



The English Speaking Catholic Council

Le conseil catholique d'expression anglaise

BRIEF PRESENTED

TO

**LA COMMISSION DES ÉTATS GÉNÉRAUX SUR LA SITUATION ET
L'AVENIR DE LA LANGUE FRANÇAISE AU QUÉBEC**

BY

THE ENGLISH SPEAKING CATHOLIC COUNCIL

Montreal, March 1, 2001

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I The English Speaking Catholic Council

In 1980, a group of individuals who represented various sectors of the English-speaking Catholic community and its organizations met with the idea of consolidating our human and material resources for the development of our community. This consultation led to the formation in December 1980 of the English Speaking Catholic Council with a mandate to act as a focal point in coordinating the English-speaking Catholic community of Greater Montreal.¹ Over the years, the English Speaking Catholic Council has assumed a higher profile, which now extends throughout the province and beyond.

The English Speaking Catholic Council is a registered non-profit organization, made up of men and women from both the public and private sectors – all volunteers – who come together with a commitment to support and speak on behalf of their community in the fields of social justice, education, health and social services, and culture.

In this year 2001, designated by the United Nations as the “International Year of Dialogue Among Civilizations”, the English Speaking Catholic Council comes before the Estates General with the hope of stimulating greater dialogue and understanding in a spirit of mutual respect among all people in Quebec.

¹ Statistics Canada, 1991 Census: There are 240,000 English-speaking Catholic in the Greater Montreal Area.

II A Time for Assessment

The English Speaking Catholic Council adds its voice to those of other Quebecers who recognize the importance of the objective expressed in the preamble of the *Charter of the French language*: “to assure the quality and influence of the French language”. We realize the unique situation of the French language in North America and the essential role that Quebec plays in maintaining it. We salute the great progress that has been made in our lifetime to reinforce the French fact through historic language laws and policies of Quebec and Canada.²

As the Commission considers concerns over the current situation and future of French in Quebec, we ask it to examine carefully all responses to these concerns with a full assessment of their global impact. Indeed, when the Estates General considers what has been left undone in Law 101 and other language initiatives in Quebec, we draw attention to another objective stated in the preamble of that law:

“...the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Quebec, and respectful of the ethnic minorities, whose valuable contribution to the development of Quebec it readily acknowledges;”

For our part, we wish to call this commitment to account.

² Background documentation - Estates General website: 68% of the English-speaking population of Quebec speak French. As recently as January 31, 2001, the Parti Québécois Executive Council referred to the study by Le Gouvernement du Québec, Comité Interministériel sur la situation de la langue française, “Le Français langue commune - Enjeu de la société québécoise”, rapport à la ministre responsable de l’application de la Charte de la langue française, Montréal, mars 1996, p.45, that 93.9% of the Quebec population was able to express itself in French in 1996.

As Catholics, we are taught that love for one's culture, community and country is a value to be fostered and that our sense of ourselves rooted in a place and people are valuable anchors for individuals and families.³ And we are also reminded of the need *“to confront intelligently the problems posed by new social configurations, accelerated migration and people of different cultures and civilizations living side by side.”*⁴ Surely in Quebec we are in the vanguard in this respect. We have the opportunity and the obligation to provide the world with new, hopeful models and principles by which to respond to these challenges.

This is the spirit in which we wish to do our accounting and give our comments on the vital issues of language laws and policies in Quebec, even as we attempt to point out their impact on our community.

III Demographics and Education

From 1971 to 1996, the number of Quebecers with English as their mother tongue declined from 13.1% to 8.8% of the population of Quebec.⁵ Three major forces are driving this decline:⁶

- A declining birthrate;

3 Message of His Holiness Pope John Paul II for the celebration of the World Day of Peace, January 1, 2001, on “Dialogue Between Cultures”.

4 Ibid

5 Statistics Canada, Languages in Canada, 1996 Census, p. 14.

6 See “Factors affecting the evolution of language groups” in New Canadian Perspectives, Languages in Canada, 1996 Census pp. 51-80.

- High emigration;
- Government restrictions on access to English schools for English-speaking immigrants.

The best indicator of the future of a community can be found in its schools. In the case of
the

English-speaking community of Quebec, public preschool, elementary and secondary school populations have declined from 250,479 in 1972, to 105,541 this year.⁷

In Canada, minority rights regarding the language of schooling are guaranteed in the *Canadian Charter of Rights and Freedoms*. Section 23 (1) (a) of this Charter states that:

*“Citizens of Canada whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside have the right to have their children receive primary and secondary school instruction in that language in that province.”*⁸

Quebec’s specificity is recognized in Section 59 of the *Constitution Act, 1982*, which provides that Section 23 (1) (a) shall be proclaimed only where authorized by the legislative assembly or government of Quebec. Quebec remains the only province where Section 23 (1) (a) does not apply.

We suggest that accessibility to English schools is a key area where Quebec, by proclaiming Section 23 (1) (a), can act to improve its performance in the area of minority rights and thereby open an urgently needed source of renewal and growth for its English-speaking communities. In this context, we are reminded of the wish expressed by the late René Lévesque for an eventual easing of Quebec’s language legislation:

⁷ Ministère de l’éducation, Direction des politiques et des projets.

⁸ Section 23 (1) (b) allows Canadian citizens who had their schooling in English in Canada to send their children to English school. However, English-speaking Canadians educated in, for example, the US or UK do not have this right in Quebec.

“One day, if we wanted it badly enough, French would be at home everywhere in Quebec and as in any normal country, we could finally toss aside the crutches of legislation that have always seemed to me to be deeply humiliating.”⁹

The time has now come to remove those crutches which have had such a profound impact on the English-speaking community in Quebec.

⁹ “Memoirs”, René Lévesque, McClelland & Stewart 1986, p. 288.

Regrettably, certain groups are now targeting yet another sector of the English education system by advocating restrictions on access to our English-language CEGEP institutions. To do so is to subject these institutions to the same demographic decline that we have experienced in our elementary and secondary school systems, leaving some of them vulnerable to closure. CEGEP institutions produce well-qualified bilingual graduates able to participate in Quebec's French mainstream and make a major contribution to Quebec's economic development in the global economy. We cannot believe that any policies intended to improve the future of Quebec could include deliberately eviscerating this part of Quebec's educational system.

IV Health and Social Services

The health and social services network is a milieu where communication, trust and understanding between professionals and the public are vital.

Language is an essential tool for the *effective* provision of health and social services where people are vulnerable and require care delivered with empathy and understanding. Our health care system is based on the principle of universality whereby all services are accessible to all citizens without discrimination. Such access is of the highest importance to the English-

speaking community, as indicated in a poll recently released by the Missisquoi Institute and the Centre de Recherche sur l'opinion publique (CROP), in which 97% of respondents ranked access to English-language health and social services as the single most important issue facing anglophones in Quebec.¹⁰

We acknowledge that in Section 15 of the *Act respecting Health Services and Social Services*, the Quebec Government addressed the issue of providing health care and social services in English.¹¹ However, the development of the current access plans provided for under Section 348 of that Act had been subjected to years of delay. Much of this delay was caused by a review of the plans by the Office de la langue française, prompted by those who fear the proliferation of “institutionalized bilingualism” and the loss of the right of employees to work in French. Neither of these situations exists. Rendering a service in the language of the patient does not constitute “institutionalized bilingualism” nor does it infringe on the right of the individual to work in French. On this issue, Dr. Victor Goldbloom, physician and former Commissioner of Official Languages, categorically stated: *“It is a fundamental principle for me that the right of the citizen takes precedence over that of the public servant.”*¹²

10 Missisquoi Institute/CROP poll survey: “Quebec’s English-speaking communities in the year 2000”, Figure 9, January 2001.

11 Section 15 of the *Health and Social Services Act* specifies that: “English-speaking persons are entitled to receive health services and social services in the English language, in keeping with the organizational structure and the human, material and financial resources of the institutions providing such services and to the extent provided by an access program referred to in Section 348.”

12 Letter from Dr. Victor Goldbloom, former Commissioner of Official Languages, to Jean Rochon, former Minister of Health, Bulletin Infoaction, May 1998.

In accordance with its mandate, the Provincial Committee on the Dispensing of Health and Social Services in the English language examined the decrees approved by the Quebec Government in 1999 which enact an access program of health and social services in English in each of the sixteen administrative regions throughout the province. The Committee concluded that the decrees produced satisfactory results in nine regions, namely, Bas-Saint-Laurent, Estrie, Montréal-Centre, Outaouais, Gaspésie-Îles-de-la-Madeleine, Chaudière-Appalaches, Laval, Lanaudière, and Montérégie. And seven other regions, namely, Saguenay-Lac-Saint-Jean, Mauricie et du Centre-du-Québec, Abitibi-Témiscamingue, Laurentides, Québec, Côte-Nord and Nord-du-Québec now have reduced access to English-language services.¹³

Looking at these results, we deplore the government's decision to have conferred the responsibility of implementing Section 15 of the *Health Act* upon an official who evidently clearly did not believe in the validity of this measure. We refer the Commission to the brief presented to you by Madame Micheline Dubé in October 2000.¹⁴

We trust the Commission will send a clear message to the Government that no changes be made to the guarantees stipulated in the *Act respecting Health Services and Social Services* regarding access to these services in the English language for the English-speaking population.

13 Provincial Committee on the dispensing of health and social services in the English language, Activity Report, 1999-2000, pp. 13-15.

14 Mémoire présenté à La Commission des États Généraux par Micheline Dubé, récemment retraitée des services publics "...ministère de la Santé et des Services sociaux où j'ai été responsables des services en langue anglaise et aux communautés culturelles, de 1997 à septembre 2000, et responsable de la politique linguistique en 1999-2000..." - "il faut mettre frein à la logique actuelle et implacable de la bilinguisation du réseau de la santé et des services sociaux. Il est donc impératif, à défaut de modifier la LSSSS, de repositionner ce droit accordé à la personne d'expression anglaise stipulé à l'article 15 et mis en oeuvre par l'article 348."

V Public Signage

It is in the matter of public signs that disrespect of minority rights is most visible. In the Missisquoi Institute/CROP poll recently released, 85% of respondents identified “language of signs” as an important issue for the anglophone community.¹⁵

A review of other western democratic jurisdictions with significant language minorities shows several with laws covering the language of commercial signs. Typically, these laws require the presence of the official language on such signs. Some specifically allow for other languages. A few require that the minority language not be any larger than that of the majority language. Not one has attempted to ban other languages completely nor do any require the predominance of a particular language.

In her Report on the Regulation of the Language of Commercial Signs and Advertising in Bi- or Multi-lingual Western Style Democracies, Teresa Scassa of the Dalhousie Law School, notes:

“While requiring signs to be in an official language is generally accepted as a legitimate part of language policy, limitations on the existence of a translation or even on the size of the translation in comparison with the original have been found to violate constitutional rights. As these rights are generally recognized in

¹⁵ Missisquoi Institute/CROP poll survey, op. cit., figure 10, January 2001.

Western democracies and are reflected in international human rights treaties, this may suggest a shared understanding of the scope of such rights.”¹⁶

The norm among those countries which we consider our democratic peers, such as France, Belgium and Switzerland, is clear: While a certain language may be required on public signs, others cannot be banned. Laws might legitimately prescribe presence of one language but not its domination over all others. Clearly, this is a wise standard, intended to ensure that the *visage linguistique* respects the individual’s right to express himself in the language of his choice. We are thus prompted to ask: Why does Quebec need the current degree of purity in its *visage linguistique* and why must our English language be hidden from public view? We ask the Commission to complete the work of building language legislation worthy of Quebec and to put

16 “Report on the Regulation of the Language of Commercial Signs and Advertising in Bi- or Multi-lingual Western Style Democracies,” by Teresa Scassa, S.J.D, Associate Professor of Law, Dalhousie Law School, p. 4, March 18, 1999.

an end to the long story of the unilingual sign as an instrument of domination.¹⁷

VI Protecting Community Institutions

We firmly subscribe to the vision expressed by Jean Doré, the former Mayor of Montreal when he said,

“I see Montreal as a meeting place of peoples and nations: a great generator of economic energy, ideas, culture, and diverse views expressed in many languages: French, English, and others. Let it always be so.”¹⁸

Even as the Estates General proceeds with its work, access to English-language services on the Island of Montreal is being threatened by the forced merger of its municipalities, some of which have been officially recognized as bilingual. We submit that it would not endanger the French language nor French-speaking communities if the government were to recognize Montreal’s special character as a city shared by French, English and many other cultures. This is after all what we proudly tell the world about Montreal.

¹⁷ “Memoirs”, René Lévesque, “What was involved at that time was an instrument that only a colonial society would have to provide for itself. Everywhere outdoor advertising continued to throw down on us the unilingual sneer of a dominant minority.” p. 288

¹⁸ Jean Doré, former Mayor of Montreal, Speech to B’Nai Brith League for Human Rights, from Montreal Gazette, Nov 7 1991.

Under Law 171, the requirements for a new municipality to be designated bilingual in Quebec have been tightened. The criterion has been adjusted from 50% non-francophone to 50% English mother-tongue – a much more rigorous standard. In our view, the bar on municipal bilingualism was placed too high before this change and now it is to be even higher. Indeed, we find it aberrant that the Quebec government only recognizes English minority rights in places where the English population forms a majority. Among various democratic states that recognize their minority-language communities, the norm is to confer bilingual status on a community when minorities reach the 10% level.¹⁹

The background papers for the Estates General discuss these demographic and linguistic issues in military terms, for example, the *reconquest* of the Island of Montreal. However, the ebb and flow of different populations on this island are not military movements. Furthermore, military analogies are corrosive to healthy intercultural relations. We urge the Estates General to recommend that the provincial government discard all notions of conquest and domination. Rather let there be policies that ensure all Quebecers are treated with justice and respect.

19 Scassa, Teresa, op. cit., p. 11. Finland accords bilingual (Finnish-Swedish) status to communities with at least 8% Swedish-speaking populations. Finland's Swedish-speaking minority makes up only 6% of its total population of 5 million. Ontario requires official bilingualism when French-speaking minorities comprise 10% of the population of a community – and communities with smaller minorities may decide to adopt bilingualism if they wish.

VII Recommendations

The English Speaking Catholic Council proposes that the Final Report of La Commission des États Généraux sur la situation et l'avenir de la Langue française au Québec include the following recommendations:

- **That** the National Assembly act upon the objective stated in the preamble of Law 101:

“the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Quebec, and respectful of the ethnic minorities, whose valuable contribution to the development of Quebec it readily acknowledges...”

by promoting greater respect for linguistic minorities and by providing legal protection for their institutions.

- **That** the Government of Quebec proclaim Section 23 (1) (a) of the Charter of Rights and Freedoms.

- **That** current rules for access to English-language CEGEPs be retained.

- **That** guarantees for access to health services and social services in the English language for the English-speaking population, stipulated in the *Act respecting Health Services and Social Services* be maintained.

- **That** in view of the fact that the current language legislation is not consistent with Quebec's assertion that it is an open, tolerant and democratic society, English and other languages must also be permitted as an expression of Quebec's identity as an inclusive society.

- **That** municipalities across Quebec be permitted to provide English-language services when their minority population is over 10%.

- **That** the new City of Montreal be required to provide services in the English-language to English-speaking citizens living in its territory.

* * *

A Quebec that sets itself the objective of respecting its minorities would recognize the historic presence of a multidimensional English-speaking community throughout the province, would show concern about its continuing decline and would adopt measures to promote its renewal. There is a need to enact a comprehensive social contract for English-speaking Quebecers, including legal protection for their community institutions. To attain this objective, **the English Speaking Catholic Council proposes that the Government of Quebec amend the Charter of Human Rights and Freedoms in order to formalize and codify Quebec's democratic responsibilities towards the English-speaking community.** Such an initiative, would provide a context in which all our recommendations could be integrated. At the same time, it would be an effective way to complete and complement Law 101 and would lay the foundation for continuing and productive dialogue among all linguistic communities in this province. It would create an enduring mechanism for ensuring the rights of the English-speaking minority and other linguistic minorities in Quebec. It would send a clear signal across this continent and around the world that Quebec is ready to take its rightful place as a welcoming member within the North American community.

The English Speaking Catholic Council
Montreal, March 1, 2001

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