

Policy Matters Blog #25 – Bill 96

NATIONAL ASSEMBLY WALKS BACK “3 CONTENT COURSES IN FRENCH” RULE FOR ENGLISH CEGEPS

May 13, 2022 – Over the past two days, the National Assembly discussed Bill 96, [*An Act respecting French, the Official and Common Language of Québec*](#) and commentary from the Committee on Culture and Education, which earlier reviewed the bill on a clause-by-clause basis.

Introducing the bill Wednesday, Coalition Avenir Québec (CAQ) MNA Mathieu Lévesque outlined the various “pillars” affected, such as the state’s exemplarity, business, work, higher education, and linguistic governance. Regarding CEGEPs, MNA Lévesque affirmed that no other government had shown the courage to act on the place of the French language within CEGEPs.

Liberal Leader and MNA Dominique Anglade then took to the floor. She said the Liberal caucus will vote against the bill because it goes too far. She emphasized that CEGEP students should have freedom of choice for their studies. She described as “worrisome” Bill 96’s modifications of the Quebec *Charter of Human Rights and Freedoms* and other elements of this legislation affecting the nomination of judges. Finally, she said, Bill 96 infringes on judicial independence and unduly restricts access to courts in a Quebecer’s official language of choice.

Québec Solidaire MNA Ruba Ghazal made introductory remarks for her party. She said the party would vote in favour of Bill 96, but added that the legislation does not go far enough. She described several elements of Bill 96 as positive. These include, she said, the requirement for a two-thirds vote by members of the National Assembly to appoint a Commissioner for the French Language; increased powers provided to the Office québécois de la langue française (OQLF); and reinforcement of the use of French in workplaces. However, she added, the bill lacks in three areas. First, she said, rules pertaining to the workplace use of French should be applied to businesses with more than 10 employees. Second, in her view, francisation efforts in workplaces should be carried out and paid for by businesses. Finally, she said, the delay allowing immigrants to receive services from the state in a language they understand should be increased from the six months now provided under the bill.

Finally, Parti Québécois MNA Pascal Bérubé spoke on behalf of his party. Notably, he criticized the bill for allowing English CEGEPS to remain at 17 per cent of total Quebec CEGEP student capacity when the historic Anglophone community accounts for eight or nine per cent of the Quebec population. The Assembly then adjourned.

Yesterday morning, three new amendments to clause 58 of the bill were tabled in the Assembly by the Minister Responsible for the French Language, Simon Jolin-Barrette, Liberal MNA Héléne

David, and MNAs Ghazal and Bérubé. These amendments revise the rules for English-language rightsholders (students allowed by law to study in English in Quebec) attending English CEGEPs. Under these changes to Articles 88.0.2 and 88.0.12 of the *Charter of the French Language* (the “*Charter*”), students in Anglophone CEGEPs who have the right to study in English must now, to obtain their CEGEP diploma or attestation, complete either: two French language-learning courses and three program courses taught in French; or five French language-learning courses. The amendments also add Art. 88.0.2.1, specifying that each of these new courses must provide at least 45 hours of instruction.

In substance, these measures are the same as in a Liberal amendment that had been voted down April 15 at the committee level. The Assembly adopted yesterday’s amendments, with all MNAs of the CAQ, the Liberal Party, and Québec Solidaire voting in favour. Parti Québécois MNAs abstained. Francophone and Allophone students in Anglophone CEGEPs will still be required to take three program courses taught in French and a standardized French-language test in order to graduate. While the amendment backtracks from the absolute nature of the earlier “three content courses taught in French” rule, the scope of the *Charter* has nonetheless been expanded into the CEGEP system.

MNAs then took turns expressing their thoughts on Bill 96, before it is to be adopted in the coming weeks. Liberal MNA André Fortin said that the bill’s expansion into the CEGEP system insults the rigour of Francophone Quebecers. He countered the notion that two years of study in English would “assimilate” or “anglicize” young French-speaking students. He said these new rules hurt Francophone CEGEP students. He cited Camille Laurin (one of the pioneers of the *Charter*) who once advised, according to Fortin, that the language of study in higher education should remain the choice of students alone. Finally, MNA Fortin took issue with the unofficial term “historic Anglophone” introduced by the CAQ to describe English-language rightsholders. He addressed what he termed the “absurdity” of demanding papers proving one’s right to attend school in English in Quebec when trying to obtain simple government services in English. MNA Fortin said the term also divides and hierarchizes English-speaking Quebecers. He concluded that the CAQ does not need to denigrate English-language rights in order to protect the French language, adding that Bill 96 ultimately creates a climate of division and hostility in Quebec between citizens of different linguistic backgrounds.

With respect to English-speaking Quebecers, MNA Ghazal then said that her party would have been first to condemn the legislation if it infringed English-language rights. She cited Camille Laurin’s wish that English-language rights continued to be respected while exacting measures to protect French. She finished with the remark that French should be protected, but not against immigrants or Anglophones.

Finally, Liberal MNA David Birnbaum spoke regarding the impact of Bill 96 on Quebec’s English-speaking community. He said the Liberal Party would vote against the bill “with determination and pride,” and that, through its provisions, the CAQ has legislated division rather than unity

among Quebecers. With regard to the consequences on health care, MNA Birnbaum said that under the new rules of Bill 96, the indirect effect will be that Quebecers will now “need a language test in order to have a blood test.” He lambasted what he described as the CAQ’s regard for English-speaking Quebecers as “enemies” of the French language, as well as the governing party’s use of total overrides of human rights law to achieve its goal. He described this as a tactic the Liberals cannot and will not accept.

The National Assembly is scheduled to reconvene May 24 to continue discussion. A vote on adoption of Bill 96 will follow.