

Brief presented to the National Assembly's Committee on Culture and Education with regards to 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

Submitted by the Quebec Community Groups Network
(QCGN)

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Brief

Submitted to the National Assembly of Quebec's Committee on Culture and Education by the Quebec Community Groups Network as part of 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.

Participant

This brief was prepared by the Quebec Community Groups Network (QCGN), an incorporated not-for-profit organization that identifies, explores and addresses strategic issues affecting the development and vitality of English-speaking Quebec. The QCGN and its 41 members work cooperatively and in partnership with community stakeholders, leaders, governments and institutions, to advance the interests of our minority community.

Summary

The QCGN opposes Bill 14. It is our position that the proposed legislation is unnecessary and disconnected from an evidenced based need, and that if enacted it would be detrimental to the interests of all Quebecers. Our opposition focuses on four principle themes:

1. The Bill proposes changes to Quebec's human rights regime that if enacted would be detrimental to the rights of all Quebecers. These changes are written using undefined and unique terms such as 'cultural communities', 'common well being' and 'Quebec values' that obfuscate a clear attempt to discriminate against individuals and communities who do not conform to the state's definition of normal. There is also a blindness to the many amongst us for whom French is not the foundation of our identity as Quebecers, and a purposive use of terminology devoid of international human rights protections;
2. The Bill proposes changes to the law that are unnecessary and undemocratic in that they would make it even more difficult for municipalities to provide services to their citizens in both the official language and another language. The proposal would remove the ability of citizens to decide how their municipal governments should operate to meet the needs of local communities, and raise the criteria for the retention of bilingual status to an unrealistic and unacceptable threshold.
3. The Bill places redundant and unnecessary requirements on Quebec's English educational institutions, which continue to play a leadership role in preparing their students to participate fully in French in Quebec society. The Bill adds additional layers of requirements on parents seeking to exercise their right to gain access to English schools for their children, and, in one section, targets the eligibility exemptions afforded the children of Canadian Forces military personnel;
4. The Bill would extend francization requirements to enterprises employing between 26 and 49 persons, placing unrealistic and unnecessary non-business related activities on Quebec's small businesses. The focus of these enterprises should be on securing their growth, innovating new products, expanding their markets and other wealth generating activities. The activities of these businesses represent a major part of Quebec's private sector economy, and Government should be in the business of helping not hindering the generation of wealth.

Introduction

Quebec's English-speaking Community (ESCQ) can be counted many ways. Unless otherwise specified, this brief will use English mother-tongue numbers from the 2011 Statistics Canada Census.¹ The 2011 population of Quebec was 6,355,612 French mother-tongue, and 647,659 English mother-tongue citizens. The English-speaking minority is eight per cent of Quebec's total population.

Quebec Population 1971 - 2011				
Year	Total	French	English	Allophone
1971	6137305	4860410	788830	309415
2011	7977989	6355612	647659	1003123
Change	1840684	1495202	-141171	693708
	30%	31%	-18%	224%

Source: Bourhis and Foucher, The Decline of the English School System in Quebec, and 2011 Census

Many public policy leaders are concerned with the language profile of Montreal. We therefore offer the following numbers relevant to the Island. The population of Montreal² in 2011 was 1,862,195 individuals; 331,107 English mother tongue (17.8%), 902,980 French (48.5%), and 627,345 Montrealers whose mother tongue was neither French nor English (33.7%).³ What about the rest of the Quebec? Without Montreal, there are 5,956,755 Quebecers, 5,261,336 with French as a mother tongue (89%), 316,151 English (5%), and 360,090 whose mother tongue is neither French nor English (6%).

The majority of English-speaking Quebecers (55%) identify as belonging to the Quebec nation.⁴ However, people have multiple identities: their nation, community, religion, family. Assigning an 'order' to these identities is difficult, since multiple identities combine to form an individuals' single self-identity. But it is worthwhile to note that more English-speaking Quebecers feel a sense of belonging to their ethnic and language group (88%) than to the Quebec Nation.⁵

Language regularly spoken at home in Quebec	
French	81%
English	11%
Other	8%

Source: 2011 Census

The majority of English-speaking Quebecers (60%) accepts and supports that Quebec is a French-speaking Province. Leaders from our community have stood with their peers in successive governments driving to establish and secure French as the official language of Quebec. As well, most English-speaking Quebecers are bilingual (69%). Our English educational institutions work to ensure our children are bi-literate and able to participate fully in a French-speaking Quebec. The success of members of our community to become bilingual demonstrates a deep commitment to the French language, and Quebec.

¹ English mother-tongue is an aggregate of the number of English single responses plus ½ of the English-other, ½ of the English-French other, and 1/3 of the English-French-other responses.

² 2011 Census Division 2466 (Island of Montreal)

³ These figures do not add up to the city's total population, because mother tongue figures exclude institutional residents.

⁴ Bourhis, Richard Y. "The English-speaking Communities of Quebec: Vitality, Multiple Identities and Linguicism." *The Vitality of the English-speaking Communities of Quebec: From Community Decline to Revival*. Ed. Richard Y. Bourhis. Montreal and Moncton: CIRLM and CEETUM, 2008. 127-64. Print.

⁵ Ibid.

Quebec's Bilingualism Rate		
Age Group	English-speaking Quebecers	French-speaking Quebecers
Total	69%	37%
<15	62%	13%
15-24	80%	52%
25-44	77%	54%
45-64	69%	40%
65-74	57%	34%
>75	43%	27%

Source: 2011 Census

English-speaking Quebecers understand the important role government has to play in the protection of French. However, 80 per cent of English-speaking Quebecers disagree that the future of the French language in Quebec is threatened, and most agree that the future of English-speaking communities is under threat.⁶ In other words, although the community accepts that the Quebec legislature should take measures to protect French; it does not see the need for any further legislative measures.

Quebecers' Human Rights

The Committee will receive input from jurists specialized in the field of human rights. This brief makes the following observations on Bill 14:

1. Human rights are inherent, inalienable, and equally possessed. They are neither given, nor can they be taken away. Human rights are at once collective, and individual, and can only be achieved if both are respected and attained. "The rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being."
2. Bill 14 would attempt to alter Quebec's Charter of Human Rights and Freedoms in a way that would threaten all Quebecers. It subordinates rights to vague concepts like "public order, general well-being", and "values of Quebec society", and "the importance of its common language and the right to live and work in French" (section 56). This separates "the rights and freedoms of the human person" from "the rights and freedoms of others and from the common well-being", and elevates collective rights above those of the individual.
3. Section 57 of Bill 14 would create a 'right to live and work in French in Quebec.' Human rights confer duties on Government; therefore, this section would require the Government of Quebec to provide its citizens with a life and work in French in Quebec, but not in any other language. How should our community react to this section, that if enacted would make Quebecers who speak a language other than French second-class citizens by law? What does a right to live in French mean, and where does the intrusion of these language laws our lives end? This section moves language law into our private and public lives. Is that the intent?

⁶ CHSSN Community Vitality Survey 2010 pp. 103-106

Bilingual Municipalities

Despite promises of 'respect' for the English-speaking community and its institutions, amendments to the Charter of the French Language generally disproportionately affect English-speaking Quebec. For example, sections 11 and 13 of Bill 14 remove the exclusive ability of bilingual municipalities to seek a revocation of their status, place that power in the hands of a Minister and central bureaucracy, and set the criteria for retention at 50 per cent.

Otterburn Park is a small town in the riding of Borduas, population 8,445, which enjoys bilingual status. The English-speaking population of Otterburn Park is 605 people, 7 per cent of the total. Once, 85 per cent of the community was English, but like many English-speaking communities in the regions of Quebec has steadily declined. Despite some vocal – and interestingly external – voices calling on Otterburn Park's municipal council to give up its status, they have refused.

Why?

Perhaps because remaining a bilingual municipality is a way for local residents to recognize Otterburn Park's heritage and history. Undoubtedly it is an accommodation on the part of the townspeople and sincere desire to provide the 106 unilingual English-speaking citizens (most of whom are seniors) a chance to participate in community life. This community's generosity and willingness to embrace and include all of its citizens poses no threat to the Quebec nation, or to our French fact. It is an example for us all, something we should be proud of and celebrate.⁷

English educational institutions

Quebec's English educational institutions are key to the community's ability to participate fully in Quebec society. This is the school system that invented immersion programming, now copied around the world. Others will provide evidence of the effects of Bill 14 on our educational institutions. This brief would however like to make a few general points:

1. While enrolment in educational institutions from Kindergarten to grade 11 in Quebec are in decline notwithstanding their linguistic vocation, the decline in the English school system is greater and alarming. Both systems play a critical role in the vitality of Quebec, and as such, must be supported in their efforts to ensure social integration and cohesion (see table on p.6);
2. Legislating the requirement to expose infants to French is not acceptable. The state has no place in the playpens of our children;
3. Removing the exemption enjoyed by the children of Canadian Forces personnel to choose enrolment in an English school is unconscionable. The sacrifices and burdens of these children for whom stability is often something wished for and seldom obtained should not be exacerbated by a misguided attempt at 'fairness'.
4. All students in Quebec must currently pass French exams set by the MELS to receive a secondary and CEGEP diploma;
5. A CEGEP's language policy will establish selection criteria and priorities that ensure that English-speaking students are accommodated. If there are resources constraints that limit overall student population, then standards will have to be lowered to ensure that English-speaking students are selected. This will reduce academic standards for English CEGEPS.

⁷ See especially, Guilbault, Vincent. "Dans Les Deux Langues." Editorial. *L'OEil Régional*. Quebecor, 11 Jan. 2013. Web. 1 Feb. 2013.

Quebec K-11 School Enrolment			
Year	Total School Enrolment	English Schools	French Schools
1970 - 1971	1,588,788	248,855	1,339,933
2007 - 2008	918,273	101,283	816,990
2008 - 2009	897,179	98,813	798,366
2009 - 2010	879,966	95,004	784,962
Decline	708,822	153,851	554,971
	-44.6%	-61.8%	-41.4%

Source: Centre for Education Statistics (Stats Can) in Department of Canadian Heritage 2010-11 Annual Report Vol 1

'Francization'

French as the ordinary language of commerce in Quebec is a well established and accepted goal. Quebec consumers should have a right to be served in French, and receive information in our official language. That right imposes a duty on enterprises doing business in Quebec, which is reasonable. However, 'francization', the process of making the work environment of a company French, is not a core business activity. It does not contribute directly to the bottom line, and is a drag on available resources.

Corporations are expected to be good citizens. They have responsibilities beyond making money. They are required by law to provide safe work environments, free from discrimination. These activities can positively affect the bottom line; accidents cost time and money, and attracting and retaining staff is difficult in a menacing work environment.

Francization comes with a cost. Section 45 of Bill 14 will place burdens on Quebec enterprises employing between 26 and 49 people. How much will it cost? What impact will this burden have on the ability of Quebec companies to expand and compete? Can we afford to add yet another non-business related requirement to the operations of small and medium sized business?

Conclusion

The Government of Quebec has offered no substantive evidence to support the need for Bill 14. This far ranging piece of legislation attempts to change:

1. The nature of Quebec's human rights and freedoms;
2. The power of the Government of Quebec to force compliance with the language regime;
3. How government communicates with its clients and stakeholders;
4. The ability of communities to govern themselves according to local needs;
5. The rules affecting English educational institutions.

No coherent argument has been made to explain why this reinforcement of the Charter is necessary. Quebec's English-speaking communities are again bearing the brunt of a legislative over-reaction to insecurities about the future of the French language.

There is no evidence to suggest that this Bill will strengthen the French language in Quebec, it simply further retrenches the efforts of all Quebecers to live and work in a peacefully and mutually supporting society. In seeking to make French a 'strong vector for social cohesion', the Government has succeeded in reigniting futile and divisive language debates.

Quebec's English-speaking community understands the need to protect the French language. It is, after all, a significant part of our province's heritage and legacy. Rather than causing French-speaking and English-speaking Quebecers to drift further apart by tinkering with conflict-ridden legislation, Quebec's government should be thinking of constructive ways to enhance mutual empathy between our two communities. Quebec leaders have stated that the English-speaking community is an asset to Quebec. If we are indeed an asset, we need to be recognized and respected as a linguistic minority that participates in and contributes to the social, economic, cultural and political life of Quebec. This piece of legislation will not lead us there.