

Policy Matters Blog 7– Bill 96

COMMITTEE DISCUSSES USE OF FRENCH IN PROFESSIONAL ORDERS AND THE WORKPLACE

February 16, 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](#). The Committee discussed clauses 20 to 34, covering Articles 30.1 through 45.1 of the soon-to-be-modified [Charter of the French Language \(CFL\)](#).

Most of these clauses (22 and 24 through 34) were adopted with little modification or debate. Others invited significant discussion or explanation. Clause 20 seeks to modify Art. 30.1 of the Charter to require members of semi-public agencies (i.e. professional orders) to translate, at their own expense, communications and documents drawn up in a language other than French when requested by their clients. After a lengthy exchange with Liberal MNA Hélène David on the potential financial repercussions on order members, Language Minister Simon Jolin-Barrette introduced an amendment to Art. 30.1. It specifies that a moral person (i.e. a corporation) that requests a French-language translation of any documents or communications drafted in a language other than French will incur the cost. Both the amendment to Art. 30.1 and clause 20 overall were adopted.

Minister Jolin-Barrette then introduced an amendment to Art. 32 in clause 21. This would extend the requirement for professional orders to communicate (orally and in writing) exclusively in French with both members as well as candidates for membership. MNA David expressed concern that this rule would apply to candidates for professional graduate degrees in universities as well as candidates for professional orders, a potential overreach that the minister refuted. MNA David continued, questioning what this article would mean for training and continuing-education sessions given in English, particularly regarding talks on international standards originating in English-speaking countries. Minister Jolin-Barrette explained that instructors who were not members of the professional order in question would be permitted to provide sessions and talks in English because they themselves are not members of the order.

He also confirmed that references to English-language standards and policies would be allowed to be referenced in English. However, the Minister did not mention whether members of the professional order in question would be able to conduct training or continuing-education sessions for other members in English, be it regarding an international or a domestic subject.

MNA David raised one final question: whether pan-Canadian admission exams for professional orders would continue to be offered in both French and English. The Minister confirmed that such exams would indeed continue to be offered in both official languages. However, there was no mention as to whether provincially specific order admission exams (such as the Quebec Bar Exam) would continue to be offered in both English and French. The Minister’s amendment and clause 21 were adopted by the Committee.

Minister Jolin-Barrette and MNA David proceeded with a debate on clause 23, which adds Art. 35.1 to the Charter. This provision prohibits members of professional orders from refusing French-language service to members of the public. Minister Jolin-Barrette said that an “appropriate knowledge of the French

language” constituted the minimum standard for admittance into a professional order in Quebec, and that all order members are thus required to service French-speaking individuals in that language. However, MNA David raised the scenario where an order member may have the “appropriate knowledge of French,” but not sufficient mastery of the language to understand certain linguistic expressions and subtleties so as to fully understand and properly service certain native French-speakers. An amendment was eventually introduced and adopted that allows a narrow exception to this rule, only in cases when the service requested is based on using a language other than French (such as, for instance, an English-Mandarin translator).

The Committee reconvenes today with its analysis of clause 35. This amends Art. 46 of the Charter, regarding the use of French in labour relations and workplace communications.