



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 593

Québec Charter of the French Language

Introduction

Introduced by
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EXPLANATORY NOTES

This bill replaces the Charter of the French language. It renews the solemn commitment of the National Assembly of Québec toward the vitality and future of the French language in Québec. To that end, it intensifies efforts to make French the language of Government and the Law as well as the normal and everyday language of work, instruction, communication, enterprises, commerce and business.

The Québec Charter of the French Language is given quasi-constitutional status by establishing the supra-legislative character of some of its fundamental provisions.

In addition to providing for the recognition of English-language colleges and educational childcare facilities, the bill clarifies the criteria regulating the recognition of English-language municipalities, municipal bodies and health and social services institutions.

Employers are required to send the Office québécois de la langue française a justification when employment requirements include a level of knowledge of a language other than the official language, and it will be more difficult to penalize a worker for lacking knowledge of a language other than French.

The scope of francization programs is extended to include enterprises employing 25 to 49 persons.

A trademark in a language other than French may be used in the name of an enterprise, provided the name also includes a generic term in French.

Subject to certain exceptions, instruction must be given in French not only in kindergarten classes and elementary and secondary schools but also in vocational training, adult education services, colleges and educational childcare facilities. Instruction must also be given in French in private schools.

Lastly, the members of the Office québécois de la langue française are appointed by the National Assembly, the Office québécois de la langue française is granted more powers to impose penalties and the Conseil supérieur de la langue française is abolished.

LEGISLATION REPLACED BY THIS BILL:

- Charter of the French language (R.S.Q., chapter C-11).

Bill 593

QUÉBEC CHARTER OF THE FRENCH LANGUAGE

WHEREAS French is the distinctive language of the Québec nation, a people that is in the majority French-speaking, and the instrument by which that nation articulates its identity;

WHEREAS the National Assembly recognizes that Quebecers wish to ensure the vitality and future of the French language in Québec and the influence of the French language throughout the world, and is resolved therefore to make French the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, enterprises, commerce and business;

WHEREAS the National Assembly makes French the common language that will serve as the main common denominator of all Quebecers;

WHEREAS the National Assembly pursues these objectives in a spirit of fairness and open-mindedness, respectful of Québec's English-mother-tongue community, and also acknowledges the valuable contribution of cultural minorities to the development of Québec;

WHEREAS the National Assembly recognizes the right of the Amerindians and the Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture, and, to that end, facilitates the learning and use of that language and culture;

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

STATUS OF THE FRENCH LANGUAGE

CHAPTER I

THE OFFICIAL LANGUAGE OF QUÉBEC

1. French is the official language of Québec and the common language of all Quebecers.

CHAPTER II

FUNDAMENTAL LANGUAGE RIGHTS

- 2.** Every person has a right to express himself in French in Québec at all times and in all circumstances, including in deliberative assembly.
- 3.** Every person has a right to receive communications from the civil administration, the health services and social services, the public utility enterprises, the professional orders, the associations of employees and all enterprises doing business in Québec in French.
- 4.** Workers have a right to carry on their activities in French.
- 5.** Consumers of goods and services have a right to be informed and served in French.
- 6.** Every person eligible for instruction in Québec has a right to receive that instruction in French.
- 7.** Every person has a right to learn the French language.
- 8.** Fundamental language rights are exercised in a manner that is respectful of the historical institutions of Québec's English-mother-tongue community and the rights of the Amerindians and the Inuit to maintain and develop their language. The law may, to that end, fix the scope and determine the exercise of such rights.
- 9.** No provision of an Act, even subsequent to this Charter, may override sections 2 to 8.
- 10.** Any amendment to sections 2 to 9 of this Charter must be adopted by a two-thirds majority of the votes cast by the Members of the National Assembly, provided the majority of the Members are present.

CHAPTER III

THE LANGUAGE OF THE LEGISLATURE AND THE COURTS

- 11.** French is the language of the legislature and the courts in Québec, subject to the law in force in Québec.
- 12.** Where an English version exists of a regulation or other similar act to which section 133 of the Constitution Act, 1867 does not apply, the French text shall prevail in case of discrepancy.
- 13.** Every judgment rendered by a court of justice and every decision rendered by a body discharging quasi-judicial functions shall, at the request of one of the parties, be translated into French or English, as the case may be,

by the civil administration bound to bear the cost of operating such court or body.

CHAPTER IV

THE LANGUAGE OF THE CIVIL ADMINISTRATION

14. The Government, the government departments, the other agencies of the civil administration and the services thereof shall be designated by their French names alone.

15. The civil administration shall draft and publish its texts and documents in the official language.

This section does not apply to relations with persons outside Québec, to publicity and communiqués carried by news media that publish or broadcast in a language other than French or to correspondence between the civil administration and natural persons when the latter address it in a language other than French.

16. The civil administration shall use only the official language in its written communications with other governments and with legal persons established in Québec.

However, the civil administration may enclose a courtesy translation with such communications.

17. The civil administration shall use the official language in its written communications with immigrants. It shall offer services to assist immigrants in reading and understanding such documents.

18. The Government, the government departments and the other agencies of the civil administration shall use only the official language in their written communications with each other.

19. French is the language of written internal communications in the Government, the government departments, and the other agencies of the civil administration.

20. The notices of meeting, agendas and minutes of all deliberative assemblies in the civil administration shall be drafted in the official language.

21. In order to be appointed, transferred or promoted to an office in the civil administration, a knowledge of the official language appropriate to the office applied for is required.

For the purposes of the first paragraph, each agency of the civil administration shall establish criteria and procedures of verification and submit them to the Office québécois de la langue française for approval, failing which the Office

may establish them itself. If the Office considers the criteria and procedures unsatisfactory, it may either request the agency concerned to modify them or establish them itself.

This section does not apply to bodies or institutions recognized under section 30 which implement the measures approved by the Office according to the third paragraph of section 25.

22. Contracts entered into by the civil administration, including the related subcontracts, shall be drafted in the official language. Such contracts and the related documents may be drafted in another language when the civil administration enters into a contract with a party outside Québec.

23. The civil administration shall use only French in signs and posters, except where reasons of health or public safety require the use of another language as well.

In the case of traffic signs, the French inscription may be complemented or replaced by symbols or pictographs, and another language may be used where no symbol or pictograph exists that satisfies the requirements of health or public safety.

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

24. In the territory of a municipality, a specific term other than a French term may be used in conjunction with a generic French term to designate a thoroughfare if the term is sanctioned by usage or if its use has unquestionable merit owing to its cultural or historical interest.

25. The bodies and institutions recognized under section 30 must ensure that their services to the public are available and expressly offered in the official language.

They must draft their notices, communications and printed matter intended for the public in the official language.

They must devise the necessary measures to make their services to the public available and expressly offered in the official language, and criteria and procedures for verifying knowledge of the official language for the purposes of this section. These measures, criteria and procedures are subject to approval by the Office.

26. The bodies and institutions recognized under section 30 may erect signs and posters in both French and another language, the French text clearly predominating.

27. The bodies and institutions recognized under section 30 may use both the official language and another language in their names, their internal communications and their communications with each other.

In the recognized bodies and institutions, two persons may use what language they choose in written communications to one another. However, a body or institution shall, at the request of a person required to consult such a communication in the course of his duties, prepare a French version of it.

28. In the health services and the social services, the documents filed in the clinical records shall be drafted in French or in English, as the person drafting them sees fit. However, each health service or social service may require such documents to be drafted in French alone. Resumés of clinical records must be furnished in French on demand to any person authorized to obtain them.

29. Notwithstanding sections 25 and 27, school bodies recognized under section 30 may use the language of instruction in their communications connected with teaching without having to use the official language at the same time.

30. English-language school boards and the Commission scolaire du Littoral are recognized school bodies.

English-language colleges and educational childcare facilities are recognized bodies.

The Office shall recognize, at the request of the municipality, body or institution,

(1) a municipality of which more than half the residents have English as their mother tongue;

(2) a body under the authority of one or more municipalities that participates in the administration of their territory, where each such municipality is a recognized municipality; or

(3) a health and social services institution listed in the Schedule, where it provides services to persons whose mother tongue, for the majority, is English.

The Office may withdraw the recognition of a municipality, body or institution that no longer satisfies the condition which enabled it to obtain such recognition, if it considers it appropriate in the circumstances and after having consulted the citizens concerned. The Office shall inform the municipality, body or institution of its decision.

31. The recognition of a municipality by the Office must take account of the last census prior to the request and data on mother tongue in calculating the number of residents in the territory of the municipality.

A recognized municipality that loses its recognition under the first paragraph has three years from 1 January 2013 to comply with its obligations under this Charter.

32. In order for an application for registration or renewal of registration with the Régie de l'assurance maladie du Québec to be admissible, the person must, in addition to providing the information required under Division III of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (R.R.Q., chapter A-29, r. 1), state his mother tongue.

33. The recognition of a health and social services institution by the Office must take account of the data on mother tongue provided to the Régie de l'assurance maladie du Québec in calculating the number of persons having received services in the institution.

CHAPTER V

THE LANGUAGE OF THE SEMIPUBLIC AGENCIES

34. The public utility enterprises, the professional orders and the members of the professional orders must arrange to make their services available and expressly offered in the official language.

They must draft their notices, communications and printed matter intended for the public, including public transportation tickets, in the official language.

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

36. The public utility enterprises and the professional orders shall use the official language in their written communications with the civil administration and with legal persons.

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

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

38. Sections 34 and 36 do not apply to communiqués or publicity intended for news media that publish or broadcast in a language other than French.

39. The professional orders shall be designated by their French names alone.

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

A person is deemed to have the appropriate knowledge if

(1) he has received, full time, not less than three years of secondary or post-secondary instruction provided in French;

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

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

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

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

41. Within the last two years before obtaining a qualifying diploma for a permit to practise, every person enrolled in an educational institution that issues such diploma may give proof that his knowledge of the official language meets the requirements of section 40.

42. The professional orders may issue temporary permits valid for not more than one year to persons from outside Québec who are declared qualified to practise their profession but whose knowledge of the official language does not meet the requirements of section 40.

43. The permits envisaged in section 42 may be renewed three times only, with the authorization of the Office québécois de la langue française and if the public interest warrants it. For each renewal, the persons concerned must sit for examinations held according to the regulations of the Office.

In its annual report of activities, the Office shall indicate the number of permits for which it has given authorization for renewal pursuant to this section.

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

years for the exclusive account of a single employer, in a position that does not involve his dealing with the public.

CHAPTER VI

THE LANGUAGE OF LABOUR RELATIONS

45. Every employer shall draft his written communications to his staff in the official language. He shall draft and publish his offers of employment or promotion in French.

46. Where an offer of employment regards employment in the civil administration, a semipublic agency or an enterprise required to establish a francization committee, have an attestation of implementation of a francization program or hold a certificate of compliance with the Québec Charter of the French Language, as the case may be, the employer publishing this 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.

47. Collective agreements and the schedules to them must be drafted in the official language, including those which must be filed pursuant to section 72 of the Labour Code (R.S.Q., chapter C-27).

48. An arbitration award made following arbitration of a grievance or dispute regarding the negotiation, renewal or review of a collective 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.

49. An employer is prohibited from dismissing, laying off, demoting or transferring a member of his staff for the sole reason that he is exclusively French-speaking or that he has insufficient knowledge of a particular language other than French, or because he has demanded that a right arising from the provisions of this chapter be respected.

A staff member not subject to a collective agreement who believes he has been aggrieved by an action that is prohibited by the first paragraph may exercise a remedy before the Commission des relations du travail established by the Labour Code. The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.

A staff member subject to a collective agreement who believes he has been so aggrieved may submit the grievance for arbitration if the association representing the staff member fails to do so. Section 17 of the Labour Code applies to the arbitration of the grievance, with the necessary modifications.

50. An employer is prohibited from making the obtaining of an employment or office dependent upon the knowledge or a specific level of knowledge of a

language other than the official language, unless the nature of the duties requires such knowledge.

If the employer makes the obtaining of an employment or office dependent upon knowledge or a specific level of knowledge of a language other than the official language, he must, before publishing the offer of employment, send the Office, by email or otherwise, a justification for the level of knowledge of the language other than the official language that is required to carry out the duties concerned.

Knowledge of the official language alone is deemed to be sufficient to carry out the duties concerned if the employer fails to send the Office the justification described in the second paragraph.

A person, whether or not in an employment relationship with the employer, who believes he has been aggrieved by a contravention of the first paragraph and who is not subject to a collective agreement may exercise a remedy before the Commission des relations du travail established by the Labour Code. The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.

A person who is subject to a collective agreement and who believes he has been so aggrieved may submit the grievance for arbitration if the association representing the person fails to do so.

The remedy is brought before the Commission within 30 days after the date on which the employer informed the complainant of the language knowledge required for the employment or position or, failing that, from the last act of the employer which was invoked to support the allegation of contravention of the first paragraph of this section.

It is incumbent upon the employer to prove to the Commission or the arbitrator that the performance of the work requires knowledge or a specific level of knowledge of a language other than French.

If the Commission or the arbitrator finds the complaint to be justified, the Commission or the arbitrator may issue any order the Commission or the arbitrator considers fair and reasonable in the circumstances, in particular an order to cease the act complained of, to perform an act, such as the renewal of the staffing process for the employment or position, or to pay compensation or punitive damages to the complainant.

51. A person who believes he has been aggrieved by a contravention of the first paragraph of section 50 may, before exercising the remedy provided for in that section, apply in writing to the Office québécois de la langue française for the matter to be submitted to a mediator to allow an exchange of views between the person and the employer and to foster a speedy resolution of the matter by way of a written agreement.

The parties are required to take part in all meetings to which they are called by the mediator; the mediator and the parties may use telephone or other communications equipment enabling them to hear one another. The complainant may be represented by the complainant's association of employees.

Mediation may not extend beyond 30 days after the date it was applied for. Mediation may be terminated before that time if, in the mediator's opinion, his intervention is not expedient or desirable in view of the circumstances. The mediator shall notify the parties in writing.

The time for bringing the matter before the Commission des relations du travail or an arbitrator is suspended during mediation. The time begins to run again on receipt by the complainant of a notice terminating the mediation or not later than 30 days after mediation is applied for.

52. Unless the parties consent thereto, nothing that is said or written in the course of mediation may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

53. A mediator may not be compelled to disclose anything revealed to or learned by him in the exercise of his functions or produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person may have access to a document contained in the mediation record.

54. Except as they regard the vested rights of employees and their associations, juridical acts, decisions and other documents not in conformity to this chapter are null. The use of a language other than that prescribed in this chapter shall not be considered a defect of form within the meaning of section 151 of the Labour Code.

55. Every association of employees shall use the official language in written communications with its members. It may use the language of an individual member in its correspondence with him.

56. Sections 45 to 55 of this Charter are deemed an integral part of every collective agreement. Any stipulation in the agreement contrary to any provision of this Charter is absolutely null.

CHAPTER VII

THE LANGUAGE OF ENTERPRISES

57. This chapter applies to all enterprises, including public utility enterprises.

The Office may, by regulation, establish specific francization programs for enterprises with fewer than 50 employees and create any classes or subclasses of enterprises considered necessary.

The Office may suspend the application of this chapter to enterprises with fewer than 50 employees and create any classes or subclasses of enterprises considered necessary.

The subclasses may relate to the number of employees and the type of activities of the enterprises concerned.

58. Enterprises employing 25 to 49 persons must form a francization committee composed of two or more persons.

Enterprises employing 50 to 99 persons must form a francization committee composed of four or more persons.

Enterprises employing 100 or more persons must form a francization committee in each of its establishments. The francization committee must be composed of two or more persons where the enterprise employs fewer than 50 persons in the establishment, four or more persons where the enterprise employs 50 to 99 persons in the establishment, and six or more persons where the enterprise employs 100 or more persons in the establishment.

The francization committee shall analyze the language situation in the enterprise and make a report to the management of the enterprise for transmission to the Office. Where necessary, the committee shall devise a francization program for the enterprise and supervise its implementation. Where a certificate of compliance with the Québec Charter of the French Language is issued to the enterprise, the committee shall ensure that the use of French remains generalized at all levels of the enterprise according to the terms of section 64.

The francization committee may establish subcommittees to assist it in the carrying out of its tasks.

The francization committee shall meet not less than once every six months.

59. Half of the members of the francization committee and of every subcommittee shall be representatives of the workers of the enterprise.

Such representatives shall be designated by the association of employees representing the majority of the workers or, where several associations of employees together represent the majority of the workers, such associations

shall designate the representatives by agreement. In the absence of an agreement, or in all other cases, such representatives shall be elected by the whole body of the workers of the enterprise in the manner and on the conditions determined by the management of the enterprise.

The workers' representatives are designated for a period of not more than two years. However, their term as representatives may be renewed.

60. Workers' representatives on the francization committee or a subcommittee may, without loss of pay, absent themselves from work for the time required to attend meetings of the committee or subcommittee and to perform any committee or subcommittee task. They shall be deemed to be working and shall be remunerated at the normal rate during that time.

In no case may an employer fail to remunerate, or dismiss, lay off, demote or transfer a worker, for the sole reason that the worker took part in committee or subcommittee meetings or tasks.

Any worker who feels aggrieved by an action that is prohibited by the second paragraph may exercise the rights set out in the second or third paragraph of section 49, as the case may be.

61. The enterprise shall provide the Office with a list of the members of the francization committee and every subcommittee, and any changes to such list.

62. If the Office is notified by the Commission de la santé et de la sécurité du travail, established by the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), that an enterprise employs 25 persons or more for a period of six months, that enterprise must, within six months after the end of that period, register with the Office and provide it with general information on its legal status and its functional structure and on the nature of its activities.

The Office shall issue a certificate of registration to the enterprise.

Within six months after the date on which the certificate of registration is issued, the enterprise shall transmit an analysis of its linguistic situation to the Office.

63. If the Office considers, after examining the analysis of the enterprise's linguistic situation, that the use of French is generalized at all levels of the enterprise according to the terms of section 64, it shall issue a certificate of compliance with the Québec Charter of the French Language.

If, however, the Office considers that the use of French is not generalized at all levels of the enterprise, it shall notify the enterprise that it must adopt a francization program. In the case of an enterprise to which section 62 applies, the Office may, in addition, order the establishment of a francization committee of two, four or six members; in that case, sections 58 to 61 are applicable, with the necessary modifications.

The francization program shall be submitted to the Office within six months after the date on which the notice is received. The program requires the approval of the Office.

64. The francization program is intended to generalize the use of French at all levels of the enterprise through

(1) the knowledge of the official language on the part of management, members of the professional orders and other staff members;

(2) an increase, where necessary, at all levels of the enterprise, including the board of directors, in the number of persons having a good knowledge of the French language so as to generalize its use;

(3) the use of French as the language of work and as the language of internal communication;

(4) the use of French in the working documents of the enterprise, especially in manuals and catalogues;

(5) the use of French in communications with the civil administration, clients, suppliers, the public and shareholders except, in the latter case, if the enterprise is a closed company within the meaning of the Securities Act (R.S.Q., chapter V-1.1);

(6) the use of French terminology;

(7) the use of French in public signs and posters and commercial advertising;

(8) appropriate policies for hiring, promotion and transfer, including, as applicable, proof of the necessity of knowledge of a language other than the official language in the performance of duties; and

(9) the use of French in information technologies.

65. After having approved the francization program of an enterprise, the Office shall issue an attestation of implementation in respect of the program.

The enterprise must comply with the stages and elements of its program and keep its staff informed of the implementation thereof.

In addition, the enterprise must submit reports on the implementation of its program to the Office every 24 months in the case of an enterprise employing fewer than 100 persons and every 12 months in the case of an enterprise employing 100 or more persons.

66. The implementation of francization programs in head offices and in research centres may be the subject of special agreements with the Office to

allow the use of a language other than French as the language of operation. Such agreements are valid for a renewable period of not more than five years.

The Government shall determine, by regulation, in what cases, on what conditions and according to what terms a head office or research centre may be a party to such an agreement. The regulation may prescribe matters which must be dealt with under certain provisions of such an agreement.

While such an agreement remains in force, the head office or research centre is deemed to be complying with the provisions of this chapter.

67. Where an enterprise has completed the implementation of its francization program and the Office considers that the use of French is generalized at all levels of the enterprise according to the terms of section 64, the Office shall issue a certificate of compliance with the Québec Charter of the French Language.

68. Every enterprise holding a certificate of compliance with the Québec Charter of the French Language issued by the Office is required to ensure that the use of French remains generalized at all levels according to the terms of section 64.

The enterprise shall submit to the Office, every three years, a report on the progression of the use of French in the enterprise.

69. The Office may refuse, suspend or cancel the attestation of implementation of a francization program or the certificate of compliance with the Québec Charter of the French Language of an enterprise which is not or is no longer complying with its obligations under this Charter or the regulations.

Before making a decision, the Office may hear the views of any interested person on the situation of the enterprise concerned.

70. The Government shall determine, by regulation, the procedure relating to the issue, suspension or cancellation of an attestation of implementation of a francization program or a certificate of compliance with the Québec Charter of the French Language. Such procedure may vary according to the classes of enterprises established by the Government.

The Government shall determine, by regulation, the procedure by which an interested person makes his views known under the second paragraph of section 69.

It shall also determine, by regulation, the particular conditions applicable to enterprises with 25 to 50 employees that are under the obligation to obtain a certificate of compliance with the Québec Charter of the French Language, and the support and assistance measures those enterprises may be offered.

71. The Office may, on condition of a notice in the *Gazette officielle du Québec*, require an enterprise employing fewer than 25 persons to analyze its language situation and to prepare and implement a francization program.

Where such an enterprise requires a period of time to comply with certain provisions of this Charter or of the regulations, it may request the assistance of the Office and enter into a special agreement with the latter. Within the scope of such an agreement, the Office may, for the period it determines, exempt the enterprise from the application of any provision of this Charter or the regulation.

The Office shall, every year, make a report to the National Assembly of the measures taken by the enterprises and the exemptions granted.

72. Every enterprise that fails to comply with the obligations imposed by sections 58 to 68 and 71 with regard to the francization process applicable to it commits an offence and is liable to the penalties provided for in section 177.

In particular, every enterprise that is under the obligation to obtain a certificate of compliance with the Québec Charter of the French Language and that does not hold such a certificate after a period of five years from the day the obligation becomes applicable to the enterprise commits an offence.

73. Every enterprise required to hold a certificate of compliance with the Québec Charter of the French Language must hold such a certificate in order to enter into a contract with or receive a bonus, subsidy, concession or advantage, determined by regulation, from the civil administration.

A regulation referred to in the first paragraph may provide for the issue of a temporary certificate to stand in lieu of the certificate required under the first paragraph, to an enterprise that plans to adopt a francization program and proves that it has taken the necessary steps to do so.

74. The Office may, for the period it determines, exempt an enterprise from the application of any provision of this Charter or the regulations

(a) where it issues a certificate of registration or a certificate of compliance with the Québec Charter of the French Language, or

(b) where a francization program approved by the Office is in the process of being implemented in the enterprise.

The Office shall notify the Minister of any exemption thus granted.

75. The general information, the analysis of the linguistic situation and the reports provided for in this chapter must be submitted on the forms and questionnaires furnished by the Office.

CHAPTER VIII

THE LANGUAGE OF COMMERCE AND BUSINESS

76. Every inscription on a product, on its container or on its wrapping, or on a document or object supplied with it, including the instructions and the warranty certificates, must be drafted in French. This rule applies also to menus and wine lists.

The French inscription may be accompanied with a translation or translations, but no inscription in another language may be given greater prominence than that in French.

77. Catalogues, brochures, folders, commercial directories and any similar publications must be drafted in French.

78. All computer software, including game software and operating systems, whether installed or uninstalled, must be available in French unless no French version exists.

Software can also be available in languages other than French, provided the French version can be obtained on no less favourable terms (except price where it reflects higher production or distribution costs) and has at least equivalent technical characteristics.

79. Toys and games, except those referred to in section 76, which require the use of a non-French vocabulary for their operation are prohibited on the Québec market, unless a French version of the toy or game is available on the Québec market on no less favourable terms.

80. The Office may, by regulation and on the conditions it fixes, provide for exceptions to the application of sections 76 to 79.

81. Contracts pre-determined by one party, contracts containing printed standard clauses, and the related documents, must be drafted in French. They may be drafted in another language as well at the express wish of the parties.

82. If the documents referred to in section 76 are required by any Act, order in council or government regulation, they may be excepted from the rule enunciated in that section, provided that the languages in which they are drafted are the subject of a federal-provincial, interprovincial or international agreement.

83. Application forms for employment, order forms, invoices, receipts and quittances shall be drafted in French.

84. Public signs and posters and commercial advertising must be in French.

They may also be both in French and in another language provided that French is markedly predominant.

However, the Government may determine by regulation the places, cases, conditions or circumstances where public signs and posters and commercial advertising must be in French only, where French need not be predominant or where such signs, posters and advertising may be in another language only.

85. Section 84 does not apply to advertising carried in news media that publish or broadcast in a language other than French, or to messages of a religious, political, ideological or humanitarian nature if not for a profit motive.

86. The name of an enterprise must be in French. It may include a trademark in a language other than French if it also includes a generic term in French.

87. To obtain juridical personality, it is necessary to have a name in French.

88. Sections 86 and 87 also apply to names entered by way of declaration in the register instituted in accordance with the Act respecting the legal publicity of enterprises (R.S.Q., chapter P-44.1).

89. Family names, place names, expressions formed by the artificial combination of letters, syllables or figures, and expressions taken from other languages may appear in the names of enterprises as distinctive elements, in accordance with other Acts and with government regulations.

90. The name of an enterprise may be accompanied with a version in a language other than French provided that, when it is used, the French version of the name appears at least as prominently.

However, in public signs and posters and commercial advertising, the use of a name in a language other than French is allowed to the extent that the other language may, under section 84 and the regulations and section 86, be used in those signs, posters or advertising.

In addition, in texts or documents drafted only in a language other than French, a name may appear in the other language only.

91. Health services and social services the names of which, adopted before 26 August 1977, are in a language other than French may continue to use such names provided a French version has been added to them.

92. A non-profit organization devoted exclusively to the cultural development or to the defence of the peculiar interests of a particular cultural group may adopt a name in the language of the group, provided that it adds a French version.

CHAPTER IX

THE LANGUAGE OF INSTRUCTION AND EDUCATIONAL CHILDCARE

93. Instruction in the kindergarten classes and in the elementary and secondary schools shall be in French, except where this chapter allows otherwise. Instruction in vocational training, adult education services and all types of colleges established under the General and Vocational Colleges Act (R.S.Q., chapter C-29) shall also be in French.

The official language shall be taught systematically so as to enable students to acquire a full command of its oral and written aspects.

These rules apply to school bodies within the meaning of the Schedule and colleges established under the General and Vocational Colleges Act. It also applies to private educational institutions established under the Act respecting private education (R.S.Q., chapter E-9.1).

Nothing in this section shall preclude instruction of a second language in that language nor instruction in English to foster the learning thereof in accordance with the formalities and on the conditions prescribed in the basic school regulation and other basic regulations established by the Government under sections 447 and 448 of the Education Act (R.S.Q., chapter I-13.3). The teaching of English as a second language must enable students to develop the ability to hold a conversation in that language, taking account of their age.

94. Educational childcare provided under the Educational Childcare Act (R.S.Q., chapter S-4.1.1) shall be given in French, to the extent and according to the standards provided for by law, in order to help every child to gradually adapt to life in society and integrate harmoniously into society.

95. The following children may, at the request of one of their parents, receive educational childcare or instruction in English:

(1) a child whose father or mother is a Canadian citizen and received elementary instruction in English in Canada, provided that that instruction constitutes the major part of the elementary instruction he or she received in Canada; or

(2) a child whose father or mother is a Canadian citizen and who has received or is receiving elementary or secondary instruction in English in Canada, and the brothers and sisters of that child, provided that that instruction constitutes the major part of the elementary or secondary instruction received by the child in Canada.

Persons who have received elementary or secondary instruction in English in Québec, provided that that elementary or secondary instruction constitutes the major part of the elementary or secondary instruction received in Québec, as well as persons who could have received that instruction in English under

the first paragraph but did not avail themselves of that right, may also receive instruction in English in vocational training, adult education services and all types of colleges established under the General and Vocational Colleges Act.

Children whose father or mother has received or is receiving instruction in English under the second paragraph may also, at the request of one of their parents, receive childcare in English.

96. The parent who may make the requests provided for in this chapter must be the holder of parental authority. However, the person who has de facto custody of the child and who is not the holder of parental authority may also make such a request provided the holder of parental authority does not object.

97. The Minister of Education, Recreation and Sports may empower such persons as he may designate to verify and decide on children's eligibility for instruction in English under any of sections 95, 105, 108 and 111. The same power is granted to the Minister responsible for the administration of the Educational Childcare Act with respect to children's eligibility for educational childcare in English.

98. The persons designated by the Minister of Education, Recreation and Sports or the Minister responsible for the administration of the Educational Childcare Act under section 97 may verify children's eligibility for instruction or educational childcare in English even if they are already receiving or are about to receive instruction or educational childcare in French.

Such persons may also declare a child eligible for instruction or educational childcare in English where his father or mother attended school after 26 August 1977 and would have been eligible for such instruction under section 95, even if he or she did not receive such instruction. However, where the father or mother attended school before 17 April 1982, his or her eligibility shall be determined in accordance with section 73 of the Charter of the French language (R.S.Q., chapter C-11), as it read before that date, by adding, at the end of paragraphs *a* and *b* of that section, the words "provided that that instruction constitutes the major part of the elementary instruction he or she received in Québec".

99. The persons declared eligible for instruction or educational childcare in English under any of sections 95, 98 and 111 are deemed to have received or be receiving instruction in English for the purposes of section 95.

100. A certificate of eligibility obtained fraudulently or on the basis of a false representation is absolutely null.

101. The Minister of Education, Recreation and Sports or the Minister responsible for the administration of the Educational Childcare Act, as applicable, may revoke a certificate of eligibility issued in error.

102. No person may permit or tolerate a child's receiving instruction or educational childcare in English if he is ineligible therefor.

103. A school body not already giving instruction in English in its schools is not required to introduce it and shall not introduce it without express and prior authorization of the Minister of Education, Recreation and Sports.

However, every school body shall, where necessary, avail itself of section 213 of the Education Act to arrange for the instruction in English of any child declared eligible therefor.

The Minister of Education, Recreation and Sports shall grant the authorization referred to in the first paragraph if, in his opinion, it is warranted by the number of students in the jurisdiction of the school body who are eligible for instruction in English under this chapter.

104. The Government may, by regulation, prescribe the procedure to be followed where parents invoke section 95 or 111 and the evidence the parents must provide in support of their request.

105. Children having serious learning disabilities may, at the request of one of their parents, receive instruction or educational childcare in English if required to facilitate the learning process. The brothers and sisters of children thus exempted from the application of the first paragraph of section 93 or section 94 may also be exempted.

The Government, by regulation, may define the classes of children envisaged in the first paragraph and determine the procedure to be followed in view of obtaining such an exemption.

106. Any decision concerning a child's eligibility for instruction or educational childcare in English made by a person designated pursuant to section 95, 98, 105, 108 or 111 may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

107. No secondary school leaving certificate may be issued to a student who does not have the knowledge of oral and written French required by the curricula of the Ministère de l'Éducation, du Loisir et du Sport.

108. Children staying in Québec temporarily may, at the request of one of their parents, be exempted from the application of the first paragraph of section 93 and receive instruction in English, or from the application of section 94 and receive educational childcare in English, in the cases or circumstances and on the conditions determined by regulation of the Government. The regulation shall also prescribe the period for which such an exemption may be granted and the procedure to be followed in order to obtain or renew it.

109. Where warranted by a serious family or humanitarian situation, the Minister of Education, Recreation and Sports or the Minister responsible for

the administration of the Educational Childcare Act, as applicable, may, upon a reasoned request and on the recommendation of the examining committee, declare eligible for instruction or educational childcare in English a child who has been declared ineligible by a person designated by the Minister.

The request must be filed within 30 days of notification of the unfavourable decision.

The request shall be submitted to an examining committee composed of three members designated by the Minister. The committee shall report its observations and recommendation to the Minister.

The Minister shall specify, in the report referred to in section 4 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (R.S.Q., chapter M-15) or section 11 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (R.S.Q., chapter M-17.2), as applicable, the number of children declared eligible for instruction in English or for educational childcare in English under this section and the grounds on which they were declared eligible.

110. The Government may make regulations extending the scope of section 95 to include such persons as may be contemplated in any reciprocity agreement that may be concluded between the Gouvernement du Québec and the government of another province.

111. In addition to the cases provided for in section 95, the Government, by order, may, at the request of one of their parents, authorize generally the following children to receive instruction or educational childcare in English:

(a) a child whose father or mother received the major part of his or her elementary instruction in English elsewhere in Canada and, before establishing domicile in Québec, was domiciled in a province or territory that it indicates in the order and where it considers that the instructional services offered in French to French-speaking persons are comparable to those offered in English to English-speaking persons in Québec;

(b) a child whose father or mother establishes domicile in Québec and who, during the last school year or the current school year, received elementary or secondary instruction or educational childcare in English in the province or territory indicated in the order; or

(c) the younger brothers and sisters of children described in subparagraphs *a* and *b*.

Sections 98 to 103 apply to the persons contemplated in this section.

112. Nothing in this Charter prevents the use of an Amerindian language in providing instruction to the Amerindians, or of Inuktitut in providing instruction to the Inuit.

113. Notwithstanding sections 93 to 110, in the schools under the jurisdiction of the Cree School Board or the Kativik School Board, according to the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), the languages of instruction shall be Cree and Inuktitut, respectively, and the other languages of instruction in use in the Cree and Inuit communities in Québec on the date of the signing of the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter C-67), namely, 11 November 1975.

The Cree School Board and the Kativik School Board shall make French the second language of instruction so that students graduating from their schools will in future be capable of continuing their studies in French at a school, college or university elsewhere in Québec. Nothing in this section shall preclude instruction of one or more other languages.

After consultation with the school committees, in the case of the Crees, and with the parents' committees, in the case of the Inuit, the commissioners shall determine the rate of introduction of French and English as languages of instruction.

With the assistance of the Ministère de l'Éducation, du Loisir et du Sport, the Cree School Board and the Kativik School Board shall take the necessary measures to have sections 93 to 110 apply to children whose parents are not Cree or Inuit. For the purposes of the second paragraph of section 103, a reference to the Education Act is a reference to section 450 of the Education Act for Cree, Inuit and Naskapi Native Persons.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

CHAPTER X

POLICIES OF COLLEGE- OR UNIVERSITY-LEVEL INSTITUTIONS REGARDING THE USE AND QUALITY OF THE FRENCH LANGUAGE

114. Every institution that provides college instruction must, not later than one year after the coming into force of this Charter, adopt a policy applicable to college instruction regarding the use and quality of the French language. The same applies to the university-level institutions listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1).

Any institution to which the first paragraph applies that is founded or accredited after the coming into force of this Charter must adopt such a policy within two years after it is founded or receives accreditation.

115. In the case of an institution that provides college or university instruction in French to the majority of its students, the language policy must pertain to

(1) the language of instruction, including the language of manuals and other instructional tools, and the language of learning assessment instruments;

(2) the language of communication used by the administration of the institution in its official texts and documents as well as in any other form of communication;

(3) the quality of French and the command of the French language among the students, the teaching staff, especially upon hiring, and other staff members;

(4) the language of work; and

(5) the implementation of the policy and the monitoring of its application.

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 the teaching of French as a second language, the language used by the administration of the institution in its written communications with the civil administration and legal persons established in Québec, and the implementation of the policy and the monitoring of its application.

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

An educational institution must transmit to the Minister a report on the application of its policy every three years.

117. In French-language institutions that provide college or university instruction, the subject matter of the programs offered must be taught in French only.

The assignments, exams, dissertations and theses must be drafted in French.

Nothing in this section precludes the teaching of one or more other languages.

CHAPTER XI

MISCELLANEOUS

118. If its object is the use of French, a provision of an Act of the Parliament of Québec may be amended or repealed only by an Act devoted exclusively to that purpose.

119. In this Charter and in any Act of the Parliament of Québec or in any regulation, by-law or order in council adopted under the authority of such a law, the expressions “in French”, “in the official language” and “in the French language” mean “in good quality French”.

120. Where this Charter does not require the use of the official language exclusively, the official language and another language may be used together.

121. Subject to section 11, anything that, by prescription of an Act of the Parliament of Québec or an Act of the British Parliament having application to Québec in a field of provincial jurisdiction, or of a regulation or an order in council, must be drafted and published in French and English may be drafted and published in French alone.

Similarly, anything that, by prescription of an Act, a regulation or an order in council, must be published in a French newspaper and in an English newspaper, may be published in a French newspaper alone.

122. Where this Charter authorizes the drafting of texts or documents both in French and in one or more other languages, the French version must be displayed at least as prominently as every other language.

123. Nothing prevents the use of a language in derogation of this Charter by international organizations designated by the Government or where international usage requires it.

124. In addition to its other regulation-making powers under this Charter, the Government may make regulations to facilitate the administration of the Charter, including regulations defining the terms and expressions used in the Charter or defining their scope.

125. The following persons and bodies have a right to use Cree and Inuktitut and are exempt from the application of this Charter, except sections 112, 113 and 126:

(a) persons eligible for benefits under the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec, in the territories envisaged by the Agreement;

(b) bodies to be created under the Agreement, within the territories envisaged by the Agreement; and

(c) bodies of which the members are in the majority persons referred to in subparagraph *a*, within the territories envisaged by the Agreement.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

126. The bodies envisaged in section 125 must introduce the use of French into their administration, both to communicate in French with the rest of Québec and with those persons under their administration who are not contemplated in subparagraph *a* of that section, and to provide their services in French to those persons.

During a transitional period of five years from the coming into force of this Charter, sections 16 and 18 of this Charter do not apply to communications of the civil administration with the bodies envisaged in section 125.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

127. The Indian reserves are not subject to this Charter.

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

128. The various agencies of the civil administration, and the health services and social services, the public utility enterprises and the professional orders that are subject to this Charter are listed in the Schedule.

TITLE II

LINGUISTIC OFFICIALIZATION AND TOPONYMY

CHAPTER I

LINGUISTIC OFFICIALIZATION

129. The departments and agencies of the civil administration may establish linguistic committees and determine their composition and operation.

The committees shall identify terminological deficiencies and problematical terms and expressions in their designated field. They shall submit the terms and expressions they favour to the Comité d'officialisation linguistique. The Comité may in turn submit them to the Office québécois de la langue française for standardization or recommendation.

If a department or agency does not establish a linguistic committee, the Office may, on the proposal of the Comité d'officialisation linguistique, make an official request that it do so.

130. The Office québécois de la langue française may, on the proposal of the Comité d'officialisation linguistique, recommend or standardize terms and expressions. The Office shall disseminate standardized terms and expressions, in particular through publication in the *Gazette officielle du Québec*.

131. Upon publication in the *Gazette officielle du Québec* of the terms and expressions standardized by the Office, their use becomes obligatory in texts,

documents, signs and posters emanating from the civil administration and in contracts to which it is a party, and in teaching manuals and educational and research works published in French in Québec and approved by the Minister of Education, Recreation and Sports.

CHAPTER II

THE COMMISSION DE TOPONYMIE

132. A Commission de toponymie is hereby established at the Office québécois de la langue française and incorporated into it for administrative purposes.

133. The Commission shall be composed of seven members, including the chairman, appointed by the Government for not more than five years.

The Government shall fix the remuneration and determine the employment benefits and other conditions of employment of the members of the Commission.

134. The members of the Commission shall remain in office notwithstanding the expiry of their term until they are reappointed or replaced.

135. The Commission has jurisdiction to propose to the Government the criteria of selection and rules of spelling of all place names and to make the final decision on the assignment of names to places not already named and to approve any change of place names.

The Government may establish, by regulation, the criteria for the choice of place names, the rules of spelling to be followed in matters relating to toponymy and the method to be followed in choosing and obtaining approval for place names.

136. The Commission shall

(a) propose to the Government the standards and rules of spelling to be followed in place names;

(b) catalogue and preserve place names;

(c) establish and standardize geographical terminology, in cooperation with the Office;

(d) officialize place names;

(e) publicize the official geographical nomenclature of Québec; and

(f) advise the Government on any question submitted by it to the Commission relating to toponymy.

137. The Commission may

(a) advise the Government and other agencies of the civil administration on any question relating to toponymy;

(b) in unorganized territories, name geographical places or change their names; and

(c) with the consent of the agency of the civil administration having concurrent jurisdiction over the place name, determine or change the name of any place in a local municipal territory.

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

139. Upon the publication in the *Gazette officielle du Québec* of the names chosen or approved by the Commission, the use of such names becomes obligatory in texts and documents of the civil administration and the semipublic agencies, in traffic signs, in public signs and posters and in teaching manuals and educational and research works published in Québec and approved by the Minister of Education, Recreation and Sports.

TITLE III

THE OFFICE QUÉBÉCOIS DE LA LANGUE FRANÇAISE

CHAPTER I

ESTABLISHMENT

140. A body is hereby established under the name of “Office québécois de la langue française”.

141. The head office of the Office shall be located in Québec or Montréal, at the place determined by the Government.

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

The Office shall have an office in Québec and another in Montréal and may have offices elsewhere in Québec.

CHAPTER II

MISSION AND POWERS

142. The Office is responsible for defining and steering Québec policy on linguistic officialization, terminology and the francization of the civil administration and of enterprises.

The Office is also responsible for ensuring compliance with this Charter.

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

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

144. The Office shall see to it that French is the normal and everyday language of work, communication, commerce and business in the civil administration and in enterprises. The Office may, among other things, take any appropriate measure to promote French.

The Office shall help define and develop the francization programs provided for in this Charter and monitor their application.

145. The Office may assist and inform the civil administration, semipublic agencies, enterprises, associations and natural persons as regards the correction and enrichment of written and oral French in Québec.

The Office may also receive observations and suggestions from such parties regarding the quality of the French language or problems encountered in the application of this Charter, and report thereon to the Minister.

146. The Office shall establish the research programs needed for the purposes of this Charter. It may carry out or commission the studies provided for in the research programs.

147. The Office may make agreements or take part in joint projects with any person or agency.

The Office may, in accordance with the applicable legislative provisions, make an agreement 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.

148. The mission of the Office is also to advise the Minister responsible for the administration of this Charter on any matter relating to the French language in Québec.

In that capacity, the Office shall

(1) advise the Minister on any matter the Minister submits to it; and

(2) bring to the Minister's attention any matter which, in its opinion, requires the attention of the Government.

149. In carrying out the mission referred to in section 148, the Office may

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

(2) conduct or commission such studies and research as it considers necessary.

The Office may also inform the public on any matter relating to the French language in Québec.

CHAPTER III

ORGANIZATION

DIVISION I

GENERAL PROVISIONS

150. The Office is composed of eight members, including a president and director general.

The members shall be appointed, on the proposal of the Premier, by a resolution of the National Assembly approved by not less than two thirds of its members.

The members of the Office shall be appointed for a term not exceeding five years.

The associate deputy minister responsible for the implementation of language policy shall be a permanent non-voting member of the Office; the associate deputy minister may appoint a substitute.

At the expiry of their terms, non-permanent members shall remain in office until they are replaced or reappointed.

151. The quorum at meetings of the Office is the majority of the members.

Meetings shall be presided over by the president and director general, who shall have a casting vote in the event of a tie.

152. The Office may hold meetings anywhere in Québec.

The members of the Office may participate in a meeting by means of telephone or other communications equipment enabling all participants to hear one another.

153. The president and director general is responsible for the management and administration of the Office within the scope of its internal by-laws and policies.

The powers and functions conferred on the Office by the first paragraph of section 43 and sections 44, 62, 65 and 71 are exercised by the president and director general, who shall report periodically to the Office.

The Office may delegate any other power or function to the president and director general.

154. If the president and director general is absent or unable to act, another member of the Office designated by the Minister shall act as a substitute.

155. The office of president and director general shall be exercised on a full-time basis. The National Assembly shall determine, in the same manner as that prescribed in section 150, the remuneration, employment benefits and other conditions of employment of the president and director general.

The other members of the Office shall receive no remuneration, except in such cases, on such conditions and to such extent as may be 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.

156. The staff of the Office shall be appointed pursuant to the Public Service Act (R.S.Q., chapter F-3.1.1).

157. Neither the Office nor its members, its staff or the members of its committees may be prosecuted by reason of official acts performed in good faith in the exercise of their powers and functions.

158. The Office may make internal by-laws.

The Office may in particular establish permanent or temporary committees, define their powers and functions and determine their mode of constitution and operation.

The committees may, with the authorization of the Minister, be composed in whole or in part of persons who are not members of the Office.

Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be 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.

The Office may also generally authorize a member or staff member of the Office to act as a mediator to facilitate an agreement between the parties in accordance with section 51.

159. The minutes of the meetings of the Office, approved by the Office, and documents and copies emanating from the Office or forming part of its

records are authentic if signed or certified by the president and director general or by a staff member so authorized by the latter.

160. Not later than 31 August each year, the Office shall submit a report to the Minister on its activities for the preceding fiscal year.

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

DIVISION II

COMITÉ D'OFFICIALISATION LINGUISTIQUE AND COMITÉ DE SUIVI DE LA SITUATION LINGUISTIQUE

161. Committees are hereby established within the Office under the names of “Comité d’officialisation linguistique” and “Comité de suivi de la situation linguistique”.

On request or on its own initiative, each of the committees shall, in its designated field, advise and submit proposals to the Office.

The Comité de suivi de la situation linguistique may commission studies and research to be conducted by the Office québécois de la langue française or by a third party.

162. Each of the committees 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 Comité d’officialisation linguistique shall include at least two French linguistics specialists and the Comité de suivi de la situation linguistique shall include at least two demography or sociolinguistics specialists.

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

163. Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Office. 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 Office.

164. The committees shall operate under rules determined by the internal by-laws of the Office.

TITLE IV

INSPECTIONS AND INQUIRIES

165. The Office may, for the purposes of this Charter, make inspections and inquiries.

166. The Office shall act on its own initiative or following the filing of a complaint.

Where a complaint has been filed, the president and director general may exercise, alone, the powers of the Office.

167. 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 Office shall provide assistance to complainants in drafting their complaints.

168. The Office shall refuse to act if the complaint is manifestly unfounded or in bad faith.

The Office may refuse to act if an appropriate recourse is available to the complainant or if it considers that the circumstances do not justify its intervention.

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

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

170. The Office has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

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

171. No proceedings may be instituted against a person making an inspection or an inquiry by reason of any act or omission done in good faith in the exercise of his functions.

172. A person making an inspection for the purposes of this Charter may, during business hours, provided it is at a reasonable time, enter any place open to the public. In the course of the inspection, the person may, in particular,

examine any product or document, make copies, and require any relevant information.

The person must, at the request of any interested person, identify himself and produce the certificate attesting his capacity.

173. The Office may, for the purposes of this chapter, require a person to forward any relevant document or information within the time it fixes.

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

175. Where the Office is of the opinion that this Charter or a regulation thereunder has been contravened, it shall give the alleged offender formal notice to comply therewith within the time indicated. If the alleged offender fails to comply, the Office shall refer the matter to the Director of Criminal and Penal Prosecutions so that he may, where required, institute appropriate penal proceedings.

In the case of a contravention of section 102 or 174, the Office shall refer the matter directly to the Director of Criminal and Penal Prosecutions, without giving prior formal notice.

176. Notwithstanding section 175, the Office or a person making an inspection or an inquiry has the power to impose a fine, without prior notice, on any person contravening section 84, 86 or 90.

TITLE V

PENAL PROVISIONS AND OTHER SANCTIONS

177. Every person who contravenes a provision of this Charter or the regulations adopted by the Government or the Office thereunder commits an offence and is liable

(a) for each offence, to a fine of \$750 to \$2,100 in the case of a natural person and \$1,500 to \$4,200 in the case of a legal person; and

(b) for each subsequent offence, to a fine of \$1,500 to \$4,200 in the case of a natural person and \$3,000 to \$21,000 in the case of a legal person.

However, in the cases described in section 176, the offender is liable

(a) for each offence, to a fine of \$50 to \$100 in the case of a natural person and \$250 to \$1,000 in the case of a legal person; and

(b) for each subsequent offence, to a fine of \$100 to \$200 in the case of a natural person and \$500 to \$5,000 in the case of a legal person.

178. Every person who contravenes any of the provisions of sections 76 to 79 by distributing, selling by retail sale, renting, offering for sale or rental or otherwise marketing, for consideration or free of charge, or by possessing for such purposes,

(1) a product, if the inscriptions on the product, on its container or wrapping, or on a document or object supplied with it, including the instructions and the warranty certificates, are not in conformity with the provisions of this Charter,

(2) computer software, including game software and operating systems, or a game or toy that is not in conformity with the provisions of this Charter, or

(3) a publication that is not in conformity with the provisions of this Charter,

commits an offence and is liable to the fines provided for in section 177.

The same holds for the operator of an establishment where menus or wine lists that are not in conformity with the provisions of section 76 are presented to the public.

The burden of proof concerning the exceptions provided for in sections 78 and 79, or pursuant to section 80, lies with the person who invokes the exceptions.

179. The Attorney General, the Director of Criminal and Penal Prosecutions or a person either of them has authorized shall institute penal prosecutions under this Charter. The Attorney General shall bring all other proceedings necessary for the enforcement of this Charter.

180. Any court of civil jurisdiction, on a motion by the Attorney General, may order the removal or destruction at the expense of the defendant, within eight days of the judgment, of any poster, sign, advertisement, billboard or illuminated sign not in conformity with this Charter.

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

181. Every person who is convicted of contravening section 102 is disqualified for office as a school board commissioner.

The disqualification period is five years from the date on which the judgment of guilty becomes res judicata.

182. Where a judgment of guilty become res judicata has been rendered against a person in the employ of a school body who has been convicted of

contravening section 102, the Director of Criminal and Penal Prosecutions shall notify the school body in writing.

On receiving the notice, the school body shall suspend that person without pay for six months.

TITLE VI

FINAL PROVISIONS

183. This Charter replaces the Charter of the French language (R.S.Q., chapter C-11).

184. The Government shall entrust a minister with the administration of this Charter. Such minister shall exercise the powers of the incumbent minister of a department in regard to the staff of the Office québécois de la langue française.

185. This Charter is binding on the State.

186. This Charter comes into force on (*insert the date of assent to this Act*).

SCHEDULE

A. *The civil administration*

1. The Government and the government departments.
2. The government agencies:

Agencies to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund except, however, health services and social services, general and vocational colleges and the Université du Québec.

A subsidiary of an agency described in the first paragraph is a government agency.

3. The municipal and school bodies:

(a) the metropolitan communities and transit authorities:

The Communauté métropolitaine de Québec and the Communauté métropolitaine de Montréal, the Réseau de transport de la Capitale, the Société de transport de Montréal, the Société de transport de l'Outaouais, the Société de transport de Laval and the Réseau de transport de Longueuil;

(b) the municipalities, municipal boroughs being regarded as municipalities;

(c) the bodies under the authority of a municipality and taking part in the administration of its territory;

(d) the school bodies:

The school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal.

4. The health services and the social services:

Institutions within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

B. *Semipublic agencies*

1. Public utility enterprises:

If they are not already government agencies, the telephone, telegraph and cable-delivery enterprises, the air, ship, bus and rail transport enterprises, the enterprises which produce, transport, distribute or sell gas, water or electricity, and enterprises holding authorizations from the Commission des transports du Québec.

2. Professional orders:

The professional orders listed in Schedule I to the Professional Code (R.S.Q., chapter C-26), or established in accordance with that Code.

