

Executive Summary of Task Force Legislative Brief on Bill 96, An Act respecting French, the official and common language of Qu(e)ébec

The *Task Force on Linguistic Policy* (“Task Force”) submits that Bill 96, the proposed modernization of the *Charter of the French Language*, redefines and restructures Quebec’s and Canada’s legal structure in fundamental and illegitimate ways. It institutes the primacy of the French language above all other considerations in law and governance. This linguistic re-engineering is incompatible with individual rights, natural justice, human and civil rights, national unity and a bilingual country.

The main reservations of the Task Force revolve around three themes:

1. Bill 96 is a fundamental and illegitimate restructuring of our society, province and country.
2. Bill 96 surgically excises the English-language, speakers, their institutions and associated civil and human rights from Quebec.
3. Bill 96 diminishes the civil and human rights and fundamental freedoms of all Quebecers, regardless of mother tongue, official language preference, and ethnic background. In particular, the rights of Quebec’s First Nations and Inuit communities are diminished.

The Task Force notes that Bill 96 contains over 200 amendments, which include:

- Vast search and seizure measures;
- Restrictions on who’s entitled to receive government services in the language of their choice;
- An English CEGEP enrolment quota for French high school graduates, to coincide with a 10-year freeze on overall English CEGEP spaces announced in 2021;
- A deliberately discriminatory and misleading definition of who qualifies as a member of Quebec’s English-speaking community, limited to the so-called *historic* English-speaker, though this term does not appear in Bill 96. It seeks to tie health and social services access to English-language education eligibility.

The Bill also seeks to eliminate the bilingual status of over 50 of the 89 municipalities across Quebec upon which it is currently conferred. Public notices will no longer be published in English and by-laws will have no official status in English.

Taken in its entirety, the Task Force asserts that Bill 96 is a fundamental and illegitimate restructuring of Canada’s constitutional order, in addition to governance norms within the province of Quebec. It redefines the relationship between citizens and the state, and between individuals in Quebec, with negative implications.

Bill 96, if enacted, will erode, erase and extinguish the fundamental freedoms of all Quebecers, be they French-speakers or English-speakers, newcomers or First Nations/Inuit peoples. The bill deliberately deinstitutionalizes and delegitimizes the English-language and English-speakers in Quebec, to the detriment of all its residents.

Despite long-standing perceptions to the contrary, English-speaking Quebecers are socio-economically disprivileged. The English-speaking community today is a declining population, an aging population, and burdened by a “missing-middle,” with a low proportion of people aged 15-44 and a “missing-out-middle,” meaning working age people, on average, have lower levels of income and employment than their French-speaking counterparts.

The Task Force Brief discusses Bill 96 in detail, and does a holistic analysis of its detrimental, illegal and flagrantly unconstitutional contents. Its objections to Bill 96’s are summarized below:

1. Bill 96 does not promote, “protect” or increase French language usage at home, will not increase the number of mother-tongue francophones in Quebec, nor increase the percentage of Quebec residents with French as First Official Language Spoken (FOLS).
2. Bill 96 effectively erases English, an official language of Quebec at the provincial level, the presence of English community institutions and individual English speakers from civil society and public administration in Quebec.
3. The proposed unilateral constitutional amendment is, in itself, unconstitutional and ill-advised public policy that will affect other aspects of the Canadian Constitution (s. 159).
4. Changes to Bill 101’s interpretive framework, the Quebec Charter of Human Rights and Freedoms, and other provincial laws will distort fundamental freedoms and human rights (ss. 63, 66, 120-126, 133- 136, 138).
5. Freedom of expression, commercial expression and practice, work and employment, contractual liberty and educational freedom are further constrained for all Quebecers, regardless of linguistic group.
6. Bill 96’s provisions further impose the province’s expanded language bureaucracy into the relationship between professional orders and their members, with negative consequences for said members, their professional obligations and the public good (ss. 20-24, 26, 27, 68, 96, 142, 145).

7. The use of the provincial and federal notwithstanding clauses will suppress basic human rights for all Quebecers in extreme and illegitimate ways at home, at school, the workplace and in their commercial transactions.

Consequently, the Task Force is calling on the Government of Quebec to:

1. Open up future hearings and consultations on Bill 96 to all Quebecers.
2. Produce an independent legal analysis of Bill 96, line-by-line, of each article.
3. Immediately refer Bill 96 to Quebec's Court of Appeal.
4. Ideally, withdraw Bill 96 in its entirety.

If Bill 96 does become law, **the Task Force is calling on the Government of Canada to:**

1. Render public an unredacted legal analysis of Bill 96.
2. Speak out against Bill 96's flagrant unconstitutional aspects.
3. Immediately refer key articles in Bill 96 as reference questions to the Supreme Court of Canada.
4. Instruct the Lieutenant-Governor of Quebec to Reserve Bill 96.
5. In consideration of all the above, disallow Bill 96 in its entirety.

Additionally, the proposed legislation will institutionalize the right to discriminate against the use of the English in the courts, the workplace and the private lives of all Quebec residents, especially English-speaking Quebecers.

The Task Force's Brief also touches upon lesser discussed aspects of Bill 96, including the implied restructuring of our Constitution and Quebec's legal status (Preamble, S. 1, S. 2). Taken as a whole, the terms: Quebec nation, only French-speaking State, State, Parliamentary sovereignty, Parliament of Quebec and Quebec spelled erroneously with an accent aigu, all seem to factually, legally, constitutionally, politically and morally confer and imply an illegitimate legal status that Quebec does not have.

Additionally, Bill 96's aspects which purport to confer some unique and singular officialdom on French are either declaratory and symbolic or, of no legal force and effect. These matters are outside the legislative competence of the Quebec legislature.

Civil sanctions will be onerous and crippling for individuals and businesses (\$700-\$7,000 for individuals, \$3,000-\$30,000 for organizations, which can be doubled and tripled). Bill 96 also unconstitutionally seizes federal labour and business jurisdictions, alongside trademarks. No government contracts will be awarded to those who break the law. Even musical choice in public buildings will be subject to Bill 96. The naming of a child will be francized, and names which have letters or characters that are not used in French must be assigned a name in French.

The search, surveillance and seizure sections of Bill 96 are of deep concern. Hypothetical complaints by anonymous complainants could lead to a warrantless and nearly Charter-free search of your premises by inspectors. Any electronic device of a client, employee or owner could be examined and searched.

Our Brief includes '*Analysis of Major Research on the Economic Impacts of Language Policy for the Period 1966 - 2020*', prepared by a former university Professor of Economics. Key aspects of this analysis conclude that there has been a net out-migration of Anglophones from Quebec to the RoC for each census period from 1966 to 2016 amounting to a net outflow of 310,000 individuals, the cost of a language barrier to trade has been estimated to be the equivalent of a 15%-22% trade barrier, and the implementation of increased language barriers in Quebec could create a proportional decrease in trade flows.

As a result, the Task Force demands the immediate and complete withdrawal of Bill 96, because it will severely hinder the province of Quebec's socioeconomic, political, educational, and cultural growth. Based on the brief's exhaustive analysis, there can be no doubt that Bill 96 is inherently discriminatory and divisive, and will immediately lead to political uncertainty, a multitude of legal challenges, economic instability and social strife in Quebec.