



Voice of English-speaking Québec

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Committee on Culture and Education

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Brief regarding the General consultation and public hearings on Bill 14 : An Act to amend the Charter of the French language, the Charter of human rights and freedoms and other legislative provisions

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ORGANIZATION:

The Voice of English-speaking Québec (VEQ) is a non-profit organization dedicated to the preservation and promotion of the dynamic English-speaking minority community in the Greater Quebec City region. VEQ is governed by a Board of Directors of 21 volunteers. Currently, VEQ maintains active partnerships with approximately 70 community groups and organizations, and boasts a membership of more than 2,200 individuals. VEQ also has a good knowledge and understanding of the needs of its community and benefits from an excellent reputation and credibility with its community members, partners, peer organizations (QCGN regional associations) and various funders (private foundations, municipal, provincial and federal governments). As an umbrella group serving a linguistic minority community, all our actions and projects are defined by the following four goals: 1. Act as a hub of information for the English-speaking community, 2. Foster community cohesiveness, 3. Support the development of the community, 4. Promote the interests of the community.

PURPOSE OF THE BRIEF:

The purpose of this brief is to highlight the potential impacts that the proposed Bill 14 could have on the minority English-speaking community of the Greater Quebec City region. As the preeminent interest group representing English-speakers in the Quebec City region, VEQ has carefully analyzed all the modifications included in the proposed Bill 14 and has consulted its membership, community and many of its key partners in order to present this comprehensive evaluation of the impacts that Bill 14 could have on our community. It is our opinion that Bill 14, if adopted in its present form, will have several negative consequences on the vitality of our community and on the capacity of English speakers to continue to be contributing citizens of our region. In addition, we sincerely believe that Bill 14 will



also have a real negative impact on the capacity of our entire region to attract and retain English-speaking immigrants and migrants which will directly affect the economic prosperity of the Quebec City region.

CONTEXT OF THE BRIEF

After carefully studying the proposed changes to existing legislation in Bill 14, which go well beyond the existing provisions of Bill 101, we firmly believe that the proposed Bill 14 in its present form can only negatively affect the sustainability of the local English-speaking community, as well as the capacity of its members to strive as productive and contributing citizens in the Quebec City region. These changes seem completely unnecessary to us, especially in a context where the local English-speaking community already faces many challenges that jeopardize its long-term sustainability and historical presence in the Quebec City region.

For over 250 years, the English-speaking community has positively contributed to the socioeconomic development and strength of the Quebec City region. Not only did English speakers have a critical role in the development of the political and economic structures of our province's capital, but also in the foundation of important municipalities such as Shannon and Saint-Gabriel-de-Valcartier. The historical presence of the English-speaking community can also be noticed almost everywhere in the toponymy of our region through the names of our streets, buildings or public places. As a community that has made their home in the Quebec City region and in the Province of Quebec for centuries, we believe that it is important for the Government of Quebec to carefully evaluate the impacts that the proposed modifications to existing laws can have on our community's capacity to survive.

The English-speaking community of the Quebec City region has been in steady decline since the middle of the 19th century. Indeed, from a linguistic community that represented almost 50% of the total population in 1850, English speakers represent only 1.9% of the total population (approximately 14,500 individuals) according to the most recent Statistics Canada census. It is worth noting that every five years, 25% of our community's population is renewed by newcomers. Without this important demographic contribution from migrants and immigrants not born in our region, it would be even more difficult for our community to maintain key institutions such as the Jeffery Hale Hospital, the Cegep St. Lawrence or the Morrin Centre that offer high quality services to both linguistic communities in their respective sector. This is just one reason why we are extremely concerned with the modifications included in Bill 14 that would directly affect our capacity to integrate and retain English-speaking newcomers in our community and in our region as a whole.

It is also important to mention that the English-speaking community of the Greater Quebec City region has a much higher unemployment rate and percentage of people living below the low income cut-off than the French majority (source - Socio-Economic Profiles of Quebec's English-speaking Communities – CHSSN – 2010). In a context where our community also struggles with other important problems such youth out-migration and an aging population, the proposed changes included in Bill 14



will only make it more difficult to attract and retain English-speaking newcomers in our region which will directly impair the sustainability of our community.

The English-speaking community of the Greater Quebec City region is an integrated but not assimilated community that has always focused on strong partnerships with the French-speaking majority to maintain its institutions. We strongly believe that collaboration between the English-speaking and the French-speaking communities represents the most efficient approach to guarantee both linguistic communities' survival and prosperity. This approach, which we called the *Quebec City Way*, has been particularly successful in our active work aimed at integrating and retaining English-speaking newcomers within both linguistic communities in the Quebec City region. Indeed, our minority linguistic community has been able to convince the federal government, the City of Quebec, multiple foundations and various partners from the public, private and community sectors to commit time, energy and financial resources because we have been able to demonstrate that the entire region benefits from an increased capacity to successfully integrate English-speaking newcomers in both linguistic communities of our region.

As an organization dedicated to the preservation of the English-speaking minority, we strongly support the objective of the Quebec government to improve access to training programs in French for all Quebecers. Every year VEQ helps approximately 500 English-speaking newcomers settle in the Quebec City region. The first thing we tell them all is to learn French because it is extremely difficult to enjoy life in Quebec City if you can't communicate with 98% of your neighbours, colleagues, service providers, etc. If English speakers don't learn French, it is next to impossible for our community to convince them to stay in our region for the benefits of both linguistic communities. In order to increase its capacity to help newcomers learning French and integrating in our region, it is fundamental for the Government of Quebec to use the existing English-speaking community rather than voting laws that will limit its rights.

SPECIFIC CONCERNS

Before drawing your attention to some specific articles in Bill 14 that we consider to be problematic for our linguistic community, we believe it is important to mention that VEQ has validated its initial concerns with hundreds of members in our community. We distributed an electronic survey that benefited from an open rate of 34.5% and a click through rate of 31.1% well above the industry average for non-profit organizations (19.9% and 5.4% respectively according to the 2012 Silverpop Email Marketing Metrics Benchmark Study). An overwhelming majority of respondents identified themselves as against or strongly against the modifications listed below. More than 75% of the respondents asked VEQ to submit this brief to the Committee on Culture and Education for the general consultation and public hearings on Bill 14 in order to clearly voice the concerns of our linguistic community. Therefore, we are confident speaking on behalf of the English-speaking community of the Greater Quebec City region on this issue.

CHARTER OF THE FRENCH LANGUAGE PREAMBLE – Sections 1 and 2

The proposed modifications to the preamble of the Charter of the French Language, sections 1 and 2 of Bill 14, would alter the wording regarding linguistic minorities in the province of Quebec. This could potentially be detrimental to legal challenges in an international or domestic context by replacing, “the ethnic minorities” in the third paragraph by “cultural communities”. Cultural communities do not have rights under international law, while ethnic minorities do have legal recourse should governments discriminate against them.

Pearl Eliadis, McGill University law professor and member of the Law Faculty’s Centre for Human Rights and Legal Pluralism, argued in her *The Gazette* article, “Bill 14 chips away at English minority rights” on December 11, 2012 that the changes to cultural community from ethnic minority would be detrimental to minorities in Quebec. She reasons, “cultural communities does not follow any accepted international usage, nor does it draw on human rights principles or norms. “Cultural communities” have no rights. Minorities do.”

Her article summarizes the problematic issue of the change from minority to community status for non-Francophones in Quebec,

“The International Covenant on Civil and Political Rights, which Canada ratified in 1976, specifically prohibits discrimination on the grounds of language. It guarantees equality before the law and “equal and effective protection” against discrimination on the ground of language. Article 27 says that where such a linguistic minority exists, “persons belonging to such a minority shall not be denied the right, in community with the other members of the group, to enjoy their own culture ... or to use their own language.”

Can an internal minority, or a minority within a minority, claim these rights?

In 1990, the UN Human Rights Committee ... answered No in the context of an earlier legislative action to strengthen Bill 101. This was because the term “minorities” was taken to mean ‘national minorities’, so that English speakers in a majority English-speaking country could not claim minority status. Two decades later, however, things have changed and the definition of “minority” is more inclusive today. There is the real rub and the explanation for the frisson of fear that accompanies the word “minority.”

In 2010, the UN High Commissioner for Human Rights said: “It is now commonly accepted that recognition of minority status is not solely for the State to decide, but should be based on both objective and subjective criteria.” The subjective criteria now include how minorities decide to identify and define themselves.”

Thus, international human rights law would, likely, recognizes the current wording of the preamble of the Charter of the French Language as according rights to linguistic and ethnic minorities in the province of Quebec. The potential change would effectively eliminate an avenue of legal recourse for minorities in Quebec, should they feel their rights infringed upon.

ARTICLES RELATING TO SECTION 29 OF THE CHARTER OF THE FRENCH LANGUAGE

After analyzing this section of Bill 14, we don't see any other possible interpretation other than a desire of the Quebec government to dramatically reduce the number of municipalities that have bilingual status and to prevent any new municipalities to obtain that status. While no municipality has a bilingual status in our region, we consider this modification problematic because it will make it impossible for any of our communities to ever get this recognition. Indeed article 29 stipulates that,

"Elements that may be considered for that purpose include the historical presence of an English-speaking community receiving services from the recognized body or the significant involvement of members of such a community within that body."

From our perspective that is not a fair approach for the English-speaking minority. The historical presence of an English-speaking community should systematically be taken into consideration for municipalities that already hold bilingual status and for any other municipal body that would wish to obtain it.

The application of the 50% mark also represents a problem in itself when compared with the laws prevailing elsewhere in Canada or in the world. Indeed, official-language minority communities across Canada benefit from bilingual community status, ranging from 20 percent for Acadians in New Brunswick and 5 percent in some jurisdictions in Ontario. At the international level, Finland requires less than 10% of the total population to provide municipal-type services to its Swedish minority. Allowing English speakers access to services in the language of their choice does not hinder access to French language services at the municipal level. Bill 14's changes have the sole effect of prohibiting Quebec's linguistic minority from attaining municipal services in their preferred language. We believe it should be the municipality that decides the level of bilingualism it wishes to support, and in what manner it may choose to do so as long as it continues to provide high quality services in French to the majority.

SECONDARY AND CEGEP ENTRANCE REQUIREMENTS AND FRENCH-LANGUAGE PROFICIENCY REQUIREMENTS FOR THE CERTIFICATION OF STUDIES – Section 88

The new secondary school and CEGEP entrance requirements and proficiency requirements for the certification of studies could have a prejudicial effect on the English-speaking community. In particular, these modifications should be opposed because it would change the criteria for admissions to colleges from academic merit to language used, and it would potentially hinder otherwise academically successful individuals from graduating from their programs of study.

Firstly, the changes in Bill 14 to comprehension of French language required at section 30, which modifies sections 88.0.1, 88.0.2, 88.0.3 and 88.0.4. of the *Charter of the French Language*, would have a prejudicial effect on non-Franchofone individuals. This new article would require standard exit exams in the French language to graduate from the educational institution. This could be potentially harmful to unilingual Anglophones whose level of French is not fluent. While the understanding of French is a laudable goal for all students in Quebec, these requirements are detached from any explicit pedagogical goal and could hinder the academic development of academically successful students in programs where knowledge of the French language is not explicitly required for success. Furthermore, we consider this unfair that as a result of these modifications, English speaking students will now have two

languages tests to successfully pass in order to obtain their diploma, while their French counterparts will only be submitted to one exam.

Secondly, a modification at section 88.2.1 of Bill 14 reads,

“in the case of a college with a limited admissions capacity, the selection criteria and priorities that may be established to serve the English-speaking clientele for which the Government established the institution.”

This proposal would limit or favour individuals based on language for entrance into colleges. The emphasis on academic merit would be diminished for entrance into post-secondary institutions. While ostensibly favouring the English-speaking community, others would be excluded based on language. This modification could also have the effect of diminishing the access of non-Francophones to English language CEGEPs. A hindrance, the actual exclusion of individuals based on language, and the perception that non-Anglophones are not welcomed into English language educational institutions could threaten the enrolment of the aforementioned institutions and their future viability.

Any modification that could potentially threaten the capacity of our students to succeed or that could realistically weaken the capacity of our educational institutions to help English-speaking students from graduating in times represents a serious concern for our community. For a linguistic minority community schools represent a lot more than just an institution of learning, they represent an important pillar that defines the entire community and not just the students that benefit from that institution.

As an example in *Mahe v. Alberta*, [1990] 1 S.C.R. 342, the Court recognized that schools provide important institutions for the entire community. This is the case in the Quebec City region, where the schools help to anchor the community. As *Mahe* noted,

“minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture.”

ENTERPRISES EMPLOYING BETWEEN 26 AND 49 PERSONS - Section 151

We are concerned with the potential impact that these additions could have on many of our small employers, especially language schools. Language schools often represent the first employer of a large percentage of English-speaking newcomers to our region, because it is a type of employment that enables them to work while going through a *francisation* program at the same time. We are afraid that many language schools that employ newcomers simply will not be able to take on the additional requirements of Bill 14 which will directly limit their ability to provide quality employment to our newcomers. As a result, it will be more difficult for our community and for the entire region to successfully attract and integrate English-speaking newcomers.

Charter of Human Rights and Freedoms preamble

We believe that the modifications proposed in Bill 14 to the preamble of the Charter would be potentially detrimental to the basic human rights of linguistic minorities in the province of Quebec. The legislation would propose the additions of, “Whereas French is the official language of Quebec and is a fundamental factor of its social cohesion;” and by inserting the following after the fourth paragraph:

“Whereas rights and freedoms must be exercised in keeping with public order, the general well-being and the values of Quebec society, including its attachment to democratic principles, the importance of its common language and the right to live and work in French;”

These modifications to the interpretive framework for the preamble of the Charter of Human Rights and Freedoms could have a potentially detrimental effect on the linguistic minorities in the province of Quebec. Indeed, *les champs d’application de la Charte québécoise sont très large et s’applique aux de droit privé et public*. Given the wide-ranging nature of the application of the Quebec Charter, and the addition of a new component in the interpretive framework to further emphasize Quebec’s « common language » and the right to live and work in French, we are sincerely concerned that these modifications will have detrimental consequences on the basic rights of minorities in the province of Quebec. By virtue of the quasi-constitutional nature of the Charter of Human Rights and Freedoms, it is conceivable that the modifications to the preamble could have a wide application to human rights in the province of Quebec, and the favouritism of the French language could come to the potential detriment of minority groups.

REGULATION RESPECTING THE EXEMPTION FROM THE APPLICATION OF THE FIRST PARAGRAPH OF SECTION 72 OF THE CHARTER OF THE FRENCH LANGUAGE THAT MAY BE GRANTED TO CHILDREN STAYING IN QUÉBEC TEMPORARILY

This modification takes away the right of any children of a member of the Canadian Armed Forces or his spouse’s children to have systematic access to education in English. It is our opinion that this modification is simply unjustified and unnecessary especially in a context where enrolment in English-language schools across the province has dropped from 248,000 in 1971 to only 108,000 in 2007. The Central Quebec School Board evaluates that approximately 700 of their students, or 17% of their student’s body, are children of a Canadian Armed Forces family based in Valcartier or Bagotville. This proposed change would have serious negative consequences on these children’s capacity to successfully complete their elementary and secondary education, on the adapted support that they actually receive in our schools, and on the survival of at least one of our schools.

The majority of children of Canadian Armed Forces families, whether they are Francophones or Anglophones, will have to move multiple times across the country during their elementary and secondary education. More often than not in the other Canadian provinces, they will simply have no other choice than to receive education in English. Therefore, it is crucial for the children of Canadian Armed Forces families to continue being exempted from the application of the first paragraph of section 72 of the Charter of French Language. The removal of this exemption can only have negative effects on their capacity to successfully complete their elementary and secondary education.



In the Quebec City region, the majority of children of Canadian Armed Forces families attend the Dollard-des-Ormeaux school, an elementary and secondary school that has both the expertise and the experience to efficiently help children that have to go through the challenges that are unique to military families. The majority of its children share a reality that the teachers and administrative staff understand, chiefly what it means for a child to have a parent posted in Afghanistan or anywhere else in the world. They are equipped with the adequate tools to help children effectively manage and deal with the reality of separation anxiety, stress, etc. It appears clear to us that if the right to attend such a school is taken away from these children and their families, it is not only their capacity to successfully complete their elementary and secondary education that will be affected, but most certainly their overall well-being as well.

In addition, the loss of these children from the school system would most likely lead to the closing of the Dollard-des-Ormeaux school that would be losing more than half of its students if Bill 14 is adopted as it stands now. Not only would the other students of that school no longer have access to a community school where all their friends go but in addition, they would be sent to various elementary and secondary schools across the region. As a result, they would face between one hour to two hours and half in transit everyday instead of the five to ten minutes that they do now. The closing of DDO would also be a terrible loss for the entire community that fought with considerable energy in 2005-2006 to save the school and secure the 3 million dollars necessary for its expansion.

CONCLUSION

We firmly believe that when it comes down to the challenge of integrating newcomers into our province and of protecting the rights of both linguistic communities of Quebec, the English-speaking community is part of the solution, not of the problem. Our community is not asking for more than we already have, we are asking to be considered as equal citizens and for a fair opportunity to protect our members' rights. The general perception among the English-speaking community of the Greater Quebec City region is that Bill 14 represents a government willing to marginalize its linguistic minority while exacerbating tensions between the two linguistic groups instead of establishing a productive dialogue beneficial to all Quebecers.

Consequently, we oppose Bill 14 because this proposed legislative act does not consider the interests and historical presence of the English-speaking community of Quebec while directly threatening its long-term sustainability. We believe that in the case of Bill 14, or any future legislation related to language rights in the Province of Quebec, it is fundamental that the Government of Quebec carefully consider the interests of Quebecers of both linguistic communities rather than targeting the rights of its minority to protect the rights of its majority.