

QCGN Urges Quebec Government to Backtrack on Bill 96

MONTREAL, September 28, 2021 – The Quebec Community Groups Network is urging the Quebec Government to withdraw Bill 96 and take the time needed to build a consensus on how to best promote French as Quebec’s common language. Appearing before the National Assembly’s Committee on Culture and Education Tuesday, the QCGN also raised significant concerns about the proposed unilateral amendment to the constitution, the pre-emptive use of the notwithstanding clause, and the definition of Quebec’s English-speaking community.

“Bill 96 proposes the most extensive overhaul of Quebec’s legal order since the Quiet Revolution,” declares QCGN President Marlene Jennings. “It would fundamentally alter the structure of the state. It proposes to upend 40 years of human rights protection. It seeks to fundamentally transform how Quebec is governed. It would have a significant impact on the relationship between Quebec and Canada, the lives of all Quebecers, and the type of society we wish to build together.”

“We maintain,” she added, “that in its haste the government skipped a critical step. It failed to bring Quebecers together to identify challenges, to separate myths from realities and, most importantly, to build a consensus on the best path forward. That is why we urge the Government to withdraw the Bill and launch a public consultation to determine how all Quebecers can come together to promote the use of French.”

Earlier this month the QCGN held a parallel community consultation. Over five days we heard from 50 individuals. These included jurists, academics and educators, entrepreneurs and business leaders, as well as representatives from health and social services, the arts community, women’s rights groups, and underrepresented communities.

“Our hearings garnered much interest in our community with hundreds tuning in live and thousands viewing them later,” says Jennings: “We are confident the views we are sharing with the government reflect a wide consensus within our community.”

Among QCGN’s concerns is a proposed unilateral amendment to the Constitution Act that would recognize that “Quebecers form a nation; that French shall be the only official language of Quebec; and that French is the common language of the Quebec nation.”

“The implications of this for Quebec’s English-speaking minority are unclear,” Jennings told the National Assembly committee studying the bill. “For non-Francophones, it is hard for us to see where we fit in. It is not clear who is part of the “Quebec nation”. Given recent government immigration policies, Bill 21, and this bill, the picture that emerges is that the Quebec nation does not include everyone who lives in Quebec.”

“We ought to understand the implications of such a constitutional amendment. That is why we entreated the Government to send a reference question on the constitutionality and meaning of this amendment to the Quebec Court of Appeal.”

Bill 96 represents the most sweeping use of human rights overrides in Quebec and Canadian history. “Our greatest legal minds and successive Liberal and Parti Québécois governments crafted, adopted, strengthened, and implemented a human rights charter that was recognized as one of the most innovative, comprehensive, and progressive in the world,” stated Jennings. “Premier René Lévesque was so proud of the 1983 version of the Charter that he mailed a copy to every household in Quebec.”

“Human rights protect individuals from abuses by the state,” comments human rights Lawyer Pearl Eliadis. “With the pre-emptive overrides, our protections are eliminated. The government is establishing a Charter-free zone.”

This sweeping legislation would affect multiple aspects of life including commerce, employment, education, access to public services, and the operation of our legal system. Where rights that otherwise would be protected are infringed, courts will not be able to review and remedy the rights-violating conduct under either the Canadian or Quebec charters.

Bill 96 would have severe adverse impacts on Quebec’s English-speaking minority by restricting services in English, including health and social services; limiting access to justice in English; decreasing access to primary and secondary education for non-anglophones; restricting admissions to English-language CEGEPs; and diminishing bilingual services in municipalities.

“The use of the “English-eligible” concept is deeply problematic,” comments Jennings. “It is divorced from the community’s self-identification. It revokes the right to access services for between 300,000 and 500,000 English-speaking Quebecers. Thus, the QCGN maintains that the right to communication and services in English must never be based on eligibility for English instruction.”

Provisions in the Bill would also make it more challenging to do business in Quebec by increasing the amount of red tape for small and medium-sized businesses; rendering it harder to make and enforce contracts in Quebec; and increasing the difficulties in attracting talent from outside Quebec. “In a time of global competition for investment, why erect new barriers?” asks Jennings.

The QCGN has many more concerns. “We are opposed to provisions that would increase the powers of the Office Québécois de la langue française – particularly that it be empowered to conduct searches without a warrant,” says Jennings. “We also disagree with proposals that would limit access to justice for English-speaking Quebecers and proposed changes to temporary permits that would limit access to services in English for newcomers to six months.”

“The English-speaking community is proud of its contribution to Quebec society,” said Jennings. “However, this Bill sends the message to English-speaking Quebecers—and, indeed, to all Quebecers whose mother tongue is not French—that they are not truly welcome in our province.”

“Bill 96 simply does not reflect the modern inclusive Quebec that members of our community have helped build. We maintain that Quebec can promote and protect the French language while respecting fundamental individual rights. We need a better and unifying path forward than offered by Bill 96, one that is both moderate and reasonable,” said former Minister and MNA Clifford Lincoln, who appeared alongside the QCGN during its presentation.

The Quebec Community Groups Network (www.qcgn.ca) is a not-for-profit organization bringing together English-language community organizations across Quebec. As a centre of evidence-based expertise and collective action it identifies, explores, and addresses strategic issues affecting the development and vitality of the English-speaking community of Quebec and encourages dialogue and collaboration among its member organizations, individuals, community groups, institutions, and leaders.

For further information:

Rita Legault, Director of Communications | rita.legault@qcgn.ca

Telephone: 514-868-9044, ext. 223, cellular: 514-912-6555