

Policy Matters Blog #16 – Bill 96

COMMITTEE DISCUSSES USE OF FRENCH WITHIN BUSINESSES

March 24, 2022 – The National Assembly’s [Committee on Culture and Education](#) yesterday continued its clause-by-clause analysis of Bill 96, [An Act respecting French, the Official and Common Language of Québec](#). Members discussed clauses 63 through 83, covering new Articles 88.14 through 140 of the [Charter of the French Language](#). This section relates to businesses that operate within the province.

The committee reviewed and adopted clauses 63 to 72, with little to no discussion. A notable addition to this part of the Charter is Art. 89.1, adopted through clause 65. This provision ensures the right of Quebecers to work in French in any business that operates within Quebec territory. Its scope encompasses federally regulated businesses such as banks, airlines, and broadcasters, as well as the federal public service. While this is a controversial addition given the federal government’s obligations to provide services in both English and French, there was little discussion on the subject. No amendments were presented.

Turning to clause 73, the government presented a series of amendments to clarify that questions of language within municipalities will be the purview of the Ministry of the French Language, while the health and education sectors will be governed by the Office Québécois de la Langue Française (OQLF) in this regard. All amendments and the article were adopted.

The committee moved on to clauses 74 through 79. These were also adopted with little discussion.

Notably, clause 76 enables the OQLF to order a business with fewer than 100 employees to form what is referred to as a “francization committee” if it deems the use of French not to be generalized across all levels of the business (i.e., employees at all levels using French in their workdays). While the exercise of this power is left to the discretion of the OQLF, subsequent articles provide some indication as to what would constitute a generalized use of French (Clause 84 is discussed below). The francization committee is a body of at least six members from the organization, tasked with reporting on the linguistic situation of the business to the management and to the OQLF.

The committee adopted clause 80, which describes the functioning of francization committees within businesses.

While discussing clause 81, Liberal MNA Hélène David proposed an amendment that would give businesses with more than 25 employees five months to report to the OQLF regarding their linguistic situation. The current bill proposes a delay of three months. This amendment was rejected by the government.

Regarding the same clause, Québec Solidaire MNA Ruba Ghazal proposed an amendment to extend the application of this section to businesses with more than ten employees, instead of more than 25

employees. She stated that this would provide a way for new immigrants to become better integrated to French because they would have to speak the language at work, even within a small organization. Minister of Justice and Minister Responsible for the French Language Simon Jolin-Barrette rejected the amendment. He stated that, in accordance with other sections of Bill 96, smaller businesses will be able to voluntarily submit to the requirements under this section. The clause was adopted, unamended, with opposition from the Liberals.

The committee then adopted clauses 82 and 83, without discussion.

Finally, the committee turned to clause 84, which describes what constitutes generalized use of French within an organization. In this regard, Quebec Solidaire MNA Ghazal presented an amendment to mandate that senior managers of businesses within Quebec have knowledge of the French language. She stated that this amendment was related to the incident involving Air Canada's CEO, Michael Rousseau, and his subsequent apology during video-conference testimony before the House of Commons Standing Committee on Official Languages. She stated, in passing, that Rousseau should also have apologized to the National Assembly. While the amendment has yet to be adopted, Minister Jolin-Barrette stated that he was open to it.

Committee proceedings resume today.