

Policy Matters Blog #9 – Bill 96

COMMITTEE EXAMINES LANGUAGE RULES GOVERNING BUSINESS AND PUBLIC EDUCATION

February 18, 2022 – The National Assembly’s [Committee on Culture and Education](#) yesterday resumed its clause-by-clause analysis of Bill 96, [An Act respecting French, the Official and Common Language of Québec](#). The Committee discussed clauses 38 through 56, covering Articles 49 to 84 of the soon-to-be-modified [Charter of the French Language](#). These clauses add and amplify rules regarding French as the language of commerce and as the language of public primary- and secondary-school education.

Almost all of the clauses presented were adopted with little or no debate. A few invited lengthy discussions. First was clause 41, adding Art. 50.2 to the Charter. It reinforces the right of consumers to receive services in French, but also states that businesses with clients who are not consumers (e.g. other businesses) “must inform and serve” in French. Liberal MNA Hélène David questioned the absolutist tone of this provision. As written, it implies that Quebec-based businesses must serve their clients in French – regardless of whether the business-client is itself based in Quebec. Language Minister Simon Jolin-Barrette replied that the exclusivity rule under Art. 13.2 does not apply to inter-business communications. Moreover, he added, the absence of the word “exclusively” in Art. 50.2 means that services can be rendered in a language other than French if the business-client so wishes.

MNA David continued that the distinction between the obligation to inform and serve in French and the obligation to inform and serve “exclusively” in French is obscure and unclear. She suggested this could lead to confusion in day-to-day operations for local businesspeople. She suggested an amendment should be introduced to clearly specify that businesses can serve non-consumer clients in a language other than French if the non-consumer client so wishes. No concrete amendment was tabled. Ultimately, the clause was adopted in its original form.

The remainder of the session centred on clause 56, which adds Art. 84.1 to the Charter. This new article focuses on the ability of temporary Quebec residents to send their children to English-language public elementary and high schools. More precisely, Art. 84.1 creates an exemption to the rule under Art. 72(1) of the Charter by allowing the children of temporary residents (i.e. foreign nationals with work or study permits) to attend English-language school for up to three years. This cap cannot be renewed should the temporary resident and their child remain in Quebec beyond that period.

Similar to the six-month exemption for newcomers under clause 15 of the bill, Art. 84.1 triggered considerable and heated discussion. MNA David expressed concern regarding the children of students pursuing doctoral or post-doctoral programs, many of which require more than three years. These children, she suggested, could after three years of English-language education in Quebec be forced to transition abruptly to the French sector, with a possibility that they would not remain in the province after their parents complete their degrees. Minister Jolin-Barrette stated that students on temporary study permits often apply to become permanent residents once they complete their studies and secure employment in Quebec. He suggested that the children of such students should integrate into French-speaking Quebec through French-language education. As well, he explained, many newcomers to Quebec

obtain temporary residency status with the hope of settling permanently and working in the province once they finish their studies. Bill 96, the minister said, should therefore allow for those children to integrate into Quebec society as early as possible. He expressed concern over a rising number of temporary Quebec residents with children in the English system. He did not provide any statistics.

Québec solidaire MNA Ruba Ghazal expressed support for Art. 84.1, but suggested that the rising number of temporary Quebec residents is also a response to the intense labour shortage with which the province is grappling. She asked what the Minister's government is prepared to do to address this problem. Minister Jolin-Barrette responded that the number of temporary residents admitted to Quebec is controlled by the federal government. No other Committee member rebutted that foreign nationals wanting to work or study temporarily in Quebec must first be authorized to do so by the provincial government by obtaining a Quebec Acceptance Certificate before they apply to the federal government for temporary residency status.

Minister Jolin-Barrette elaborated by saying the goal of Art. 84.1 was to seal the loophole allowing children of temporary residents (who may later become permanent residents) to continue in the English system and thus gain that access as a right under Art. 73 when that right was only intended for "Anglophones" (i.e. historic anglophones). Liberal MNA David Birnbaum took exception to the Minister's remarks, asking that the Minister provide evidence of how many temporary Quebec residents took advantage of the loophole. The Minister replied that the Liberal Party has always seemed opposed to legislation aimed to protect the French language in Quebec, despite MNA Birnbaum's assurances of English-speaking Quebecers' support and enthusiasm for French as the common language of the province.

MNA David said she intends to table an amendment to Art. 84.1 allowing the three-year exemption period to be renewed only once. The goal would be to assist children whose parents may be completing programs of study lasting between three and six years. Minister Jolin-Barrette expressed resistance to such an amendment. He explained that allowing for a one-time renewal could result in a child receiving the "majority" of their primary and secondary school education in English in Quebec. This, he said, could in turn grant them the right to have their future children receive education in English in Quebec, under Art. 73 of the Charter should these children become Canadian citizens.

The Minister further contemplated that even if a hypothetical amendment were to be introduced that excluded the children covered by Art. 84.1 from receiving the rights conferred by Art. 73, such a provision could ignite a constitutional debate that the Minister does not want to entertain.

MNA David requested that the vote on her amendment be delayed until the next session, to provide her time to reflect on the intended amendment. Her request was granted, and the Committee adjourned.

Discussion on Bill 96 will resume next week, with continued analysis of clause 56. The much-anticipated study of clause 58 is to follow. This provision aims, in part, to impose restrictions on who may attend English-language CEGEPs.