue française” in the first paragraph by “of the Minister”;

(2) by adding the following sentence at the end of the first paragraph: “The permit is subject to the duration and other conditions fixed by the Minister upon authorizing its issue.”;

(3) by replacing the second paragraph by the following paragraphs:

“In such a case, a permit may be issued to the person’s spouse as well, subject to the duration and the conditions fixed by the Minister.

The Minister shall indicate, in the Minister’s annual activity report, the number of permits that were authorized to be issued under this section.”

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

“**40.1.** Applications for authorization to issue or renew a permit under section 38 or 40 must include a status report and a recommendation by the professional order concerned as to whether authorization should be given.

“**40.2.** The provisions of sections 37 and 38 that apply to permits issued by a professional order apply, with the necessary modifications, to the renewal of a special authorization issued by a professional order under section 42.4 of the Professional Code (chapter C-26) that would authorize a person to engage in professional activities for a continuous period exceeding one year.

“**40.3.** In determining their membership requirements and professional development programs, the professional orders may consider their members’ need for upgrading of their knowledge of French.

They may recognize French-language development programs as part of their professional development training.”

19. 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 to staff;

(2) publish job or promotion offers in French;

(3) make job application forms available in French;

(4) sign 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 staff policies and procedures, any other document stating the workers’ rights and obligations, and the instructions

required for the performance of work, including those regarding hygiene and safety.

“42. Any employer described 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 shall make available on the Minister’s website a model sign that employers can reproduce to comply with this section.

“43. A job offer regarding employment in the civil administration, or in a semipublic agency or an enterprise to which Division II, III or IV of Chapter V of Title II applies, that is published by the employer in a daily newspaper published in a language other than French must be simultaneously published in a daily newspaper in French, in a format that is at least equivalent.

“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.

If not already drafted in French, any other group agreement relating to conditions of employment, conditions of remuneration or compensation for services and negotiated by an association or group that is recognized under an Act must also be available in French upon its signature.

“45. An arbitration award following the arbitration of a grievance or dispute regarding the negotiation, renewal or review of a collective agreement or a group agreement shall, at the request of one of the parties, be translated into French or English, as the case may be, at the parties’ expense.

“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 relating to that position; the employer must subsequently review such needs periodically.

The evaluation must consider, 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 requiring that a person have knowledge of or a specific level of knowledge of a language other than French unless the nature of the person’s duties with the employer requires such knowledge.

The same prohibition applies for the purposes of hiring, transfers and promotions.

“48. 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 French, demanding the right to work in French or having asserted a right arising from the provisions of this chapter.

The employer must take reasonable steps to prevent this type of behaviour and, on learning of such behaviour, to put a stop to it.

“49. An employer is prohibited from dismissing, laying off, demoting or transferring a person, or taking reprisals or imposing any other sanctions on a 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. Any person who feels aggrieved by a contravention by an employer of section 47, 48 or 49 may file a complaint with the Commission des normes du travail under section 123 of the Act respecting labour standards (chapter N-1.1), unless the person is covered by a collective agreement or group agreement that provides for arbitration.

“50.1. In accordance with sections 123 to 123.5 of the Act respecting labour standards, with the necessary modifications, the Commission, with the agreement of the parties, may appoint a person to settle the complaint to the satisfaction of the parties. If a settlement is not reached, the Commission shall refer the complaint without delay to the Commission des relations du travail.

The Commission des normes du travail may represent a complainant who is not part of an association accredited under the Labour Code or of an association or group that is recognized under another Act.

“50.2. It is incumbent upon the employer to prove to the Commission des relations du travail or to the arbitrator that the evaluation, conducted under section 46, of the actual linguistic needs relating to the position revealed that the required knowledge, or required specific level of knowledge, of a language other than French was justified.

“50.3. The Commission des relations du travail or the arbitrator may, in accordance with section 118 of the Labour Code, render any decision the Commission or the arbitrator considers appropriate, including an order to stop the undesirable behaviour, to perform an act or to pay an indemnity or punitive damages.

“50.4. 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 by this chapter shall not be considered a defect of form within the meaning of section 151 of the Labour Code.

“50.5. An association accredited under the Labour Code or an association or group recognized under another Act shall use the official language in written communications with its members. It may use the language of an individual member in its correspondence 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.

“50.6. An association or group referred to in section 50.5 shall, on demand, provide to a member a French version of its constitution and financial statements. The same rule applies to the parity committee, with the necessary modifications.

“50.7. The provisions of sections 41 to 50.2 and 50.4, with the necessary modifications, are deemed an integral part of every collective agreement. In the event of the contravention of any of those provisions, a person covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to the person under the agreement.

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

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

“50.8. An enterprise that sells goods or services or makes goods or services otherwise available to the public shall take reasonable steps to ensure that the consumer’s right under section 5 to be informed and served in French is respected.”

21. Section 52 of the Charter is amended by inserting “and be available in sufficient number to meet the demand” after “drawn up in French”.

22. Section 57 of the Charter is amended by replacing “Application forms for employment, order forms” by “Order forms”.

23. Section 71 of the Charter is replaced by the following section:

“71. A non-profit organization devoted exclusively to the cultural development or the defense of the distinctive interests of a cultural community may adopt a name in the language of that community, provided that it adds a French version to the name.”

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

“§1.—Principle of instruction in French and exceptions”.

25. The Charter is amended by inserting the following section after section 73:

“73.0.1. For the purposes of section 73, no account shall be taken of instruction in English received in the context of the illegal attendance of a school. The same rule applies to instruction in English received as a result of trickery, deception or a temporary artificial situation the sole purpose of which is to circumvent the provisions of this Act.”

26. Section 73.1 of the Charter is amended by adding the following paragraph at the end:

“Despite any provision to the contrary in a regulation enacted under this section, no points may be given, in applying that regulation, for instruction received in any context of illegality or circumvention referred to in section 73.0.1.”

27. Section 76 of the Charter is replaced by the following sections:

“76. Barring particular circumstances, the persons designated by the Minister of Education, Recreation and Sports under section 75 shall verify the eligibility of a child to receive instruction in English when the child is to begin receiving instruction in that language.

They may declare eligible to receive instruction in English a child who is already receiving or is to begin receiving instruction in French.

“76.0.1. Despite paragraph 1 of section 73, the designated persons may declare eligible to receive instruction in English a child whose father or mother received elementary instruction in French, provided that parent could have been declared eligible to receive elementary instruction in English, at his or her own parents’ request, under the same paragraph as it read at the time.”

28. Sections 76.1 and 83.4 of the Charter are amended by replacing “76” by “76.0.1”.

29. Section 84 of the Charter is repealed.

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

“§2. — Official language proficiency requirements for the certification of studies

“88.0.1. 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 designed to make them sufficiently proficient in French upon completing their education to interact and flourish in Québec society, and participate in its development.

“88.0.2. 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.

“88.0.3. 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.

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

“88.0.5. Each of the Ministers must periodically, at least every five years, review the various basic school regulations, programs, rules and directives under the Minister’s responsibility to evaluate the possibility and timeliness of further enhancing the training provided to enable students to become highly proficient in French.

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

“88.0.6. In the month following the coming into force of this subdivision, an initial review must be performed by each of the Ministers regarding French instruction in educational institutions that provide instruction in English.”

31. The Charter is amended by inserting the following section after section 88.1:

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

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

32. Section 88.2 of the Charter is amended by replacing subparagraph 5 of the first paragraph by the following:

“(5) the implementation and monitoring of the policy, specifying the procedure for processing complaints relating to its application;

“(6) the person or committee responsible for the policy within the body, if not the highest-ranking officer;

“(7) mechanisms for consulting and involving the institution’s staff and students in developing and reviewing the policy and in preparing the report on its application.

The language policy shall specify the conditions 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.”

33. The Charter is amended by inserting the following section after section 88.2:

“88.2.1. In addition to the provisions of subparagraphs 5 to 7 of the first paragraph of section 88.2, in the case of an institution that provides college or university instruction in English to the majority of its students, the language policy must pertain to

(1) the proficiency in French required of students domiciled in Québec upon the completion of their studies, depending on the program;

(2) the language of the written communications of the institution’s administration with the civil administration and with legal persons and partnerships established in Québec; and

(3) in the case of a college with a limited admissions capacity, the selection criteria and priorities that may be established to serve the English-speaking clientele for which the Government established the institution.”

34. 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 its students.

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

“88.6. Before (*insert the date occurring two years after the date of coming into force of this section*) and afterward every three years, an educational institution must send the Minister a report on the application of the various measures in its language policy. The educational institution must send the Minister any additional information that the Minister requires concerning the application of the policy.

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

35. Section 98 of the Charter is repealed.

36. The Charter is amended by inserting the following section after section 128:

“**128.1.** The Commission must provide the Minister with any information the Minister requires regarding its activities, within the period and in the form indicated by the Minister.”

37. 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 various domains of the agency, at all levels, 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 account of

- (1) the sector of activity of the agency;
- (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 relations of the agency with foreign countries; and
- (4) the agency’s recognition under section 29.1, if applicable.

“**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 that an agency review its francization program at the frequency the Office specifies. In that case, the Office may require the agency to submit a report within the period the Office determines.”

38. 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.

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, through the posting of signs and any other method the employer considers appropriate, publicize the francization program and francization measures that are applied in the enterprise.

The employer must also publicize the name of the person responsible for francization within the enterprise as well as the complaints-processing mechanism.

“135.4. The information, linguistic situation analyses and reports required under this chapter must be submitted to the Office on the forms it provides.”

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

“DIVISION II

“ENTERPRISES EMPLOYING 100 OR MORE PERSONS”.

40. Section 136 of the Charter is amended by replacing “Enterprises” by “Subject to section 138.2 and in addition to the provisions of Division III, enterprises”.

41. Section 137.1 of the Charter is amended by replacing the third paragraph by the following paragraph:

“Any worker not covered by a collective agreement who feels aggrieved by an action that is prohibited by the second paragraph may exercise the recourse provided for in section 50.”

42. The Charter is amended by inserting the following section after section 138.1:

“138.2. Despite this division, the enterprise may, with the approval of the Office, establish a mechanism for consulting and involving its staff as a substitute for a francization committee.

If workers within the enterprise are represented by an association, the enterprise must include the association’s opinion on the alternative mechanism in its application for approval.”

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

“DIVISION III

“ENTERPRISES EMPLOYING 50 OR MORE PERSONS”.

44. 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.”

45. Sections 151 and 151.1 of the Charter are replaced by the following:

“DIVISION IV

“ENTERPRISES EMPLOYING BETWEEN 26 AND 49 PERSONS

“151. An enterprise that employs between 26 and 49 persons and that maintains that number for more than six months during two consecutive years is governed by this division.

“151.1. An enterprise must verify its mode of operation and, taking into account its specific circumstances, must pursue the following objectives:

- (1) making French the normal and everyday language of work; and
- (2) in the case of an enterprise that sells goods or services or makes goods or services otherwise available to the public, ensuring that the consumer’s right under section 5 is respected.

“151.2. If correctives would help an enterprise to better achieve the objectives set out in section 151.1, the enterprise must implement francization measures which, based on the analysis made and the problems identified, shall pertain to one or more of the following:

- (1) the list of positions that require knowledge of a language other than French, specifying the date of the evaluation and the level of knowledge required for each;
- (2) the transfer and promotion policy;
- (3) the use of French in meetings and internal communications;
- (4) the training the persons in its employ need because of the implementation by the enterprise of changes to enable them to work in French, including training relating to new software or other work tools;
- (5) the complaints-processing mechanism within the enterprise and the name of the person responsible for francization, as provided for in section 135.3; and
- (6) any other means taken by the enterprise to make French the normal and everyday language of work.

“151.3. If an enterprise conducts business described in paragraph 2 of section 151.1, it must implement further francization measures that pertain to any of the following, as applicable:

- (1) the implementation of work schedules or other means to ensure that persons are present during usual business hours to offer consumers quality information and service in the official language;
- (2) the evaluation of the level of knowledge of French of the persons in its employ and the related training needs to ensure that quality information and service are offered;
- (3) the use of French in communications with customers, whatever the medium used;

(4) the means of supplying French-language folders, catalogues and other documents in sufficient number to satisfy the needs of the French-speaking clientele, as required by section 52.

“151.4. In order to help the enterprises concerned meet their obligations under this division and to adapt requirements to their sector of activity, specialized business associations, sectoral workforce committees or any other similar body may, according to their specific mandate, develop model francization measures.

These associations, sectoral committees and similar bodies may request the support of the Office in the development of such model measures.

“151.5. At the request of the Office, an enterprise described in section 151 shall report to the Office on the soundness of the analysis of its linguistic situation, the relevance of the francization measures identified, their implementation and the related follow-up within the enterprise.

“151.6. The Government may, by regulation, determine as of what date or according to what timetable and, where necessary, with what modifications one or more provisions of section 141 apply to all or some of the enterprises governed by this division. The obligations may vary, among other things, according to the sector of activity or the payroll of the enterprise.

“DIVISION V

“OTHER PROVISIONS

“151.7. Every enterprise that fails to comply with the obligations imposed by any of sections 136 to 146 and 151 to 151.6 with regard to the francization process applicable to it commits an offence and is liable to the penalties provided for in section 205.”

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

“CHAPTER VI

“LANGUAGE POLICIES OF MUNICIPAL BODIES

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

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

“156.2. In order to facilitate the adoption of such language policies and standardize recommended practices to that effect, 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 such a model policy and its communication to the municipal bodies concerned.

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

“156.4. In addition to determining measures to generalize the use of French and give it a predominant place in the activities of the municipal body, the language policy of a municipal body must underline 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 language of communication of the body, 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 consulting and involving staff 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 the procedure for processing possible complaints relating to its application.

The language policy shall specify the conditions 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, among other things, to 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 send its language policy and any policy changes to the Office, on request.

“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.”

47. Section 160 of the Charter is replaced by the following section:

“160. The Office shall monitor the linguistic situation in Québec, especially as regards the use and status of the French language and the behaviour and attitudes of the various linguistic groups. It shall render an account of its observations, at least every five years, in a report to the Minister. The report may include recommendations.”

48. The Charter is amended by inserting the following sections after section 161:

“161.1. The Office shall give its opinion to the Minister on any matter the Minister submits to it. It shall provide the Minister with any information the Minister requires regarding its activities, within the period and in the form indicated by the Minister.

“161.2. In carrying out its mission, the Office may receive and hear observations from individuals or groups. In addition, it may inform the public on any matter pertaining to the French language in Québec.”

49. The Charter is amended by inserting the following section after section 164:

“164.1. The Government, its departments and the other agencies of the civil administration shall provide assistance to the Office in the areas under their jurisdiction.

On request, they shall communicate, among other things, any information it requires to monitor the linguistic situation.”

50. Section 166 of the Charter is replaced by the following section:

“166. The Office may designate any person, generally or specially, to make an inquiry or an inspection.”

51. Sections 174 and 175 of the Charter are replaced by the following sections:

“174. A person authorized to act under section 166 may, at any reasonable time, for the purpose of ascertaining 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, identify himself or herself and show the operator of the place visited for the purposes of this Title a certificate of capacity.

“175. As part of an inspection, a person acting under section 166 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) take measurements;

(4) 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

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

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

“175.2. The operator of a place undergoing an inspection is required to give the person authorized to act under section 166 reasonable assistance in carrying out the inspection.

“175.3. During the course of an inspection, the person authorized to act as an inspector may seize any thing which he or she believes on reasonable grounds may prove 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.”

52. Section 177 of the Charter is replaced by the following section:

“177. If the Office is of the opinion that this Act or a regulation under this Act has been contravened, it shall refer the matter to the Director of Criminal

and Penal Prosecutions so that appropriate penal proceedings may be instituted where required.”

53. Section 205 of the Charter is amended by replacing “in the case of a legal person” in subparagraph *b* of the first paragraph by “in all other cases”.

54. Section 212 of the Charter is repealed.

55. The schedule to the Charter is amended by inserting the following paragraph at the end of paragraph 2 of Section A:

“For the purposes of the first paragraph, any person appointed or designated by the Government or by a Minister, together with the personnel directed by that person, in the exercise of the functions assigned to the person by law, the Government or the Minister is considered to be an agency.”

CHARTER OF HUMAN RIGHTS AND FREEDOMS

56. The preamble to the Charter of human rights and freedoms (chapter C-12) is amended

(1) by inserting the following paragraph after the third paragraph:

“Whereas French is the official language of Québec and is a fundamental factor of its social cohesion;”;

(2) by striking out “and from the common well-being” in the fourth paragraph;

(3) by inserting the following paragraph after the fourth paragraph:

“Whereas rights and freedoms must be exercised in keeping with public order, the general well-being and the values of Québec society, including its attachment to democratic principles, the importance of its common language and the right to live and work in French;”.

57. The Charter 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.”

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

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

CHARTER OF VILLE DE LONGUEUIL

59. Section 12 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by striking out the second sentence of the first paragraph.

CHARTER OF VILLE DE MONTRÉAL

60. Section 11 of the Charter of Ville de Montréal (chapter C-11.4) is amended by striking out the second paragraph.

PROFESSIONAL CODE

61. Section 42.4 of the Professional Code (chapter C-26) is amended by adding “, subject to section 40.2 of the Charter of the French language” at the end of the second paragraph.

62. Section 113 of the Code is amended by inserting “, including training or a course to enhance French language skills, if necessary, in view of sections 30 and 35 of the Charter of the French language” after “refresher course” in the first sentence.

LABOUR CODE

63. Schedule I to the Labour Code (chapter C-27) is amended by striking out paragraph 1.

ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

64. Section 44.6 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by adding the following sentence at the end: “Such needs may include a particular training need following the implementation of changes made by the enterprise to various work tools in order to enable employees to work in French.”

ACT RESPECTING IMMIGRATION TO QUÉBEC

65. The Act respecting immigration to Québec (chapter I-0.2) is amended by inserting the following section after section 1:

“1.1. The purpose of this Act is to contribute, through permanent and temporary immigration, to the enrichment of Québec’s sociocultural heritage, to economic prosperity and demographic dynamism, to the vitality of French, Québec’s official language, and to Québec’s openness and influence outside its borders.

This Act is designed to facilitate the reuniting, in Québec, of Canadian citizens and permanent residents with close relatives who are foreign nationals,

and to ensure Québec's participation in international solidarity efforts with respect to refugees and other persons in a particularly distressful situation.

The Act is also intended to foster the francization and economic, social and cultural integration of immigrants, considering that these responsibilities are shared by immigrants and their host society, and to promote the common values of Québec society among immigrants."

66. Section 3 of the Act is repealed.

67. Section 3.0.0.1 of the Act is amended by striking out “, having regard to government policy concerning immigrants and foreign nationals,”.

68. Section 3.0.1 of the Act is replaced by the following section:

“3.0.1. The Minister shall establish an annual immigration plan, having regard to multi-year policy directions.”

69. Sections 3.2.3 to 3.2.6 of the Act are replaced by the following sections:

“3.2.3. The Minister shall develop reception, francization and economic, social and cultural integration programs for immigrants.

Within the framework of these programs, the Minister shall establish and implement reception, francization and economic, social and cultural integration services for immigrants.

“3.2.4. The Minister may allocate financial assistance to immigrants receiving reception, francization or integration services.”

70. Section 3.3 of the Act is amended by striking out paragraph *h*.

71. Section 12.3 of the Act is amended by replacing paragraphs *b* and *c* by the following paragraphs:

“(b) for reception, francization or economic or social integration services;

“(c) for financial assistance with respect to the services mentioned in paragraph *b*,”.

ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION ET DES COMMUNAUTÉS CULTURELLES

72. Section 3 of the Act respecting the Ministère de l'Immigration et des Communautés culturelles (chapter M-16.1) is amended by replacing the first paragraph by the following paragraph:

3. The Minister is to develop and propose to the Government policy directions and policies on immigration, on the francization and economic, social and cultural integration of immigrants, and on intercultural relations.”

73. Section 4 of the Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) to provide information to immigrants, promote immigration and select foreign nationals who have the characteristics needed to integrate successfully into Québec society, including knowledge of French;”;

(2) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) to take the measures needed to enable immigrants to learn French or enhance their proficiency in French;

“(5) to support the economic, social and cultural integration of immigrants into Québec society; and

“(6) to establish an annual program of government francization services geared to immigrants.”

74. Section 8 of the Act is amended by adding the following paragraph at the end:

“The Minister must also report to the Government on the implementation of the annual program of government francization services geared to immigrants, in the manner determined by the Government.”

ACT RESPECTING LABOUR STANDARDS

75. Section 123 of the Act respecting labour standards (chapter N-1.1) is amended by inserting the following paragraph after the first paragraph:

“The same applies in the case of an employee who believes he has been the victim of a contravention of section 47, 48 or 49 of the Charter of the French language (chapter C-11).”

EDUCATIONAL CHILDCARE ACT

76. Section 5 of the Educational Childcare Act (chapter S-4.1.1) is amended by adding the following subparagraph after subparagraph 2 of the first paragraph:

“(3) helping children familiarize themselves gradually with the French language.”

77. The Act is amended by inserting the following section after section 5:

“5.1. To better reconcile the objectives of the educational program with the realities of Aboriginal life, the Minister may determine special conditions for the implementation of the educational program.”

78. Section 42 of the Act is amended by inserting “, including assisting recognized home childcare providers in developing activities designed to familiarize children with the French language” after “on request” in paragraph 7.

REGULATION RESPECTING THE EXEMPTION FROM THE APPLICATION OF THE FIRST PARAGRAPH OF SECTION 72 OF THE CHARTER OF THE FRENCH LANGUAGE THAT MAY BE GRANTED TO CHILDREN STAYING IN QUÉBEC TEMPORARILY

79. Section 1 of the Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily (chapter C-11, r. 7) is amended by striking out “, the child of a member of the Canadian Armed Forces or his spouse’s child” in the last paragraph.

80. Section 3 of the Regulation is repealed.

81. Section 7 of the Regulation is amended

(1) by striking out “and the second paragraph of section 3” in the first paragraph;

(2) by replacing “in sections 1 and 3” in the first paragraph by “in section 1”.

OTHER AMENDING PROVISIONS

82. Section 6 of Order in Council 850-2001 dated 4 July 2001, concerning the amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont, Ville de Bromptonville and the municipalities of Ascot and Deauville, is amended by striking out the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

83. In the case of a municipal body already recognized under section 29.1 of the Charter of the French language (chapter C-11) on (*insert the date of coming into force of this section*), the year of the first evaluation that must be carried out after that date under section 29.2 of the Charter, enacted by section 12, is the year determined using the rules set out in that section, starting from the year in which the body is recognized.

84. Section 40.2 of the Charter of the French language, enacted by section 18, applies to any renewal of a special authorization after (*insert the date occurring six months after the date of coming into force of this section*).

85. Any proceeding brought before the Commission des relations du travail under section 45 or 46 of the Charter of the French language before (*insert the date of coming into force of this section*), whether or not the Commission has begun to hear it, is continued before the Commission and decided in accordance with the Charter of the French language as it read on the date on which the proceeding was brought.

86. Any application for mediation filed with the Office québécois de la langue française before (*insert the date of coming into force of this section*) under section 47 of the Charter of the French language and any mediation process in progress on that date under that section are continued and the mediation completed in accordance with that section as it read before being replaced.

87. Applications for eligibility filed under section 76 of the Charter of the French language that are pending on (*insert the date preceding the date of coming into force of this section*) are decided in accordance with that section as it read on that date.

88. Applications filed under section 85 of the Charter of the French language that invoke the application of section 3 of the Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily (chapter C-11, r. 7) and are pending on (*insert the date of coming into force of this section*) are decided in accordance with that section 3 as it read before that date.

The first paragraph applies to initial applications for exemption and applications for renewal of an exemption.

89. Any authorization to receive instruction in English obtained under section 3 of the Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily and that is in force on (*insert the date of coming into force of this section*) continues to apply until it expires but may not be renewed.

90. The initial review provided for in section 88.0.6 of the Charter of the French language, enacted by section 30, is to be carried out as follows:

(1) not later than (*insert the date occurring eight months after the date of coming into force of this section*), each of the Ministers draws 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, budget rules, evaluation methods or procedures for the certification of studies, as applicable;

(2) the report described in paragraph 1 is 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 proficiency in French;

(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) this 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*);

(5) the changes must be effective 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.

91. Every enterprise to which section 151 of the Charter of the French language, enacted by section 45, applies on (*insert the date of coming into force of this section*) must, within two years after that date, implement the francization measures provided for in section 151.0.2, enacted by that same section.

92. Between (*insert the date occurring six months before the date of coming into force of section 76*) and (*insert the date of coming into force of section 76*), a home childcare provider who has been recognized by a coordinating office under the Educational Childcare Act (chapter S-4.1.1) must send the coordinating office the changes made to the educational program applied by the home childcare provider, including a description of the educational activities and interventions aimed at familiarizing children with the French language as required by section 5 of that Act, amended by section 76.

93. Between (*insert the date occurring six months before the date of coming into force of section 76*) and (*insert the date of coming into force of section 76*), the holder of a childcare centre permit or of a daycare permit under the Educational Childcare Act must send the Minister the changes made to the educational program applied by the permit holder, including a description of the educational activities and interventions aimed at familiarizing children with the French language as required by section 5 of that Act, amended by section 76.

94. This Act comes into force on (*insert the date occurring 30 days after the date of assent to this Act*), except

(1) section 19 insofar as it enacts section 42 and the second paragraph of section 44 of the Charter of the French language, which comes into force on *(insert the date occurring six months after the date of assent to this Act)*; and

(2) sections 76 to 78, which come into force on *(insert the date occurring 18 months after the date of assent to this Act)*.

