

## **Closing Remarks of Kevin Shaar, Vice-President of QCGN, to QCGN Hearings on Bill 96 September 17, 2021**

I would like to thank everyone for their enlightening and important presentations.

At the outset let me express our gratitude our four commissioners: Eleni Bakopanos, Joan Fraser, Thomas Ledwell and Marcus Tabachnick. You are all busy people, and our community thanks you for giving your time and expertise to our public hearings.

And of course, thank you to all who participated.

QCGN is proud that over the past 10 days we have been able to bring together representatives of different elements of English-speaking Quebec and provide them with a forum to share their views on Bill 96. We heard from a wide range of Quebecers spanning from stakeholders in the health and social services field, representatives from the arts and culture community, entrepreneurship and business leaders, those active in the education sector, women's rights groups, and other underrepresented communities.

The QCGN has been clear that Bill 96 represents the greatest overhaul in Quebec's legal order since the Quiet Revolution. It is a constitutional project. It preemptively uses the notwithstanding clause to override the Quebec Charter of Rights and Freedoms. We maintain that it will make it harder to do business in Quebec and will have a negative impact on the vitality of Quebec's English-speaking community.

We held these hearings because the Quebec government seems determines to stifle debate on the implications of this seminal legislation. We have succeeded in bringing increased public awareness of our concerns but we have much more work to do. We have to keep spreading the word that this Bill does not reflect the inclusive Quebec where French is the common language that we cherish.

The next phase of the debate are the National Assembly hearings which start next week. The QCGN will present its brief on September 28th. We are going to take the time to digest what we have heard at these hearings, but let me give you my first impression.

1. **We are all committed to supporting the use of the French language.** As so eloquently said by Chris Neal of the Quebec Writers' Federation, *Bill 96 is counterproductive in targeting English-speaking Quebecers who have proven themselves allies in learning, speaking and promoting French. English-speaking Quebecers invented French-immersion programs, now attended by half a million students across Canada. We share with them not only a love for the French language, but also a personal investment in assuring its survival.*

But we need a better and unifying path forward than offered by Bill 96.

2. **We stand against the preemptive use of the Notwithstanding clause.** As Royal Orr pointed out in his presentation, *"The Quebec Charte des droits et libertés de la personne was, arguably, a crowning jewel of the Quiet Revolution. Our greatest legal minds of that era – Morin, Scott, Crépeau – along with 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. Premier René Lévesque was so proud of the strengthened 1983 version of the Charte that he mailed a copy to every household in Quebec".*

With both Bill 21 and 96, the Legault government has turned its back on our deep, proud traditions of human rights promotion and protection. As many have pointed out that one of the worst aspects of Bill 96 is that it would be difficult — if not impossible — to challenge any infringements on rights due to the preemptive use of the Notwithstanding clause. As human rights lawyer Julius Grey puts it, *it's not an identity question, it's a question of rights and freedoms.*

3. **We are concerned about the impact on the business climate.** If passed, Bill 96 will play a significant role in closing the tap on international talent coming to Quebec to work due to the proposed cap on the number of years children of foreign workers can attend school in English. Moreover, the additional red tape imposed on businesses such as more bureaucratic reporting requirements will only add to the administrative burdens already being carried by small business owners and restrict the time and energy they can dedicate to the success of their enterprises. And of course, the increased powers of the Office de la langue française and their right to conduct searches without a warrant and based on an anonymous tip is not conducive to a positive business climate.
4. **We agree this Bill is harmful to the English-speaking community of Quebec.** As many pointed out, Bill 96 creates tiers of citizenship, which is decidedly un-Canadian. The Bill essentially "others" English speakers, newcomers and immigrants that have contributed to the province that they chose to call home. We must ask, why does the protection of

the French-language require new measures which will restrict access to justice, health and social services, education and government services.

Let me be clear, we fundamentally disagree with Bill 96's definition of who is an English-speaking Quebecer. Let me cite the brief of the QCGN's Health and Social Services Committee. *Under s.15 of the Health and Social Services Act (HSSA), "English-speaking persons" have the right to service in English. This choice of words was deliberate and debated by the National Assembly and ultimately adopted in law. It recognized the importance of communication to safety and outcomes and acknowledges that some people are not capable of or are uncomfortable dealing with health matters in the French language. This principle has been used consistently and is clearly set out in the Guide for the Development of Access Programs published by the Ministry of Health and Social Services (MSSS). The right benefits over 1M Quebecers who are English speaking. Bill 96 proposes to narrow the right to those persons who are eligible for English language instruction as set out in the Education Act. Such a definition would remove the right to access services in English for between 300,000 and 500,000 English-speaking Quebecers.*

In closing, we all recognize that language and identity are sensitive topics in Quebec. As the debate heats up over the coming weeks with the National Assembly's review of Bill 96, we encourage all to take part in a respectful and constructive manner so we can work together to chart a positive and welcoming path forward. At the same time, please rest assured that the QCGN will continue to highlight the contribution English-speaking Quebecers make to this province. We will be promoting an inclusive Quebec where French is the common language.

Thank you, and we look forward to continuing on this path with you.