

Policy Matters Blog #18 – Bill 96

COMMITTEE DEBATES NEW COMPLAINTS PROCEDURES FOR THE OFFICE QUÉBÉCOIS DE LA LANGUE FRANÇAISE

March 31, 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](#). Members discussed clauses 101 through 107. These provisions add a slew of new articles to the [Charter of the French Language](#). They change the structure and practices of the Office Québécois de la langue française (OQLF). In addition, they establish the relationship between the OQLF and the new Ministry of the French Language.

The committee began with commentary on clause 101, which explains that the OQLF shall consist of eight members and the newly created position of Deputy Minister of the French Language. Liberal MNA Hélène David introduced an amendment to clause 101 that would specify that these members constitute a “board of directors” (*conseil d’administration*). This nomenclature, David stated, would promote clarity and transparency between the internal functioning of the OQLF and the Quebec public. Minister of Justice and Minister Responsible for the French Language Simon Jolin-Barrette replied that such a structure was ingrained within the OQLF’s member dynamics. The amendment was rejected. The original text of clause 101 was adopted.

The committee adopted clauses 102 through 106 with little to no discussion.

Debate followed on clause 107, which create Charter Articles 165.15-26. These new provisions establish two distinct mechanisms through which members of the Quebec public may notify the OQLF of what they consider any Charter violations by schools, employers, businesses, or other institutions. The first mechanism is the “complaint” process (Arts. 165.16-21), by which a Quebecer can notify the OQLF of any existing Charter violations. The second mechanism is the “disclosure” process (Arts. 165.22-23, which the bill calls *les dénonciations*). This mechanism allows members of the public to alert the OQLF of any possible or potential violations of the Charter, even without proof that such a violation has occurred.

These articles sparked intense debate between the Minister and the three Liberal MNAs on the committee. Firstly, MNA David objected to the use of the term *dénonciation* (which translates to “denunciation” or “condemnation”) to signify what essentially amounts to a communication or divulgation to the OQLF of a potential Charter violation. She said the term carries a “hard” connotation and asked whether Camille Laurin or René Lévesque would have used such a term. Minister Jolin-Barrette replied that committee members cannot wonder about the opinions of those no longer here. This part of the conversation ended there.

Minister Jolin-Barrette then read aloud the new Art. 165.20, which gives the OQLF authority to dismiss any complaint it deems “abusive, frivolous, or clearly unfounded.” The Minister provided an example of a situation when this article may be invoked: where an individual makes frequent complaints. However, MNA David and Liberal MNA Gaétan Barrette then raised another concern. They noted that Bill 96

provides complainants to the OQLF with the option of anonymity in the complaint or disclosure process. Both MNAs questioned how the OQLF would be able to pinpoint complaints that are abusive, frivolous, or unfounded (from serial complainants, as the Minister suggested) if the OQLF may not collect the identity of the person making such complaints in the first place. MNA David asked whether OQLF staff will be able to recognize “the sound of the complainants’ voices” if their complaints are unfounded and if these individuals do not want to identify themselves. The Minister replied that the purpose of allowing anonymity is to protect complainants from reprisals or retaliation, without directly addressing the concern of the Liberal MNAs.

Discussion on Art. 165.22, which explains in detail the disclosure process, was suspended for later debate. In consequence, the adoption of clause 107 was delayed until debate on this article is held.

The committee then adopted, without discussion or commentary, clauses 108 to 110 as well as clause 112.

Clause 111 outlines new and broadened investigative (search and seizure) powers for the OQLF. That discussion was suspended, to resume at a later date.

The committee adjourned. It reconvenes today.