

For immediate release

Senate Probe of Language Law's Constitutional Effects Essential – QCGN

Ottawa, May 15, 2023 –Today, the House of Commons adopted C-13 at third reading, having adopted amendments to the legislation last week that are deeply troubling to the English-speaking community of Quebec. The bill now proceeds to the Senate, where our community hopes the Upper Chamber will closely study the inclusion of Quebec's Charter of the French Language within the purpose clause of the Official Languages Act.

"On behalf of the Quebec Community Groups Network and the community, I want to thank Mont-Royal MP Anthony Housefather who stood up for the English-speaking community of Quebec and voted No last week when the Bill passed through the Report Stage, and once again today at third reading," said QCGN President Eva Ludvig. "He put principles before politics, and we applaud him." Longueuil—Charles-LeMoine MP Sherry Romanado abstained on both votes.

"It is true that the Senate's committee on official languages conducted a pre-study on C-13 last year," notes Ludvig. "The bill they studied, however, is very much different from the legislation arriving at their door in the coming days. It requires another look."

"Bill C-13 has been significantly amended as it moved its way through the House of Commons," she explained. "From the perspective of English-speaking Quebec, it has been made decidedly worse than the already worrisome bill proposed in March 2022."

"Our remaining concerns are more constitutional matters than linguistic; those concerns lie with the law's incorporation by reference to Quebec's Charter of the French Language in three different places. It is in this provincial legislation where we find constraints to English-speaking Quebecers' rights, and C-13 lends its support to that," Ludvig said. The QCGN suggests, therefore, that there is an urgent need for the Senate's Legal and Constitutional Affairs committee to examine the constitutional ramifications of C-13 because of these incorporations and the fact that the Quebec Charter of the French Language, as amended by Quebec's Bill 96 last year, now includes the pre-emptive use of the notwithstanding clause. This allows the Quebec government to override constitutionally guaranteed rights and freedoms without fear of court challenges.

Officials who spoke to MPs at the House Official Languages Committee earlier this year were clear about the dangers and complications that such incorporation would pose. MPs heard that not only would the incorporation of the provincial charter in federal language legislation be unprecedented. It would commit the federal government to respecting the Charter of the French Language. Under Bill 96, that means services provided in English would be available only to members of the English-speaking community who have the right to send their children to an English-language school.

“In the past several months, Prime Minister Justin Trudeau has spoken out clearly and eloquently against the pre-emptive use of the notwithstanding clause,” said Ludvig. “If Bill C-13 is to live up to these ideals, the references to the Quebec language charter should be removed before the bill is given Royal Assent. These references do nothing to promote the rights and freedoms of French-speaking Canadians and everything to provide a precedent for other provincial governments to treat their linguistic minorities in a similar fashion.”

“Enacting C-13 would thus mark a clear retreat from 50 years of official-language policy that has recognized the equality Canada’s two official-language communities have before the law,” said Ludvig. “We implore the Senate, as a body that exists to give voice to the underrepresented and to correct legislative errors before they become law, to examine these important constitutional issues in a careful, dispassionate manner.”

The Quebec Community Groups Network (www.qcgn.ca) is a not-for-profit organization bringing together English-language community organizations across Quebec. As a centre of evidence-based expertise and collective action it identifies, explores, and addresses strategic issues affecting the development and vitality of the English-speaking community of Quebec and encourages dialogue and collaboration among its member organizations, individuals, community groups, institutions, and leaders.

For further information:

Rita Legault, Director of Communications | rita.legault@qcgn.ca

Telephone: 438-270-0680