



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 96
(2022, chapter 14)

**An Act respecting French, the official
and common language of Québec**

**Introduced 13 May 2021
Passed in principle 4 November 2021
Passed 24 May 2022
Assented to 1 June 2022**

**Québec Official Publisher
2022**

EXPLANATORY NOTES

The purpose of this Act is to affirm that the only official language of Québec is French. It also affirms that French is the common language of the Québec nation.

To that end, the Act makes several amendments to the Charter of the French language.

The Act introduces new fundamental language rights, including the right to French language learning services. It also recognizes the enforceable nature of each of the fundamental language rights provided for by the Charter of the French language.

The Act introduces various measures to reinforce French as the language of legislation and justice.

The Act proposes several amendments with regard to French as the language of the civil administration. It thus imposes on the civil administration the duty to use French in an exemplary manner and exclusively, subject to certain exceptions.

The Act also provides for the development of a language policy of the State.

The Act specifies the rules applicable to the professional orders and their members concerning the use of French, including by requiring the members to maintain knowledge of French that is appropriate to the practice of their profession.

The Act proposes several amendments with regard to French as the language of work. For instance, it sets out the obligations applicable to employers to ensure that the workers' right to carry on their activities in French is respected. Every employee is granted the right to a work environment free of discrimination or harassment related to the use of French or to claiming a right arising from the Charter of the French language. Employers are required to take all reasonable means to avoid requiring a person to have knowledge of a language other than French to obtain or keep a position.

The Act strengthens the provisions relating to the use of French as the language of commerce and business, in particular as concerns signs and posters and the drafting of certain documents, such as contracts relating to certain sales of immovable property.

As regards instruction, the Act sets limits on the duration and renewal of the exemption that allows certain children to not receive instruction in French. It includes various provisions to provide a framework for the development of college-level educational institutions. The Act provides that obtaining a Diploma of College Studies or an Attestation of College Studies is conditional on knowledge of French and, where applicable, successful completion of French courses or courses given in French. It also makes amendments to the provisions relating to the policies of college- and university-level educational institutions concerning the use and quality of the French language.

The Act provides for Québec's role in the growth of Canada's francophone and Acadian communities as well as in promoting and asserting the value of French in the actions of the civil administration within Canada and abroad.

The Act introduces various measures to, among other things, extend francization to enterprises employing 25 or more persons. It amends the provisions relating to francization committees and francization programs, and introduces other provisions relating to the establishment of French language learning services within enterprises.

The Act amends certain operating rules of the Commission de toponymie. It establishes, within the Ministère de l'Immigration, de la Francisation et de l'Intégration, Francisation Québec, whose mission is to be the sole government point of access for persons wishing to receive French language learning services. It establishes the Ministère de la Langue française and sets out the functions and powers of the Minister of the French Language.

The Act makes clarifications and adjustments to the functions and powers of the Office québécois de la langue française, in particular those concerning complaints, disclosures, inspections and investigations, and grants it the power to issue orders to put an end to certain failures to comply with the Charter of the French language.

The Act provides for the appointment of a French Language Commissioner, whose functions include monitoring the progression of the language situation in Québec.

The Act abolishes the Conseil supérieur de la langue française.

The Act provides that certain provisions of the Charter of the French language prevail over any subsequent provisions of any Act, unless expressly stated otherwise.

The Act adds provisions to the Constitution Act, 1867, concerning the constitution of Québec.

The Act amends several other Acts, including the Civil Code, the Code of Civil Procedure, the Interpretation Act and the Charter of human rights and freedoms, with regard to the use of French. With respect to that Charter, the Act adds recognition of the right to live in French. The Act also amends the Courts of Justice Act to clarify the conditions under which the Minister of Justice may require candidates for the office of judge to have knowledge or a specific level of knowledge of a language other than the official language.

The Act specifies that it has effect despite certain provisions of the Charter of human rights and freedoms and the Constitution Act, 1982.

Lastly, the Act includes miscellaneous, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Act respecting the Centre de la francophonie des Amériques (chapter C-7.1);
- Charter of the French language (chapter C-11);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- Charter of human rights and freedoms (chapter C-12);
- Cities and Towns Act (chapter C-19);

- Code of Civil Procedure (chapter C-25.01);
- Professional Code (chapter C-26);
- General and Vocational Colleges Act (chapter C-29);
- Executive Power Act (chapter E-18);
- Act respecting the Institut de la statistique du Québec (chapter I-13.011);
- Interpretation Act (chapter I-16);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1);
- Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1);
- Government Departments Act (chapter M-34);
- Act respecting municipal territorial organization (chapter O-9);
- Consumer Protection Act (chapter P-40.1);
- Act respecting the legal publicity of enterprises (chapter P-44.1);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting occupational health and safety (chapter S-2.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Courts of Justice Act (chapter T-16);
- Constitution Act, 1867.

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily (chapter C-11, r. 7);
- Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1).

Bill 96

AN ACT RESPECTING FRENCH, THE OFFICIAL AND COMMON LANGUAGE OF QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF THE FRENCH LANGUAGE

1. The preamble of the Charter of the French language (chapter C-11) is amended

(1) by inserting the following paragraph after the second paragraph:

“Whereas the National Assembly recognizes that French is the only common language of the Québec nation and that it is essential that all be aware of the importance of the French language and Québec culture as elements that bind society together, and whereas it is resolved therefore to ensure that everyone has access to learning French and to perfecting knowledge and mastery of that language, and to make French the language of integration;”;

(2) by replacing “Amerinds and the Inuit of” in the fourth paragraph by “First Nations and the Inuit in”;

(3) by inserting the following paragraph after the fourth paragraph:

“Whereas Québec is the only French-speaking State in North America and shares a long history with the francophone and Acadian communities of Canada, and whereas that confers a special responsibility on Québec, which intends to play a leading role within La Francophonie;”;

(4) by adding the following paragraph at the end:

“Whereas, in accordance with parliamentary sovereignty, it is incumbent on the Parliament of Québec to confirm the status of French as the official language and common language in the territory of Québec and to enshrine the paramountcy of that status in Québec’s legal order, while ensuring a balance between the collective rights of the Québec nation and human rights and freedoms;”.

2. Section 1 of the Charter is amended

(1) by adding the following sentence at the end: “Only French has that status.”;

(2) by adding the following paragraph at the end:

“French is also the only common language of the Québec nation and constitutes one of the foundations of its identity and distinct culture.”

3. Section 2 of the Charter is amended

(1) by inserting “, the other providers of a service governed by the Act respecting health services and social services (chapter S-4.2)” after “social services”;

(2) by inserting “their members holding a permit issued in accordance with section 35, college-level and university-level educational institutions,” after “professional orders,”;

(3) by replacing “employees” by “workers”.

4. The Charter is amended by inserting the following sections after section 6:

“6.1. Every person domiciled in Québec has a right to the services provided for in and offered under sections 88.12 and 88.13 for learning French.

A person domiciled in Québec who receives elementary, secondary or college instruction in English from an institution has a right to receive French language instruction from that institution.

That French language instruction must enable a person who received it during all primary, secondary and college instruction to have acquired sufficient skills to use French as the common language in order to be able to interact, thrive within Québec society and participate in its development.

“6.2. Every person has a right to justice and legislation in French.”

5. Sections 8 and 9 of the Charter are replaced by the following sections:

“7.1. In the case of a discrepancy between the French and English versions of a statute, regulation or other act referred to in paragraph 1 or 2 of section 7 that cannot be properly resolved using the ordinary rules of interpretation, the French text shall prevail.

“8. Regulations and other similar acts to which section 133 of the Constitution Act, 1867 does not apply, such as municipal by-laws, shall be drawn up, adopted and published exclusively in French.

Bodies and institutions recognized under section 29.1 may draw up, adopt and publish those acts in both French and another language; in the case of a discrepancy, the French text of such an act shall prevail over the text in another language.

“9. A French translation certified by a certified translator shall be attached to any pleading drawn up in English that emanates from a legal person.

The legal person shall bear the translation costs.

“10. A French version shall be attached immediately and without delay to any judgment rendered in writing in English by a court of justice where the judgment terminates a proceeding or is of public interest.

Any other judgement rendered in writing in English shall be translated into French at the request of any person; a judgment rendered in writing in French shall be translated into English at the request of a party.

The costs for a translation made under this section are borne by the government department or the body that makes it or bears the costs necessary for the exercise of the functions of the court that rendered the judgment.

“11. Section 10 applies, with the necessary modifications, to any decision rendered in the exercise of an adjudicative function by an agency of the civil administration or by a person appointed by the Government or a minister and exercising such a function within such an agency.

“12. A person to be appointed to the office of judge shall not be required to have knowledge or a specific level of knowledge of a language other than the official language unless the Minister of Justice, after consultation with the Minister of the French Language, considers that the exercise of that office requires such knowledge and that all reasonable means have been taken to avoid imposing such a requirement.

“13. A person to be appointed by the Government or by a minister to exercise an adjudicative function within an agency of the civil administration shall not be required to have knowledge or a specific level of knowledge of a language other than the official language unless the minister responsible for the administration of the Act constituting the agency, after consultation with the Minister of the French Language, considers that the exercise of that function requires such knowledge and that all reasonable means have been taken to avoid imposing such a requirement.

Likewise, such a requirement shall not be imposed on a person to be appointed by the National Assembly to exercise such a function within the Commission d'accès à l'information or the Commission de la fonction publique unless the French Language Commissioner considers that the exercise of that function requires such knowledge and that all reasonable means have been taken to avoid imposing such a requirement.”

6. The Charter is amended by inserting the following after the heading of Chapter IV before section 14:

“DIVISION I

“GENERAL PROVISIONS

“13.1. The civil administration shall, in an exemplary manner, use the French language, promote its quality, ensure its development in Québec and protect it.

In the same manner, the civil administration shall take the means necessary to make sure it fulfils the obligations incumbent on it under this Act, in particular as regards obligations to citizens. For that purpose, it shall, among other things, adopt exemplarity objectives and establish indicators to measure the achievement of those objectives.

“13.2. For the purposes of section 13.1, an agency of the civil administration uses the French language in an exemplary manner if, in all its activities,

(1) it uses exclusively that language when writing in a situation that is not governed by a provision of sections 14 to 19, 21 to 21.12, 22, 22.1 and 27;

(2) it uses exclusively that language in its oral communications, except

(a) in the sole cases where, under the provisions of this division, it has the option to use a language other than French when writing; or

(b) in a case where, following a person’s oral request to be addressed by the agency in a language other than French, the agency wishes to obtain from the person the information necessary to determine whether it has, under this division, the option to communicate with the person in that other language; and

(3) it does not make systematic use of a language other than French, meaning that, in cases where the provisions of this division grant it the option to use that other language, it nevertheless uses exclusively French whenever it considers it possible.”

7. Section 15 of the Charter is repealed.

8. The Charter is amended by inserting the following section after section 16:

“16.1. Section 16 applies to the civil administration’s written communications with the operator of an enterprise as if the operator were a legal person and with the necessary modifications.”

9. Section 18 of the Charter is amended

(1) by inserting “exclusive” before “language”;

(2) by inserting “oral and” before “written”.

10. The Charter is amended by inserting the following sections after section 18:

“**18.1.** The personnel members of an agency of the civil administration shall use exclusively French when communicating orally or in writing with one another in the exercise of their functions.

“**18.2.** Despite sections 18 and 18.1, the use of a language other than French is allowed where such use derives from the exercise, by an agency of the civil administration, of its option under the provisions of this division to use that other language.”

11. Section 19 of the Charter is amended by inserting “exclusively” after “drawn up”.

12. The Charter is amended by inserting the following section after section 20:

“**20.1.** An agency of the civil administration shall, within three months after the end of its fiscal year, publish the number of positions within its organization for which it requires knowledge or a specific level of knowledge of a language other than the official language to obtain the position through, in particular, recruitment, hiring, transfer or promotion, or to keep the position, as well as the positions for which such knowledge or such a level of knowledge is desirable.”

13. Section 21 of the Charter is amended

(1) by inserting “exclusively” after “drawn up”;

(2) by striking out the last sentence;

(3) by adding the following paragraph at the end:

“Loan contracts may nevertheless be drawn up both in French and in another language. The same applies to financial instruments and contracts whose object is the management of financial risks, including currency exchange or interest rate exchange agreements, contracts for the purchase or sale of options, and futures contracts.”

14. The Charter is amended by inserting the following sections after section 21:

“**21.1.** The agreements listed below shall be drawn up in French; a version in another language may be attached to them:

(1) a Canadian intergovernmental agreement within the meaning of section 3.6.2 of the Act respecting the Ministère du Conseil exécutif (chapter M-30); or

(2) an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) or an agreement referred to in section 23 or 24 of that Act.

“21.2. An agreement relating to Native affairs referred to in section 3.48 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) shall be drawn up in French; a version in another language may be attached to it.

“21.3. The provisions of section 21, 21.1 or 21.2 apply to the written documents listed below according to whether they relate to a contract referred to in section 21 or an agreement referred to in section 21.1 or 21.2:

(1) written documents sent to the civil administration to enter into a contract or agreement with it;

(2) written documents related to a contract or agreement to which the civil administration is a party; and

(3) written documents sent, under such a contract or agreement, by one of the parties to the contract or agreement to another.

Sections 16 and 16.1 do not apply to a communication that is also a written document referred to in this section.

“21.4. A version in a language other than French may be attached to the contracts and other related written documents referred to respectively in sections 21 and 21.3

(1) where the civil administration enters into a contract in Québec with

(a) a natural person not residing in Québec;

(b) a legal person or an enterprise not required to be registered under the Act respecting the legal publicity of enterprises (chapter P-44.1) and whose head office is located in a State where French is not an official language;

(c) a person or body exempt from the application of this Act under section 95; or

(d) a legal person or an enterprise whose sole establishment is situated on a reserve, a settlement or lands referred to in section 97; and

(2) in any other situation determined by government regulation.

For the purposes of this Act, “State” has the meaning assigned by the first paragraph of article 3077 of the Civil Code.

“21.5. Despite section 21, a contract may be drawn up only in a language other than French where the civil administration enters into a contract outside Québec.

In addition, the following contracts may be drawn up only in a language other than French:

(1) in the cases and on the conditions determined by government regulation,

(a) a contract entered into with a person or enterprise that carries on the activities of a clearing house; and

(b) a contract entered into on a platform that makes it possible to trade in a derivative governed by the Derivatives Act (chapter I-14.01), a security governed by the Securities Act (chapter V-1.1) or other movable property, provided, in the last case, that the contract is not a consumer contract; and

(2) an insurance policy, if it has no French equivalent in Québec and

(a) it comes from outside Québec; or

(b) its use is not widespread in Québec.

“21.6. Despite section 21.3, a written document relating to a contract referred to in section 21.5 may be drawn up only in a language other than French.

The same applies to a written document relating to a contract referred to in section 21 where the agency concerned of the civil administration so agrees and the document is authentic, semi-authentic or has a legal value that would prevail over that of any possible French version.

Moreover, a written document sent by a contracting party referred to in subparagraph 1 of the first paragraph of section 21.4 that initiates steps toward the making of a contract referred to in section 21 may be drawn up only in a language other than French.

“21.7. An agency of the civil administration is required to make available a French version of any part of a contract or written document drawn up only in another language under section 21.5 or 21.6 to the members of its personnel whose functions require them to examine that part of such a contract or written document.

The first paragraph does not apply to members of the agency’s personnel who participate in the negotiation or drawing up of such a contract or document.

“21.8. Written communications necessary for entering into a contract or agreement that may be drawn up in a language other than French may be in that other language.

Sections 16 and 16.1 do not apply to communications referred to in this section.

“21.9. Written documents sent to an agency of the civil administration by a legal person or by an enterprise to obtain a permit or another authorization of the same nature, or a subsidy or other form of financial assistance that is not a contract referred to in section 21, shall be drawn up exclusively in French.

The same applies to the written documents that a legal person or an enterprise receiving such a form of assistance or holding such an authorization is required to send to such an agency because of that assistance or authorization.

Sections 21.4 and 21.6 apply, with the necessary modifications, to written documents referred to in this section.

The Government may determine, by regulation, the situations in which a written document sent to the civil administration may be drawn up in a language other than French.

“21.10. Each agency of the civil administration shall see that every inscription referred to in the first paragraph of section 51 and relating to a product it obtains under a supply contract entered into with a legal person or an enterprise is, in accordance with that section, drawn up in French. The agency shall also see that, where a product referred to in section 52.1 or 54 is obtained under such a contract, the product complies with that section.

For the purposes of the first paragraph, “supply contract” has the meaning assigned by the Act respecting contracting by public bodies (chapter C-65.1).

“21.11. Where an agency of the civil administration obtains services from a legal person or an enterprise, it shall require that the services be rendered in French.

Where the services thus obtained are intended for the public, the agency shall instead require the service provider to comply with the provisions of this Act that would be applicable to the agency if the latter had itself provided the services to the public.

“21.12. Sections 21.10 and 21.11 have no effect where it is impossible for the agency to obtain in due time the product sought or another equivalent product that complies with section 51, 52.1 or 54, as applicable, or where services, other than those intended for the public, cannot be rendered in French.”

15. The Charter is amended by inserting the following after section 22.1:

“22.2. An agency of the civil administration may depart from paragraph 1 of section 13.2 by corresponding or otherwise communicating in writing in English only with a person who so requests if the person is declared eligible to receive instruction in English under the provisions of Division I of Chapter VIII, other than sections 84.1 and 85.

Moreover, an agency of the civil administration that, before 13 May 2021, corresponded only in English with a natural person in particular regarding a file concerning the person, for a reason other than the public health emergency declared under section 118 of the Public Health Act (chapter S-2.2), may continue to correspond and otherwise communicate in writing with that person in English only.

“22.3. An agency of the civil administration may depart from paragraph 1 of section 13.2 by using another language in addition to French in its written documents

(1) where health, public safety or the principles of natural justice so require; or

(2) to accomplish one of the following purposes:

(a) providing services in English to a person declared eligible to receive instruction in English under the provisions of Division I of Chapter VIII, other than sections 84.1 and 85;

(b) providing services to bodies referred to in section 95 or to Aboriginal persons;

(c) providing services to welcome immigrants within Québec society during the first six months following their arrival in Québec;

(d) providing services and maintaining relations outside Québec;

(e) providing tourist services; or

(f) any other purpose, compatible with the objectives of this Act, determined by regulation of the Minister.

The following consumer contracts, where entered into by an agency of the civil administration, may, in derogation of section 21, be drawn up in both French and another language:

(1) a contract of successive performance, in the cases referred to in the first paragraph; and

(2) a contract for the supply of lodging or the lease of property to accomplish the purpose referred to in subparagraph *e* of subparagraph 2 of the first paragraph.

The written documents and communications referred to in sections 21.3 and 21.8 may, in the cases referred to in the first paragraph, be drawn up in both French and another language where they relate to a consumer contract or where they are necessary for entering into such a contract.

Despite the first, second and third paragraphs, an agency of the civil administration may use another language only where it has made or reviewed the directive provided for in section 29.15 or, in the case of a body referred to in section 29.16, where the government department referred to in that section has made or reviewed the directive provided for in that section, provided the directive has either been approved under the first paragraph of section 29.17 or section 29.19 or sent under the second paragraph of section 29.17.

“22.4. Where the agency of the civil administration uses a language other than French under section 22.3 to provide services to welcome immigrants within Québec society, it shall implement measures that will ensure that, at the end of a six-month period, communications with immigrants are exclusively in French.

An agency that provides services in a language other than French to immigrants in accordance with the first paragraph shall, where the volume of the demand for such services by those persons warrants it, give preference to using their mother tongue.

“22.5. The provisions of this division do not prevent the use of a language other than French

(1) in communications intended for news media that disseminate in a language other than French and the publicity they carry;

(2) in communications of a minister or the holder of an elective public office within an agency of the civil administration, other than those intended for such an agency or the members of its personnel;

(3) in documents drawn up or used in research and determined by regulation of the Minister, in the cases and on the conditions prescribed in the regulation, other than

(a) a contract referred to in section 21; and

(b) a written document drawn up to obtain an authorization or financial assistance, excluding the documents attached to it;

(4) in documents used in relations with persons outside Québec, excluding the documents referred to in sections 16 and 16.1 as well as the agreements referred to in sections 21.1 and 21.2 and the documents referred to in section 21.3 relating to such agreements;

(5) in oral communications with persons from outside Québec, where they are necessary for the deployment of Québec’s international action;

(6) where an agency of the civil administration must use that other language to comply with the law or the practices of a State other than Québec;

(7) where, except in documents referred to in sections 16, 16.1 and 21 to 21.3, the use of that other language is necessary for implementing measures for cooperation between the competent authorities in Québec and those of another State, including the drafting of documents necessary for the application, in Québec, of standards to be harmonized with those of such other State; or

(8) for the purposes of section 15 of the Act respecting health services and social services (chapter S-4.2).

The provisions of section 21.7 apply, with the necessary modifications, to the documents referred to in subparagraph 4 of the first paragraph.

“DIVISION II

“RECOGNIZED BODIES AND INSTITUTIONS AND DOCUMENTS FILED IN CLINICAL RECORDS”.

16. Section 26 of the Charter is amended

(1) in the first paragraph,

(a) by inserting “, when writing,” after “may use”;

(b) by inserting “their documents, the services they provide and the use of their technological means, in” after “language in”;

(c) by inserting “, as well as in the notices of meeting, agendas and minutes of their deliberative assemblies. They may also use that other language in their oral communications without having to use the official language at the same time, provided they remain able to comply with section 23” after “with each other”;

(2) by adding the following sentence at the end of the second paragraph: “Moreover, persons may, within those bodies and institutions, use the language of their choice in oral communications with each other.”

17. Section 27 of the Charter is amended

(1) by striking out the last sentence;

(2) by adding the following paragraph at the end:

“At the request of any person authorized to obtain such documents, a health service or a social service shall, as soon as possible and at its expense, provide the summary, drafted in French, of a clinical record and the French version of any document filed in the record that includes information in English.”

18. Section 29.1 of the Charter is amended by replacing “the Schedule” in subparagraph 3 of the second paragraph by “Schedule I”.

19. The Charter is amended by inserting the following after section 29.1:

“29.2. Where the Office ascertains, in light of the language data from each census carried out in accordance with Canadian statistics legislation, that a municipality recognized under section 29.1 does not meet the requirement of subparagraph 1 of the second paragraph of that section, it shall send the municipality a written notice informing it accordingly.

The recognition obtained by the municipality is withdrawn, by the sole operation of law, on the expiry of 120 days after receipt of the notice sent by the Office. Recognition is maintained, however, if the municipality adopts, before the expiry of the 120-day period, a resolution to that end; if so, it shall notify the Office without delay.

The notice sent under the first paragraph shall be published by the Office and by the municipality that receives it.

“29.3. Where the recognition obtained by a municipality is withdrawn under the third paragraph of section 29.1 or the second paragraph of section 29.2, the Office shall send every body recognized under section 29.1 that is under the authority of that municipality a written notice informing it of that fact. The Office shall send a copy of the notice to the municipality.

The recognition obtained by the body is withdrawn, by the sole operation of law, on the expiry of 120 days after receipt of the notice sent by the Office.

The notice sent under the first paragraph shall be published by the Office and by the municipality and the body that receive it.

“29.4. The Office shall publish a list of the bodies and institutions recognized under section 29.1.

“DIVISION III

“CONCORDANCE OF THE CIVIL ADMINISTRATION’S ACTIONS WITH THE ROLE OF QUÉBEC IN THE CANADIAN FRANCOPHONIE AND ABROAD

“29.5. In its actions abroad, the civil administration shall promote and assert the value of French. It shall do the same in its actions in Canada, where it must play a leading role with francophone and Acadian communities.

For those purposes, the civil administration shall promote, in particular through the establishment of partnerships, common actions enabling the optimization of resources at the disposal of Francophones and the development of French and supporting the growth of those communities.

“29.6. Any person who is domiciled in Canada and not resident in Québec is entitled, when pursuing, in a French-language college- or university-level educational institution referred to in section 88.0.1, a program of studies given in French that is not given in French elsewhere in Canada, to pay the same tuition fees as a resident in Québec, provided that, in the institution’s opinion, the person has sufficient knowledge of French at the time of enrolment to successfully complete the program.

The first paragraph does not apply to remedial activities that may be necessary for the enrolment of a person.

For the purposes of the first paragraph, “resident in Québec” has the meaning assigned by the General and Vocational Colleges Act (chapter C-29).

“29.7. The Minister of Higher Education, Research, Science and Technology shall contribute to the mobility of francophone students across Canada, in particular by entering into agreements in accordance with the law.

“29.8. The Minister of Higher Education, Research, Science and Technology shall publish annually, in the report on his department’s activities, the number of persons who availed themselves of the right provided for in section 29.6 as well as a presentation of the measures taken for the purposes of section 29.7.

The Minister shall consult college- or university-level educational institutions located elsewhere in Canada on the effects of section 29.6 and report on those consultations in the report referred to in the first paragraph.

“DIVISION IV

“IMPLEMENTATION

“§1.—*Responsibilities of administrative authorities*

“29.9. It is incumbent on the person who exercises the highest administrative authority within an agency of the civil administration to take the necessary means for the agency to meet its obligations under this Act.

“§2.—*Language policy of the State*

“29.10. The Minister of the French Language shall develop the language policy of the State and submit it to the Government for approval.

The Ministère de la Langue française shall publish the policy approved by the Government.

The policy applies to government departments, government bodies and municipal bodies within the meaning of Schedule I.

It also applies to parliamentary institutions within the meaning of that schedule, subject to the special provisions determined by the French Language Commissioner.

“29.11. The language policy of the State shall guide the agencies of the civil administration to which it applies in the fulfilment of the obligations incumbent on them under section 13.1.

For that purpose, the policy shall contain provisions concerning, in particular, the following subjects:

(1) measures that, in the Minister’s opinion, may be taken by an agency to meet those obligations, including

(a) the establishment of rules according to which an agency decides whether to exercise the option to use a language other than French, where this Act grants the agency such an option;

(b) the communication to an agency’s personnel members of the obligations incumbent on them under this Act and the fundamental language rights conferred on them by the Act, for instance through examples illustrating the scope of those obligations and rights;

(c) the implementation of means to control the quality of the French used within an agency;

(d) the identification of the opportunities that an agency can seize, in the normal course of its activities, to promote the influence of French abroad and elsewhere in Canada, in particular with francophone and Acadian communities;

(e) the dissemination of the content of the policy among an agency’s personnel members and suppliers, among recipients of a subsidy or other form of financial assistance and among the other members of the public who receive or could receive the agency’s services; and

(f) the implementation of a French-language environment, in particular with regard to vocal music and to the priority to be given to Québec cultural works;

(2) information concerning the application of this Act, including information that relates to the implementation of measures set out in the policy and that must appear in the annual report of an agency required to file such a report;

(3) examples illustrating how an agency of the civil administration may use a language other than French where it has the option to do so under this Act; and

(4) acts and omissions that, in the Minister’s opinion, could prevent an agency from fulfilling an obligation incumbent on it under section 13.1, in particular in the use of social media and information and communications technologies.

“29.12. In developing the language policy of the State, the Minister shall take into account

(1) the importance given to the French language as the common language to allow the integration of immigrants into Québec society;

(2) the particularities of the bodies and institutions recognized under section 29.1; and

(3) the importance for the civil administration to fulfil its duty of exemplarity in all of its communications.

“29.13. The language policy of the State shall be reviewed at least every 10 years.

“29.14. The Government may make a regulation to establish measures that must be implemented by any agency of the civil administration designated by the Government from among those to which the language policy of the State applies and without which such an agency is deemed not to be fulfilling one of its obligations under section 13.1.

The provisions of such a regulation apply to a parliamentary institution only with the consent of the French Language Commissioner.

“§3.—Directives of agencies of the civil administration

“29.15. An agency of the civil administration to which the language policy of the State applies shall make a directive specifying the nature of the situations in which it intends to use a language other than French in the cases where such use is allowed by the provisions of Division I.

The directive shall also set out any measures the agency intends to implement to comply with section 22.4.

The directive shall be reviewed at least every five years.

“29.16. The Ministère de l'Éducation, du Loisir et du Sport shall make a directive that complies with section 29.15 and is applicable to school bodies.

The Ministère de la Santé et des Services sociaux shall do likewise with respect to the bodies of the health and social services network.

Each of them shall review the directive at least every five years.

“29.17. Every directive made under section 29.15 by a government department or government body and the directives made under section 29.16 shall be submitted to the Minister, who may, if he considers them compliant with section 29.15, approve them with or without amendments.

A municipal body shall send the Minister the directive it makes under section 29.15 and make it public.

“29.18. If a government department or government body fails to make the directive referred to in section 29.17 within the time specified by the Minister, the Minister may personally make the directive; the Minister is, however, required to do so, immediately and without delay, with regard to a body that meets the condition set out in paragraph 2 of section 29.20. The directive made by the Minister has the same effect as if it had been made by the department or body concerned.

The Ministère de la Langue française shall publish each of the directives approved or made by the Minister and send a copy of them to the French Language Commissioner.

“29.19. Every directive made under section 29.15 by a parliamentary institution shall be submitted to the French Language Commissioner.

The provisions of the first paragraph of section 29.17 and section 29.18 are otherwise applicable, with the necessary modifications, to such a directive. The Commissioner shall publish each of the directives made or approved by him.

“29.20. The fourth paragraph of section 22.3 does not prevent an agency of the civil administration from using a language other than French in the cases provided for in the first paragraph of that section where either of the following conditions is met:

(1) a directive was made with regard to the agency by the Minister of the French Language under the first paragraph of section 29.18 or by the French Language Commissioner under the second paragraph of section 29.19; or

(2) the agency did not make the directive provided for in section 29.15 or, in the case of a body referred to in section 29.16, the government department referred to in that section did not make the directive provided for in that section and, in either of those cases, the Minister of the French Language or the French Language Commissioner has not yet made the directive referred to in paragraph 1.

“29.21. An agency of the civil administration referred to in the first paragraph of section 29.15 that is required to file an annual report shall give an account in it of the application of the directive required under that section and of the language policy of the State.

“29.22. The Minister may, on the Minister’s own initiative or when informed of a complaint in that regard, ascertain whether the directive made by a municipal body complies with section 29.15.

If the Minister considers that the directive is not compliant, the Minister may order the body concerned to make the amendments the Minister considers appropriate to make it compliant.

Before exercising the power provided for in the second paragraph, the Minister shall notify the body concerned of the Minister's intention and give the body at least 15 days to submit observations.

“29.23. Subject to the measures established under section 29.14, the Minister may, by regulation, prescribe reasonable measures for the civil administration to fulfil the obligations incumbent on it under Division I and to exercise the option to use a language other than French conferred by the provisions of that division in an exemplary manner.

The provisions of such a regulation may, in particular, prescribe the situations in which that option is restricted and the terms and conditions according to which a body or its personnel members may exercise the option.

The provisions of such a regulation may specify the categories to which they apply or prescribe that they apply to only a single body or the personnel of a single body.

The provisions of such a regulation apply to a parliamentary institution only with the consent of the French Language Commissioner.

“29.24. A body or institution recognized under section 29.1 may depart from the obligation to use French in an exemplary manner if, in accordance with this Act, it uses the other language allowed under its recognition, without having to comply with the provisions of this subdivision.

Furthermore, section 13.1 does not apply to a recognized school body.”

20. Section 30.1 of the Charter is amended

(1) by striking out “, where a person who calls upon their services so requests,”;

(2) by replacing “concerning that person” by “to any person authorized to obtain them and who so requests”;

(3) by adding the following paragraph at the end:

“Despite the first paragraph, where a client who has called on the services of a member of a professional order is a legal person, the costs for translating a document referred to in the first paragraph at the request of a person authorized to obtain the document, other than the client, are borne by the client.”

21. Section 32 of the Charter is amended

(1) in the first paragraph,

(a) by inserting “only” after “use”;

(b) by inserting “and oral” after “written”;

(c) by replacing “with their general membership” by “with all or some of their members and of the applicants for admission to the profession”;

(2) by replacing the second paragraph by the following paragraph:

“Unless otherwise provided for in this Act, they shall use only that language when communicating orally or in writing with an individual member or an individual applicant for admission to the profession.”

22. Section 35 of the Charter is amended

(1) by replacing “their” in the first paragraph by “the”;

(2) by replacing the introductory clause of the second paragraph by the following introductory clause:

“When issuing a permit, a professional order shall consider that a person has such knowledge if”.

23. The Charter is amended by inserting the following sections after section 35:

“35.1. The holder of a permit issued in accordance with section 35 shall, as long as the permit is held, maintain knowledge of the official language that is appropriate to the practice of the profession.

The permit holder may not, in carrying on his professional activities, refuse to render a prestation for the sole reason that he is asked to use the official language in performing the prestation. An exception to this rule applies where the permit holder’s professional activities are, by nature, based on the use of a language other than French; in such a case, the holder of a permit issued in accordance with section 35 may not, however, refuse to render a prestation for the sole reason that he is asked to use the official language in his professional relationship with the person calling on his services.

“35.2. A professional order that considers, for serious reasons, that a member’s knowledge of the official language is not appropriate to the practice of the profession may, in addition to the measures that may be taken in respect of the member under the Professional Code (chapter C-26), require that the member obtain the certificate issued by the Office under the third paragraph of section 35.

Moreover, the refresher courses that a member of a professional order may be required to successfully complete as well as any other obligation, determined by a regulation made under section 90 of the Code, that may be imposed on the member may be aimed at enabling the member to recover knowledge of the official language that is appropriate to the practice of the profession.”

24. Section 37 of the Charter is replaced by the following section:

“**37.** Despite section 35, a professional order may issue a permit referred to in sections 40 to 42.2 of the Professional Code (chapter C-26) to a person whose knowledge of the official language is not appropriate to the practice of the profession, provided that

- (1) the permit is temporary; and
- (2) the person has, outside Québec, acquired the professional competence required to obtain such a permit.

A permit issued under the first paragraph is valid for not more than one year.”

25. Section 39 of the Charter is repealed.

26. Section 40 of the Charter is amended by adding the following paragraph at the end:

“When authorizing an order to issue such a permit, the Office may determine the term of the permit.”

27. The Charter is amended by inserting the following sections after section 40:

“**40.1.** The Office des professions du Québec shall, each year and for each professional order, send the Office the number of permits issued under section 37 and the number of special authorizations granted under section 42.4 of the Professional Code (chapter C-26), as well as the number of renewals for such special authorizations.

The Office shall indicate in its annual report of activities the information so sent by the Office des professions du Québec.

“**40.2.** A professional order may use another language in addition to the official language in a particular written communication to

- (1) an applicant for admission to the profession who applies for a permit to be issued to him in accordance with section 37 or under section 40; or
- (2) a member of the order who, under this Act, is not required to have knowledge of the official language that is appropriate to the practice of the profession.

A professional order may also use that other language in a particular oral communication with one of those persons, without being required to use the official language at the same time.”

28. The Charter is amended by inserting the following section after the heading of Chapter VI before section 41:

“40.3. For the purposes of this chapter,

(1) “employee” means an employee to whom Division V.2 of Chapter IV of the Act respecting labour standards (chapter N-1.1) applies;

(2) “worker” means an employee or a person whose conditions of engagement or remuneration, or scale of remuneration for services, are stipulated in a group agreement;

(3) a “group agreement” is an agreement, other than a collective labour agreement, that is entered into by an association or other group empowered by an Act to negotiate the agreement and that, under that Act, applies even to persons who are not members of the association or other group;

(4) “employer” means anyone who has work done by an employee or, being governed by a collective agreement, gives work to a worker or coordinates the services offered by the worker; and

(5) “association of workers” includes, in addition to an association of employees within the meaning of the Labour Code (chapter C-27), the association and the group referred to in paragraph 3.”

29. Section 41 of the Charter is amended

(1) by replacing “draw up his written communications to his staff in the official language. He shall draw up and publish his offers of employment or promotion in French” by “respect the worker’s right to carry on his activities in French; therefore, the employer is required, in particular,”;

(2) by adding the following at the end:

“(1) to see that any offer of employment, transfer or promotion the employer publishes is in French;

“(2) to see that any individual employment contract the employer enters into in writing is drawn up in French;

“(3) to use French in written communications, even those after termination of the employment relationship, with all or part of the staff, a worker in particular or an association of workers representing all or part of the staff; and

“(4) to see that the documents below that the employer makes available are drawn up in French and, if also available in another language, see that the French version is available on terms that are at least as favourable:

(a) employment application forms;

- (b) documents relating to conditions of employment; and
- (c) training documents produced for the staff.

Despite subparagraph 2 of the first paragraph, the parties to an individual employment contract that is a contract of adhesion may be bound only by its version in a language other than French if, after examining its French version, such is their express wish. In the other cases, an individual employment contract may be drawn up exclusively in a language other than French at the express wish of the parties.

Despite subparagraph 3 of the first paragraph, the employer may communicate in writing with a worker exclusively in a language other than French if the latter has so requested.”

30. Section 42 of the Charter is amended

(1) by replacing “of employment regards employment in the civil administration, a semipublic agency or an enterprise required to establish a francization committee, have an attestation of implementation of a francization program or hold a francization certificate, as the case may be, the” by “to fill a position, in particular through recruitment, hiring, transfer or promotion is published by an”;

(2) by striking out “publishing this offer of employment in a daily newspaper published”;

(3) by replacing “must publish it” by “in addition to the offer the employer must publish in French under subparagraph 1 of the first paragraph of section 41, the employer shall ensure that those offers are published”;

(4) by replacing “in a daily newspaper published in French, with at least equivalent display” by “and using transmission means of the same nature and reaching a target public of a proportionally comparable size”.

31. Section 43 of the Charter is amended by adding the following paragraph at the end:

“A group agreement, if not already drafted in French, must also be available in French as soon as it is entered into.”

32. Section 44 of the Charter is amended

(1) by replacing “An” by “A French version must be attached immediately and without delay to an”;

(2) by replacing “made following arbitration of a grievance or dispute” by “rendered in English following arbitration of a grievance, disagreement or dispute, either”;

(3) by replacing “shall, at the request of one of the parties, be translated into French or English, as the case may be, at the parties’ expense” by “or group agreement, or resulting from the interpretation or application of a collective agreement or group agreement”;

(4) by adding the following paragraphs at the end:

“Such an award rendered in French shall be translated into English if a party so requests.

Any translation made under this section must be certified. The translation costs for the French version provided for in the first paragraph are borne, if applicable, by the parties; in all other cases, they are borne by the party requesting the translation.”

33. Section 45 of the Charter is amended

(1) in the first paragraph,

(a) by replacing “for the sole reason that he is exclusively French-speaking or that he has insufficient knowledge of a particular language other than French, or because he has demanded that a right arising from the provisions of this chapter be respected.” by “or taking reprisals against or imposing any other penalty on the staff member for the sole reason that the member is exclusively French-speaking or does not have sufficient knowledge of a given language other than the official language or for any of the following reasons:”;

(b) by adding the following subparagraphs at the end:

“(1) the staff member has demanded that a right arising from the provisions of this chapter be respected;

“(2) to deter the staff member from exercising such a right;

“(3) because the staff member does not have knowledge or a specific level of knowledge of a language other than the official language, where the performance of the duty does not require it;

“(4) because the staff member has taken part in meetings of, or carried out tasks for, a francization committee established under section 136 or 140 or a subcommittee created by that committee;

“(5) to induce the staff member to endorse, under the first paragraph of section 138.2, a document referred to in section 138.1, or to dissuade him from doing so; or

“(6) because the staff member has, in good faith, communicated information to the Office under section 165.22 or cooperated in an investigation conducted because of such a communication.”;

(2) by replacing the second and third paragraphs by the following paragraph:

“The fact that an employer requires a person to have knowledge or a specific level of knowledge of a language other than the official language to keep a position or to obtain a position, in particular through recruitment, hiring, transfer or promotion, is considered a prohibited practice under the first paragraph, unless the employer shows, in accordance with sections 46 and 46.1, that the performance of the duty requires such knowledge and that he first took all reasonable means to avoid imposing such a requirement.”

34. The Charter is amended by inserting the following section after section 45:

“45.1. Every employee has a right to a work environment free of discrimination or harassment because the employee has no or little command of a language other than the official language, because the employee claims the possibility to express himself in the official language or because the employee has demanded that a right arising from the provisions of this chapter be respected.

The employer shall take reasonable means to prevent such conduct and, if such conduct is brought to the employer’s attention, to make it cease.”

35. Section 46 of the Charter is amended

(1) in the first paragraph,

(a) by replacing “making the obtaining of an employment or office dependent upon the” by “requiring a person, in order for the person to be able to keep a position, or to obtain a position through, in particular, recruitment, hiring, transfer or promotion, to have”;

(b) by inserting “; even in the latter case, the employer shall first take all reasonable means to avoid imposing such a requirement” at the end;

(2) by replacing the second, third, fourth, fifth and sixth paragraphs by the following paragraph:

“An employer requiring knowledge or a specific level of knowledge of a language other than the official language for a position must, when publishing an offer to fill the position, indicate in the offer the reasons that justify the requirement.”

36. The Charter is amended by inserting the following section after section 46:

“46.1. An employer is deemed not to have taken all reasonable means to avoid requiring knowledge or a specific level of knowledge of a language other than the official language if, before requiring such knowledge or such a level of knowledge, one of the following conditions is not met:

(1) the employer assessed the actual language needs associated with the duties to be performed;

(2) the employer made sure that the language knowledge already required from other staff members was insufficient for the performance of those duties; or

(3) the employer restricted as much as possible the number of positions involving duties whose performance requires knowledge or a specific level of knowledge of a language other than the official language.

Without restricting the scope of the preceding paragraph, that paragraph must not be interpreted in a way that imposes on an employer an unreasonable reorganization of the employer's enterprise."

37. Sections 47 to 48 of the Charter are replaced by the following sections:

"47. Unless otherwise provided for in this Act, a person who believes he is a victim of a prohibited practice referred to in sections 45 and 46 and who wishes to assert his rights may do so with the Commission des normes, de l'équité, de la santé et de la sécurité du travail within 45 days after the occurrence of the practice complained of.

"47.1. The Commission may, with the agreement of the parties, appoint a person to endeavour to settle the complaint referred to in section 47 to the satisfaction of the parties.

Only a person who has not already acted in the matter in question in another capacity may be appointed for that purpose by the Commission.

Any verbal or written information gathered by the person referred to in the first paragraph must remain confidential. The person may not be compelled to disclose anything that has been revealed to him or that has come to his knowledge in the exercise of his functions, or to produce before a court or before any body or person exercising judicial or quasi-judicial functions any document made or obtained in the exercise of his functions, except in penal matters, where the court considers that such proof is necessary for a full and complete defence. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to any such document.

"47.2. If no settlement is reached after reception of the complaint referred to in section 47 by the Commission, the latter shall, without delay, refer the complaint to the Administrative Labour Tribunal.

The provisions of the Labour Code (chapter C-27) and of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) applicable to a remedy relating to the exercise by an employee of a right arising out of that Code apply, with the necessary modifications.

The Administrative Labour Tribunal may not, however, order the reinstatement of a domestic or a person whose exclusive function is to take care of or provide care to a child or to a sick, handicapped or elderly person, in the employer's dwelling.

“47.3. The Commission may, in a proceeding relating to any of sections 45, 46 and 47 to 47.5, represent a worker who is not a member of an association of workers.

“47.4. Unless otherwise provided for in this Act, an employee who believes he is a victim of a prohibited practice referred to in section 45.1 and who wishes to assert his rights may do so by filing a complaint with the Commission.

The time limit for submitting such a complaint, as well as its processing by the Commission, including, among other things, an investigation and mediation, until the complaint can eventually be referred to the Administrative Labour Tribunal, and the employee's representation by the Commission, are provided for by the provisions of Division II.1 of Chapter V of the Act respecting labour standards (chapter N-1.1).

“47.5. If a complaint referred to in section 47 or 47.4 is submitted to the Administrative Labour Tribunal within the time limits referred to in those sections, the failure to have submitted it to the Commission shall not be invoked against the complainant.

“48. An association of workers that makes its articles or financial statements available to its members in a language other than French shall make the French version available on terms that are at least as favourable. The same applies, with the necessary modifications, to a parity committee formed under the Act respecting collective agreement decrees (chapter D-2).”

38. Section 49 of the Charter is amended

- (1) by replacing “employees” by “workers”;
- (2) by inserting “and oral” after “written”;
- (3) by replacing “in its correspondence with him” by “who has so requested when communicating with that member”;
- (4) by adding the following paragraph at the end:

“The same applies to a parity committee when it communicates with the parties.”

39. Section 50 of the Charter is amended

- (1) by replacing “. Any stipulation in the agreement contrary to any provision of this Act is absolutely null” by “or every group agreement”;

(2) by adding the following paragraph at the end:

“Despite sections 47 and 47.4, a worker covered by a collective agreement or a group agreement shall assert his rights in accordance with the lawful means provided for in the collective agreement or group agreement, to the extent that such means exist for the worker. If the association of workers representing the worker fails to submit the grievance to arbitration, the worker may do it personally.”

40. The Charter is amended by inserting the following section after section 50:

“50.1. Where participants in a group covered by a group insurance contract are all workers having an employment relationship with one or more employers, the insurer is required to issue a copy of the policy drawn up in French to the client; the same applies to the insurance certificates that must be distributed to the workers.

If the policy is also drawn up in a language other than French, the right to examine and make copies of the policy, provided for in the second paragraph of article 2401 of the Civil Code, may be exercised for both the copy of the policy drawn up in French and the copy of the policy drawn up in the other language.

In the case of a discrepancy between the French version of those documents and the version in another language, a worker may invoke either one, according to his interests.

This section applies, with the necessary modifications, to a group annuity contract.”

41. The Charter is amended by inserting the following section after the heading of Chapter VII before section 51:

“50.2. An enterprise that offers goods or services to consumers must respect their right to be informed and served in French.

An enterprise that offers goods or services to a public other than consumers must inform and serve it in French.”

42. Section 51 of the Charter is amended by inserting “or be available on more favourable terms” at the end of the second paragraph.

43. The Charter is amended by inserting the following section after section 51:

“51.1. Despite section 51, on a product, a registered trademark within the meaning of the Trademarks Act (Revised Statutes of Canada, 1985, chapter T-13) may be drawn up, even partially, only in a language other than French where

no corresponding French version appears in the register kept according to that Act. However, if a generic term or a description of the product is included in the trademark, it must appear in French on the product or on a medium permanently attached to the product.”

44. Section 52 of the Charter is amended

(1) by replacing “Catalogues” by “Regardless of the medium used, catalogues”;

(2) by replacing “and any similar publications” by “, order forms and any other documents of the same nature that are available to the public”;

(3) by inserting the following paragraph at the end:

“No person may make such a document available to the public in a language other than French if the French version is not available on terms that are at least as favourable.”

45. Section 55 of the Charter is amended

(1) by striking out “, contracts containing printed standard clauses,”;

(2) by replacing the second sentence by the following sentences: “The parties to such a contract may be bound only by its version in a language other than French if, after its French version has been remitted to the adhering party, such is their express wish. The documents related to the contract may then be drawn up exclusively in that other language.”;

(3) by adding the following paragraphs at the end:

“No party may, unless the French version of the contract referred to in the first paragraph has been given to the other party and that party has explicitly expressed willingness in that regard,

(1) make the other party adhere to a contract of adhesion drawn up in a language other than French; or

(2) send the other party a document related to that contract if the document is drawn up in a language other than French.

No party to a contract referred to in the first or fifth paragraph may require from the other party any sum whatsoever for the drawing up of the French version of the contract or of the related documents.

The first paragraph does not apply to the contracts listed below and the related documents:

(1) a contract of employment;

(2) a contract referred to in the second paragraph of section 21 or in section 21.5, regardless of the cases and conditions prescribed by a regulation made under subparagraph 1 of the second paragraph of the latter section; and

(3) a contract used in relations with persons outside Québec.

With the exception of a contract of employment, a contract of adhesion or a contract containing standard clauses to which the first paragraph does not apply, and the related documents, must be drawn up in French. They may be drawn up in another language if such is the parties' express wish.

No party may, unless the other party has explicitly expressed willingness in that regard, enter into a contract referred to in the fifth paragraph that is drawn up in a language other than French or send the other party a document related to such a contract that is drawn up in a language other than French.

The provisions of Chapters I and II of Title V do not apply in a case of failure to comply with the fifth and sixth paragraphs.”

46. The Charter is amended by inserting the following section after section 55:

“**55.1.** The following documents must be drawn up in French:

(1) a contract for the sale or exchange of part or all of a chiefly residential immovable comprising fewer than five dwellings or of a fraction of a chiefly residential immovable that is the subject of an agreement or declaration referred to in articles 1009 to 1109 of the Civil Code;

(2) a promise to enter into the contract referred to in subparagraph 1;

(3) the preliminary contract provided for in article 1785 of that Code; and

(4) the memorandum provided for in article 1787 of that Code.

The contracts and other documents referred to in the first paragraph may be drawn up exclusively in a language other than French at the express wish of the parties.

This section does not apply to the contracts and other documents referred to in section 55.”

47. Section 57 of the Charter is replaced by the following section:

“**57.** Invoices, receipts, acquittances and other documents of the same nature must be drawn up in French.

No person may send such a document in a language other than French if the French version is not available to the recipient on terms that are at least as favourable.”

48. The Charter is amended by inserting the following section after section 58:

“58.1. Despite section 58, on public signs and posters and in commercial advertising, a trademark may be drawn up, even partially, only in a language other than French, provided the trademark is registered within the meaning of the Trademarks Act (Revised Statutes of Canada, chapter T-13) and no corresponding French version appears in the register kept according to that Act.

However, on public signs and posters visible from outside premises, French must be markedly predominant where such a trademark appears in a language other than French.”

49. The Charter is amended by inserting the following section after section 68:

“68.1. On public signs and posters visible from outside premises, French must be markedly predominant if they bear an enterprise’s name that, under section 67, includes an expression taken from a language other than French, even where they otherwise comply with the second paragraph of section 68.”

50. The Charter is amended by inserting the following after the heading of Chapter VIII before section 72:

“DIVISION I

“INSTRUCTION IN KINDERGARTEN CLASSES AND ELEMENTARY AND SECONDARY SCHOOLS”.

51. Section 72 of the Charter is amended

(1) by replacing “this chapter” in the first paragraph by “this division”;

(2) by replacing “the Schedule” in the second paragraph by “Schedule I”.

52. Section 73.1 of the Charter is amended by replacing “responsible for the administration of this Act” in the third paragraph by “of the French Language”.

53. Section 74 of the Charter is amended by replacing “this chapter” in the first paragraph by “this division”.

54. Section 75 of the Charter is amended by replacing “this chapter” in the second paragraph by “this division”.

55. Sections 78.2 and 79 of the Charter are amended by replacing all occurrences of “this chapter” by “this division”.

56. Section 83.4 of the Charter is amended by inserting “84.1,” after “81,”.

57. The Charter is amended by inserting the following section after section 84:

“84.1. A child who is a foreign national and who stays in Québec temporarily may, at the request of one of his parents, be exempted from the application of the first paragraph of section 72 and receive instruction in English in the following cases:

(1) he holds a permit issued under the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) that authorizes him to work or study in Canada;

(2) he is a dependent child of a foreign national authorized to work or study in Canada under such a permit; or

(3) he is exempted from the obligation to obtain the consent of the Minister of Immigration, Francization and Integration to stay in Québec where the holder of parental authority is staying in Québec as a temporary foreign worker or international student.

The exemption is valid for a period of up to three years and may not be renewed. However, the exemption is extended until 30 June of the school year during which the period of validity ends if that period ends before that date.

The Government shall prescribe by regulation the conditions of the exemption and the procedure to be followed in order to obtain it.”

58. Section 85 of the Charter is amended by inserting “, other than those who may benefit from the exemption under section 84.1,” after “Children”.

59. Section 87 of the Charter is amended by replacing “Amerindic” and “Amerinds” by “Aboriginal” and “First Nations”, respectively.

60. The Charter is amended by inserting the following after section 88:

“DIVISION II

“COLLEGE OR UNIVERSITY INSTRUCTION

“§1. — *General provision*

“88.0.1. Institutions that provide college instruction, other than private institutions not accredited for the purposes of subsidies and institutions that are government bodies within the meaning of Schedule I, as well as university-level educational institutions referred to in paragraphs 1 to 11 of section 1 of

the Act respecting educational institutions at the university level (chapter E-14.1) belong to only one of the following categories: French-language institutions or English-language institutions.

Every institution that provides such instruction is a French-language institution, unless it is designated as an English-language institution by the Minister of Higher Education, Research, Science and Technology and the Minister of the French Language.

“§2. — *Provisions specific to college instruction*

“88.0.2. College instruction in a French-language institution shall be in French, except where this subdivision allows otherwise. College instruction in an English-language institution may be in English.

An institution that gives college instruction in English shall nevertheless ensure that every student registered in a program of studies leading to a Diploma of College Studies successfully completes, before such a diploma is issued to the student, at least three courses given in French, excluding language of instruction courses, second language courses and physical education courses. The institution may allow a student declared eligible to receive instruction in English in accordance with Division I to replace the three courses given in French by three French courses, in which case those French courses shall be in addition to the second language courses.

An institution referred to in the second paragraph shall see to it that the courses required under that paragraph are given to the student.

“88.0.3. Each of the courses required under section 88.0.2 as well as the second language courses shall comprise at least 45 hours of instruction.

The evaluation of learning achievement for each of those courses and the presentation of the evaluation results are governed by the College Education Regulations established under section 18 of the General and Vocational Colleges Act (chapter C-29).

“88.0.4. Nothing in section 88.0.2 shall, in an institution providing college instruction, preclude instruction in a language other than French to foster the learning of that other language, in accordance with the terms and on the conditions prescribed in the College Education Regulations established by the Government under section 18 of the General and Vocational Colleges Act (chapter C-29).

“88.0.5. The Minister of Higher Education, Research, Science and Technology shall determine, for each school year, a defined total number of students for each of the English-language institutions providing college instruction.

When determining a defined total number of students for a school year, the Minister shall ensure that, for that school year, the combined defined total number of students for all the English-language institutions does not increase and does not exceed the lesser of the following proportions of the combined defined total number of students for all the English-language and French-language institutions:

(1) 17.5%; and

(2) the proportion that the combined defined total number of students for all the English-language institutions for the previous school year is of the combined defined total number of students for all the English-language and French-language institutions for that same school year.

“88.0.6. The Minister of Higher Education, Research, Science and Technology shall determine, for each school year, a defined total number of students receiving college instruction in English for each of the French-language institutions providing that instruction.

When determining such a number of students for a school year, the Minister shall ensure that, for that school year, the combined defined total number of students does not exceed 2% of the combined defined total number of students for all the French-language institutions providing college instruction.

“88.0.7. For the purposes of sections 88.0.5 and 88.0.6, “total number of students” means the number of full-time students, within the meaning of the General and Vocational Colleges Act (chapter C-29) and the regulations, in a program of studies leading to a Diploma of College Studies or a Specialization Diploma in Technical Studies or in a path of studies made compulsory to foster a person’s success in any of those programs.

“88.0.8. Despite any provision to the contrary, no student in excess of the defined total number of students for an institution providing college instruction, determined under the first paragraph of section 88.0.5 or 88.0.6, may be taken into account in calculating the number of students of that institution to determine the amount of the subsidies to be granted to it in accordance with the budgetary rules established under section 25 of the General and Vocational Colleges Act (chapter C-29) or section 84 of the Act respecting private education (chapter E-9.1).

“88.0.9. Despite any provision to the contrary, the Minister of Higher Education, Research, Science and Technology shall subtract the amount prescribed by a government regulation or determined in accordance with that regulation from the subsidies the Minister pays to an institution providing college instruction, for every student in excess of its defined total number of students, determined under the first paragraph of section 88.0.5 or 88.0.6.

The regulation provided for in the first paragraph shall be made on the recommendation of the Minister of the French Language.

Where the regulation specifies the subtracted amount, the latter shall be adjusted by operation of law, on 1 July each year, according to the rate specified in section 83.3 of the Financial Administration Act (chapter A-6.001). The Minister of the French Language shall publish the results of the adjustment in the *Gazette officielle du Québec* and inform the public of the results by any other means the Minister considers appropriate.

“88.0.10. In addition to the defined total number of students for an English-language institution determined by the Minister of Higher Education, Research, Science and Technology under section 88.0.5, the Minister shall determine, for each school year, a defined quota for that institution with regard to programs of studies leading to an Attestation of College Studies.

When determining a defined quota for a school year, the Minister shall ensure that, for that school year, the combined defined quota for all the English-language institutions does not increase and does not exceed the lesser of the following proportions of the combined defined quota for all the English-language and French-language institutions:

(1) 11.7%; and

(2) the proportion that the combined defined quota for all the English-language institutions for the previous school year is of the combined defined quota for all the English-language and French-language institutions for that same school year.

“88.0.11. In addition to the defined total number of students for a French-language institution determined by the Minister of Higher Education, Research, Science and Technology under section 88.0.6, the Minister shall determine, with regard to programs of studies leading to an Attestation of College Studies and for each school year, a defined quota of students receiving college instruction in English for each of the French-language institutions providing that instruction.

When determining a defined quota of students receiving college instruction in English for a school year, the Minister shall ensure that, for that school year, the combined defined quota of such students does not increase and does not exceed the lesser of the following proportions of the combined defined quota for all the French-language institutions:

(1) 18.7%; and

(2) the proportion that the combined defined quota of students receiving college instruction in English for all the French-language institutions for the previous school year is of the combined defined quota for all the French-language institutions for that same school year.

“88.0.12. For the purposes of sections 88.0.10 and 88.0.11, “quota” means the number of full-time students, within the meaning of the General and Vocational Colleges Act (chapter C-29) and the regulations, in a program of studies leading to an Attestation of College Studies.

Sections 88.0.8 and 88.0.9 apply to the quotas determined under sections 88.0.10 and 88.0.11 as if they were total numbers of students.

“88.0.13. A college-level private institution not accredited for the purposes of subsidies is, for the purposes of sections 88.0.5 and 88.0.7, considered an English-language institution if it provides instruction in English in a program of studies leading to any of the diplomas referred to in section 88.0.7 or in a path of studies referred to in that section.

Compliance by such an institution with the defined total number of students determined for it under section 88.0.5 is deemed to be a condition established by the Act respecting private education (chapter E-9.1) for the issue of the permit authorizing the institution to provide such instruction.

“88.0.14. The Minister of Higher Education, Research, Science and Technology shall send the Minister of the French Language the provisions of the budgetary rules, established under section 25 of the General and Vocational Colleges Act (chapter C-29) or section 84 of the Act respecting private education (chapter E-9.1), made, if applicable, for the purposes of this subdivision, before submitting them to the Conseil du trésor for approval.

“88.0.15. No institution referred to in section 88.0.1 that provides college instruction may, without the authorization of the Minister of Higher Education, Research, Science and Technology, provide workforce training, applied research, technical assistance to enterprises or informational activities in a language other than French.

Before granting his authorization, the Minister must consult the Minister of the French Language.

“88.0.16. No French-language institution or private institution not accredited for the purposes of subsidies that provides college instruction may establish or modify, in accordance with the College Education Regulations established under section 18 of the General and Vocational Colleges Act (chapter C-29), a program of studies for which the language of instruction is, even in part, a language other than French without the authorization of the Minister of Higher Education, Research, Science and Technology.

Before granting his authorization, the Minister must consult the Minister of the French Language.

“88.0.17. No Diploma of College Studies may be issued to a student who does not meet the following conditions:

(1) the student has the writing knowledge of French required by the curricula of the Minister of Higher Education, Research, Science and Technology; and

(2) the student has successfully completed the three courses required under section 88.0.2.

To evaluate the knowledge of French for the purposes of subparagraph 1 of the first paragraph, that minister shall impose a uniform examination whose content is the same for all students having received college instruction given in English or in French. However, a student who has received such instruction in English and been declared eligible to receive instruction in English in accordance with Division I is not required to take that examination to be issued the Diploma of College Studies.

“88.0.18. No Attestation of College Studies may be issued to a student who does not have sufficient knowledge of French to be able to interact, thrive within Québec society and participate in its development.

French knowledge requirements for the purposes of the first paragraph must be established by regulation of the Minister of the French Language, after consultation with the Minister of Higher Education, Research, Science and Technology and the Minister of Immigration, Francization and Integration. However, a student who has received college instruction in English and been declared eligible to receive instruction given in English in accordance with Division I is not required to meet those requirements to be issued an Attestation of College Studies.

The first regulation made under the second paragraph must be made before the date of coming into force of the first paragraph.

“§3. — Provision specific to university instruction

“88.0.19. French-language university-level educational institutions shall see that the instruction they offer to provide in French is not provided in another language.

“DIVISION III

“RESEARCH

“88.0.20. Every agency of the civil administration that, in the exercise of its functions, offers financial assistance measures for research in any form, including fundamental research, shall see that such measures, taken together, contribute to supporting and enhancing research in French.”

61. Section 88.1 of the Charter is amended, in the first paragraph,

(1) by replacing “Before 1 October 2004, every” by “Every”;

(2) by inserting “that promotes respect for the fundamental language rights conferred by this Act and the institution’s contribution to the achievement of the objectives of this Act” after “language”;

(3) by replacing “paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1)” by “the first paragraph of section 88.0.1”.

62. The Charter is amended by inserting the following section after section 88.1:

“88.1.1. An institution referred to in section 88.1 is required to enforce its language policy.

That responsibility is incumbent on the institution’s most senior officer.

The institution must also establish mechanisms for the consultation and participation of its students and staff members so they can be involved in the development of the policy.”

63. Section 88.2 of the Charter is amended

(1) in the first paragraph,

(a) by replacing “an institution that provides college or university instruction in French to the majority of its students” in the introductory clause by “a French-language college- or university-level educational institution or of an institution that is a government body”;

(b) by replacing subparagraph 3 by the following subparagraph:

“(3) the quality of French and the command of the French language by the following persons:

(a) the students, in particular through the teaching of French terminology appropriate to the subjects taught in that institution;

(b) the teaching staff, especially upon recruitment; and

(c) the other staff members;”;

(c) by replacing “monitoring of its application” in subparagraph 5 by “related follow-up, specifying, in particular, the procedures for processing complaints about its application”;

(d) by adding the following subparagraphs at the end:

“(6) the functions of the institution’s most senior officer as person responsible for the application of the policy;

“(7) the procedures for the consultation and participation of students and staff members within the scope of the mechanisms established under section 88.1.1;

“(8) in the case of a college-level educational institution providing instruction in English, measures to give priority to admitting, to such instruction, students declared eligible to receive instruction in English in accordance with Division I where the number of admission applications is higher than the number of students that may be admitted.”;

(2) by replacing the second paragraph by the following paragraph:

“The policy shall specify the conditions and circumstances in which a language other than French may be used in compliance with this Act, while maintaining a concern for exemplarity and pursuing the objective of not allowing the systematic use of a language other than French within the institution.”

64. Section 88.3 of the Charter is replaced by the following:

“88.3. In addition to what is required under subparagraphs 5 to 8 of the first paragraph of section 88.2, the language policy of an English-language college- or university-level educational institution must pertain to

(1) the command of the French language required of students domiciled in Québec at the end of their studies, including command of the appropriate French terminology according to the programs of studies;

(2) the language used by the institution in its written communications with the civil administration, legal persons and enterprises established in Québec;

(3) the teaching of French as a second language; and

(4) the services provided in the official language.

“88.4. The language policy of the educational institution shall be sent to the Minister of Higher Education, Research, Science and Technology or, in the case of the policy of an institution that is a government body, to the minister responsible for the administration of the Act under which the institution is established. The same applies to any amendment to the policy. Those ministers shall send the policy or the amendment to the Minister of the French Language.

The Minister of the French Language shall, after examining the policy or the amendment, send the institution a notice that, as the case may be, states that the policy or the amendment is in compliance with this Act or indicates the corrections that must be made to it within the time specified by the Minister.

“88.5. An educational institution must disseminate its language policy among its staff members and students and publish it on its website.

“88.6. Every three years, an educational institution must send a report to the Minister of the French Language on the application of its language policy.

The educational institution must also, at the Minister’s request, send any information the Minister requires on the application of its policy.

“88.7. An educational institution is required to review its policy at least every 10 years.

If no amendment is made to the policy after its review, the institution must notify the Minister of the French Language accordingly.

“88.8. The institution must involve staff members and students in the preparation of the report required under section 88.6 and in the review of the policy it is required to conduct under section 88.7.

The provisions of section 88.1.1 and of the policy that relate to the consultation and participation mechanisms apply, with the necessary modifications.

“CHAPTER VIII.2

“THE COMMON LANGUAGE

“88.9. As the common language of the Québec nation, French is, among other things,

(1) the host language and the language of integration that enables immigrants to interact, thrive within Québec society and participate in its development;

(2) the language of intercultural communication that enables all Quebecers to participate in public life in Québec society; and

(3) the language that makes it possible to embrace and contribute to the Québec nation’s distinct culture.

“88.10. Québec’s immigration policy referred to in section 3 of the Québec Immigration Act (chapter I-0.2.1) and section 2 of the Act respecting the Ministère de l’Immigration, de la Francisation et de l’Intégration (chapter M-16.1) must be consistent with the objective of making French the common language.

“88.11. Any person domiciled in Québec who is unable to communicate in French is invited, as far as he is able, to learn French in order to use it as the common language to be able to interact, thrive within Québec society and participate in its development.

“88.12. Francisation Québec shall provide French language learning services to persons domiciled in Québec who are not subject to compulsory school attendance under the Education Act (chapter I-13.3).

Those services must enable such persons to acquire sufficient skills to use French as the common language. They must also include instruction enabling an understanding of the connection between the French language and Québec culture.

Francisation Québec shall provide such services, among other things, to persons who are unable to communicate in French and who are employed by an enterprise referred to in section 149 or an enterprise employing fewer than five persons.

“88.13. Institutions providing primary, secondary or college instruction in English, as well as the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, must, according to their respective responsibilities, take reasonable means to ensure that persons domiciled in Québec, while they receive such instruction, are provided with French language instruction.

That French language instruction must enable a person who received it during all elementary, secondary and college instruction to have acquired sufficient skills to use French as the common language in order to be able to interact, thrive within Québec society and participate in its development.

“88.14. In addition to the measures provided for in sections 88.12 and 88.13, the Government is required to take measures for

(1) promoting the use of French by all as the common language and the learning of French by persons who are unable to use it; and

(2) ensuring the vitality and preservation of the French language.”

65. The Charter is amended by inserting the following sections after the heading of Chapter IX of Title I before section 89:

“88.15. Every Act must be interpreted in a manner respectful of the rights intended to protect the French language that are conferred by this Act.

“88.16. The provisions of Title I and of Chapters IV and V of Title II of this Act prevail over any contrary provisions of any Act subsequent to 1 June 2022, unless such an Act expressly states that it applies despite this Act.”

66. Section 89 of the Charter is amended by adding the following paragraph at the end:

“Nothing in the first paragraph authorizes an agency of the civil administration to depart from the obligations incumbent on it under section 13.1.”

67. The Charter is amended by inserting the following section after section 89:

“89.1. No provision of this Act may be interpreted in such a way as to prevent its application to any enterprise or employer carrying on its activities in Québec.”

68. Section 91 of the Charter is amended by adding the following paragraphs at the end:

“Where, in accordance with the first paragraph, a text or document is drafted in French and in another language, the French version must be understandable without having to refer to a version in another language.

Where there is a discrepancy between the French version and a version in another language of such a text or document, the adhering party or the consumer, in the case of a contract of adhesion or a consumer contract, or, in any other case, the person who did not draft the text or document may invoke either version, according to his interests.”

69. Section 92 of the Charter is amended by inserting “, as well as to quote a statement made in a language other than French” at the end.

70. Section 97 of the Charter is amended

(1) by replacing “the Schedule” in the second paragraph by “Schedule I”;

(2) by adding the following paragraph at the end:

“In addition, the Government may determine by regulation the cases, conditions and circumstances in which a professional order is authorized to depart from the first paragraph of section 35 in respect of a person who resides outside Québec and practises his profession in Québec solely on such a reserve or settlement or on such lands.”

71. Section 98 of the Charter is amended by replacing “the Schedule” by “Schedule I”.

72. The heading of Title II of the Charter is amended by inserting “, CIVIL ADMINISTRATION COMPLIANCE” after “TOPONYMY”.

73. The Charter is amended by inserting the following sections after section 123.1:

“**123.2.** The quorum at meetings of the Commission is the majority of the members.

Meetings shall be presided over by the chair, who shall have a casting vote in the event of a tie.

“**123.3.** The Commission may hold meetings anywhere in Québec.

The members may participate in a meeting by any technical means, such as the telephone, enabling participants to communicate orally with one another.”

74. The Charter is amended by inserting the following section after section 126:

“**126.1.** An agency of the civil administration shall, without delay, send the Commission any name it assigns to a place.”

75. Chapter IV of Title II of the Charter, comprising sections 129 to 133, is replaced by the following chapter:

“**CHAPTER IV**

“**CIVIL ADMINISTRATION COMPLIANCE**

“**DIVISION I**

“**AGENCIES OF THE CIVIL ADMINISTRATION TO WHICH THE LANGUAGE POLICY OF THE STATE APPLIES**

“§1. — *Complaint processing procedure*

“**128.1.** An agency of the civil administration to which the language policy of the State applies shall adopt a procedure for processing complaints relating to any failure to comply with its obligations under this Act.

“**128.2.** An agency shall annually send a report to the Minister on the application of the complaint processing procedure it is required to adopt under section 128.1, detailing in particular the number of complaints received and processed.

A parliamentary institution shall send its report to the French Language Commissioner.

“§2. — Measures necessary to remedy failures by government departments, government bodies or municipal bodies

“128.3. Where the Minister is of the opinion that a government department, government body or municipal body to which the language policy of the State applies is not meeting one of its obligations under this Act, the Minister may order it to develop the measures necessary to remedy the situation and to implement them within the time the Minister specifies.

The Minister may act on his own initiative or after being informed of a failure by the Office or the French Language Commissioner.

Before rendering his decision, the Minister shall notify in writing a prior notice whose content is that of the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the government department or the body and grant it at least 15 days to submit observations.

“128.4. The Office shall provide assistance to the government department or the body in developing and implementing measures as ordered by the Minister and shall report on such development and implementation periodically to the Minister.

“128.5. The Minister shall put an end to the assistance provided by the Office if of the opinion that the government department or the body again meets its obligations under this Act.

“DIVISION II

“BODIES IN THE HEALTH AND SOCIAL SERVICES NETWORK, SCHOOL BODIES, AND BODIES OR INSTITUTIONS WHOSE RECOGNITION HAS BEEN WITHDRAWN

“128.6. A body in the health and social services network or a school body shall, not later than 180 days after the beginning of its activities, send the Office an analysis of its language situation. The analysis shall focus on the compliance with the provisions of this Act of the use of French within the body and on the body’s capacity to meet the other obligations incumbent on it under those provisions.

An agency of the civil administration that was a body or institution recognized under section 29.1 shall send the Office such an analysis not later than 180 days after the day on which its recognition was withdrawn.

“128.7. The Office may analyze the language situation in a body referred to in section 128.6 if it considers that the latter is refusing or neglecting to do so.

The Office may then make any inspection or investigation necessary for that analysis.

Before carrying out such an analysis, the Office shall notify in writing a prior notice whose content is that of the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the body and grant it at least 15 days to submit observations.

“128.8. Where the Office considers, after examining the analysis of the language situation in a body referred to in section 128.6, that the use of French within the body is in compliance with the provisions of this Act and that the body is meeting the other obligations incumbent on it under those provisions, the Office shall issue a certificate of compliance to the body.

In the case of a municipal body that was recognized under section 29.1, the Office shall report instead to the Minister on its opinion under the first paragraph. If the Minister is of the opinion that the body is meeting its obligations under this Act, he shall notify the Office and the body.

Where the Office is of the opinion that a certificate of compliance should not be issued, it shall order the body to develop and implement a compliance program and shall send, without delay, a copy of its decision to the body.

In the case of a municipal body that was recognized under section 29.1, the Office shall report instead to the Minister on its opinion under the third paragraph. If the Minister is of the opinion that the body is not meeting its obligations under this Act, it shall order the body to develop and implement a compliance program and shall send, without delay, a copy of its decision to the Office and the body.

Before ordering the development and implementation of such a program, the Office or, as applicable, the Minister shall notify in writing a prior notice whose content is that of the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the body and grant it at least 15 days to submit observations.

“129. A compliance program shall set out the measures a body intends to implement in order for the use of French in the body to be in compliance with the provisions of this Act and to meet the other obligations incumbent on it under those provisions, in particular as concerns the following:

- (1) internal communications;
- (2) recruitment, hiring, transfer and promotion of staff;
- (3) documents and work tools;
- (4) terminology;
- (5) information technologies; and
- (6) oral and written communications with persons.

The program shall also specify the time within which the intended measures are to be implemented.

“130. A body that develops a compliance program shall take into account the characteristics of the sector in which it carries on its activities and, if applicable, the recognition obtained under section 29.1.

“131. A body that is required to develop a compliance program shall send it to the Office within three months after receiving a copy of the Office’s or the Minister’s decision.

“132. The Office shall approve the compliance program sent to it in accordance with section 131 if of the opinion that the program is in compliance with the provisions of this division; it shall then send a certificate of approval for the program to the body concerned.

“133. Where the Office does not approve a compliance program, it may develop the program to be implemented by the body concerned under the supervision of the Office.

Before developing such a program, the Office shall notify in writing a prior notice whose content is that of the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the body and grant it at least 15 days to submit observations.

“134. The body shall comply with the measures set out in the compliance program approved or developed by the Office; as long as the body complies with the program, it is deemed to be complying with the provisions of this Act with which the program must bring it into compliance.

“134.1. A body that is required to implement a compliance program shall send a report to the Office every 12 months on its implementation.

“134.2. The body shall disseminate among its staff the compliance program it must implement, as well as every report sent to the Office under section 134.1.

“134.3. A body that does not expect to complete the implementation of a compliance program within the time specified in the program may request an extension from the Office.

The request must be sent to the Office not later than three months before the expiry of the time limit.

“134.4. Where the Office is of the opinion, after the complete implementation of a compliance program by a body, that the use of French within the body is in compliance with the provisions of this Act and that the body meets the other obligations incumbent on it under those provisions, the Office shall issue a certificate of compliance to the body.

In the case of a municipal body that was recognized under section 29.1, the Office shall report instead to the Minister on its opinion under the first paragraph. If the Minister is of the opinion that the body is meeting its obligations under this Act, he shall notify the Office and the body.

“134.5. An agency of the civil administration to which a certificate of compliance has been issued under the first paragraph of section 128.8 or 134.4 shall, every five years after its issue, submit a written report to the Office on the agency’s compliance with the provisions of this Act and the measures it is implementing to comply with those provisions.

The report must also include the matters referred to in the first paragraph of section 129.

Where the Office has reasons to believe that such an agency is failing to comply with this Act, it may request it to submit such a report. The agency shall send the report to the Office within the time specified by the Office.

“134.6. Where the Office considers, after examining the report provided for in the first paragraph of section 134.5 or when processing a complaint, that the use of French within an agency of the civil administration to which a certificate of compliance has been issued under the first paragraph of section 128.8 or 134.4 is no longer in compliance with the provisions of this Act or that the agency no longer meets the other obligations incumbent on it under those provisions, the Office may suspend the certificate in addition to ordering the agency, under section 128.8, to develop and implement a compliance program.

The Office may also suspend the certificate of compliance if the agency fails to comply with an order issued by the Minister under section 128.3 or by the Office under section 177.

The other provisions of this division are then applicable, with the necessary modifications.”

76. The Charter is amended by inserting the following after the heading of Chapter V of Title II before section 135:

“DIVISION I

“SCOPE”.

77. The Charter is amended by inserting the following after section 135:

“DIVISION II

“FRANCIZATION OF ENTERPRISES EMPLOYING 25 OR MORE PERSONS”.

78. Section 136 of the Charter is amended

(1) in the first paragraph,

(a) by inserting “referred to in section 139” after “Enterprises”;

(b) by adding the following sentence at the end: “Enterprises employing fewer than 100 persons are required to do so only if the Office, under the second paragraph of section 140, orders them to create such a committee, of which the Office determines the number of members.”;

(2) by striking out the second, third and fourth paragraphs.

79. Section 137 of the Charter is amended

(1) in the first paragraph,

(a) by replacing “At least half” by “Half”;

(b) by adding the following sentence at the end: “The other half of the committee shall be composed of the enterprise’s representative to the Office, designated by the management under the first paragraph of section 139.1, and of the other members the management designates.” ;

(2) in the second paragraph,

(a) by replacing “Such representatives” by “The representatives of the workers”;

(b) by inserting “after consulting the Office” after “management of the enterprise”.

80. Section 137.1 of the Charter is amended

(1) by inserting “, or take reprisals against or impose any other penalty on him,” after “transfer a worker” in the second paragraph;

(2) in the third paragraph,

(a) by replacing “Any” and “an action” by “Section 47 applies, with the necessary modifications, to any” and “a practice”, respectively;

(b) by striking out “may exercise the rights set out in the second or third paragraph of section 45, as the case may be”.

81. Section 138 of the Charter is amended by adding the following paragraph at the end:

“It shall disseminate that list among its staff, through signs and posters or by any other means it considers appropriate to ensure its dissemination.”

82. The Charter is amended by inserting the following sections after section 138:

“**138.1.** The francization committee shall

(1) designate, under the second paragraph of section 139.1, a representative to the Office;

(2) see to the carrying out of the analysis of the language situation, including the drafting of the report setting it out, referred to in the third paragraph of section 139;

(3) see to the development of the francization program that the enterprise must adopt under the second paragraph of section 140, supervise its implementation and, where necessary, see to the drafting of the report on that subject referred to in the third paragraph of section 143;

(4) ensure, where an enterprise holds a francization certificate issued under section 140 or 145, that the use of French remains generalized within the enterprise and see to the drafting of the three-year report referred to in the second paragraph of section 146; and

(5) at the request of the management of the enterprise, give its opinion on the employer’s practice of requiring a person to have knowledge or a specific level of knowledge of a language other than the official language in order to keep or obtain a position and on the means taken to avoid imposing such a requirement.

The committee may establish subcommittees to assist it in the exercise of its functions.

In addition, the management of the enterprise shall allow the committee to participate in the activities intended to inform the personnel on the implementation of any francization program or on the progression of the use of French in the enterprise.

“**138.2.** The management of the enterprise shall, after adopting the francization program referred to in subparagraph 3 of the first paragraph of section 138.1 or approving the other documents referred to in subparagraphs 2, 3 and 4 of that paragraph, have every member of the committee who endorses the program or documents sign them; the documents shall then be sent to the Office.

An employer is prohibited from not remunerating or from dismissing, laying off, demoting or transferring a worker, or from taking reprisals against or imposing any other penalty on a worker, solely to induce the person to endorse such a document or to dissuade him from endorsing it.

Section 47 applies, with the necessary modifications, to a worker who believes he is a victim of a practice that is prohibited under the second paragraph.

“138.3. The francization committee shall hold a meeting at least every six months. It shall see to the drafting of the minutes for each of its meetings. Every member of the committee who endorses the minutes shall sign them; the minutes shall then be sent to the management of the enterprise and to the Office.

A member of the Office’s staff may attend any meeting of the committee.

“138.4. The Office may communicate with a francization committee to obtain information it considers necessary. It may also investigate the reasons for which the members of the committee have not signed a document, if applicable.

The committee shall cooperate with the Office when the latter so requests. In addition, the committee may submit any question to the Office relating to its functions.

“138.5. The Office shall facilitate exchanges between the francization committees of enterprises.

It shall provide training to the members of those committees and make available documents relating to a francization committee’s role in an enterprise.”

83. Section 139 of the Charter is amended

(1) by replacing “50” in the first paragraph by “25”;

(2) in the third paragraph,

(a) by replacing “six” by “three”;

(b) by adding the following sentence at the end: “Where, at that time, a francization committee has already been established within the enterprise under section 136, it is incumbent on it to see to the carrying out of the analysis and the drafting of the report setting it out.”

84. The Charter is amended by inserting the following sections after section 139:

“139.1. An enterprise that is registered with the Office shall be represented to the Office only by a member of its management and, if applicable, by the representative designated by the francization committee under the second paragraph.

Where a francization committee is established within an enterprise, it shall designate one of its members, from among those who represent the workers, to act, along with the representative designated by the management, as a representative of the enterprise to the Office. Both representatives shall keep the other informed of the communications between the enterprise and the Office. Likewise, the Office shall ensure that both representatives are informed of its communications with the enterprise.

“139.2. The enterprise shall disseminate the names of its representatives among the members of its personnel.”

85. Section 140 of the Charter is amended

(1) by replacing “138” in the second paragraph by “139.2”;

(2) in the third paragraph,

(a) by replacing “six” by “three”;

(b) by adding the following sentence at the end: “Where a francization committee is established within the enterprise, it is incumbent on it to see to the development of the enterprise’s francization program.”

86. Section 141 of the Charter is amended

(1) by replacing “the knowledge of the official language on the part of management” in paragraph 1 by “a good knowledge of the official language on the part of the senior officers, the other officers”;

(2) by replacing “the working documents of the enterprise, especially in manuals and catalogues” in paragraph 4 by “the work documents and tools used in the enterprise”.

87. Section 142 of the Charter is amended by adding the following paragraph at the end:

“A francization program adopted by an enterprise referred to in subparagraph 4 of the first paragraph does not cover activities that are directly related to the production of cultural goods whose language content is in a language other than French and that cannot be carried on otherwise than in that other language.”

88. Section 143 of the Charter is amended

(1) in the third paragraph,

(a) by striking out “, every 24 months in the case of an enterprise employing fewer than 100 persons and”;

(b) by replacing “in the case of an enterprise employing 100 or more persons” by “. Where a francization committee is established within the enterprise, it is incumbent on it to see to the drafting of those reports”;

(2) by adding the following paragraph at the end:

“The enterprise shall disseminate its francization program and the reports on its implementation among its personnel.”

89. The Charter is amended by inserting the following section after section 144:

“144.1. An enterprise that does not expect to complete the implementation of a francization program within the time specified in the program may request an extension from the Office.

The request must be sent to the Office not later than three months before the expiry of the time specified.”

90. Section 146 of the Charter is amended by adding the following sentence at the end of the second paragraph: “Where a francization committee is established within the enterprise, it is incumbent on it to see to the drafting of that report.”

91. The Charter is amended by inserting the following sections after section 146:

“146.1. Where the Office considers, after examining the report an enterprise submits to it under the second paragraph of section 146, that the use of French is no longer generalized at all levels of the enterprise, it shall order the enterprise to develop and implement an action plan to remedy the situation.

Before ordering the development and implementation of an action plan, the Office shall notify in writing a prior notice whose content is that of the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the enterprise and grant it at least 15 days to submit observations.

“146.2. The action plan must be submitted to the Office for approval within two months after the date on which the Office’s decision under the first paragraph of section 146.1 was received. The provisions of this division that concern the francization program apply to the plan, with the necessary modifications.”

92. The Charter is amended by inserting the following after section 148:

“DIVISION III

“FRANCIZATION IN CERTAIN OTHER ENTERPRISES

“149. The Office, after consultation with Francisation Québec, shall determine annually, in the sectors of activity it selects, the enterprises subject to the Act respecting the legal publicity of enterprises (chapter P-44.1) employing at least five persons, without being referred to in section 139, to which it will offer to implement the French language learning services provided by Francisation Québec, in accordance with Chapter VIII.2 of Title I.

The Office shall notify the enterprise concerned of the offer made to it and of the time limit for accepting it and, as applicable, for agreeing with Francisation Québec on the terms on which those services will be provided. The Office shall send a copy of the notice to Francisation Québec.

“150. An enterprise that implements French language learning services provided by Francisation Québec is required to allow the persons in its employment who are unable to communicate in French to receive those services.

Section 137.1 applies to those persons, with the necessary modifications.”

93. Section 151 of the Charter is amended by replacing “responsible for the administration of this Act” in the first paragraph by “of the French Language”.

94. The Charter is amended by inserting the following after section 151:

“DIVISION IV

“COMPLIANCE WITH THE FRANCIZATION PROCESS, PENALTIES, EXEMPTIONS AND FORMS”.

95. Section 151.1 of the Charter is amended by replacing “Every enterprise that fails to comply with the obligations imposed by sections 136 to 146” by “Every enterprise is required to comply with the obligations imposed on it by sections 136 to 146.2” and by striking out “commits an offence and is liable to the penalties provided for in section 205”.

96. The Charter is amended by inserting the following sections after section 151.1:

“152. The Office shall publish and keep up to date a list of enterprises with regard to which it has refused to issue an attestation, or whose attestation or certificate it has suspended or cancelled.

“152.1. The civil administration shall not enter into a contract with an enterprise to which Division II applies or grant it a subsidy where the enterprise does not have a certificate of registration, has not provided, within the time prescribed, an analysis of the language situation in the enterprise, or has no attestation of implementation of a francization program or francization certificate, or if its name appears on the list provided for in section 152.

Nor shall it enter into a contract with an enterprise to which the provisions of Division III apply or grant it a subsidy where the enterprise

(1) refused the offer made to it under section 149, unless it subsequently agreed to implement the French language learning services provided by Francisation Québec; or

(2) fails to comply with the terms agreed on with Francisation Québec.

The first and second paragraphs do not prevent Francisation Québec from entering into a contract with such an enterprise if the contract is for the provision of French language learning services.”

97. Section 154 of the Charter is replaced by the following:

“154. The information and documents that an enterprise is required to send the Office under the provisions of this chapter must be sent using the forms or in accordance with the models established by the Office, except the minutes of a meeting of the francization committee.

“TITLE II.1

“MINISTER OF THE FRENCH LANGUAGE AND MINISTÈRE DE LA LANGUE FRANÇAISE

“CHAPTER I

“MINISTER OF THE FRENCH LANGUAGE

“155. The mission of the Minister of the French Language is to promote, assert the value of and protect the French language and its status as well as to foster the establishment and maintenance of conditions that hold promise for the future of the French language.

The Minister of the French Language shall advise the Government on any matter relating to the Minister’s mission and refer to the Government any intervention the Minister considers necessary for establishing or maintaining the above conditions.

“156. The Minister shall develop and propose to the Government his general policies defining Québec’s language planning and the actions of the Government, its departments and the other agencies of the civil administration as regards the French language.

The Minister shall ensure cohesive action on the part of the civil administration in that regard as well as its compliance with the provisions of this Act in accordance with their true meaning, spirit and purpose. To that end, the Minister shall participate in the coordination of the measures implemented by the civil administration and must be consulted in the development of any ministerial measure or decision if such a measure or decision could impact the French language or its status; the Minister shall give an opinion on a measure or decision whenever the Minister considers it appropriate.

The Minister shall support and assist the government departments, government bodies and municipal bodies to which the language policy of the State applies in the performance of the obligations incumbent on them under this Act.

“156.1. In addition to the other functions this Act entrusts to the Minister, the latter’s functions include supporting and collaborating in the work carried out by the various government departments in relation to francization, in particular in the education sector and in the workplace.

The Minister may, in addition, develop policies, programs and other measures for carrying out his mission. The Minister shall see to their implementation and coordinate their carrying out, monitoring and review.

The Minister may also grant prizes or recognition to highlight outstanding contributions by persons or organizations with regard to language.

The Minister shall also exercise any other function entrusted to the Minister by the Government.

“156.2. The Minister shall, within the scope of his functions, promote knowledge, protection, enhancement and transmission of Québec’s francophone linguistic heritage.

Québec’s francophone linguistic heritage is made up of all the knowledge about the French language in use at any given time in Québec that is stored on any type of medium. The knowledge thus stored on a medium is an element of that heritage.

“156.3. In the exercise of his functions, the Minister may, in particular,

(1) require from the government departments and the agencies of the civil administration any assistance and information the Minister considers necessary;

(2) enter into agreements with any person, association, partnership or body;

(3) enter into agreements, in accordance with the law, with a government other than that of Québec or a department or body of such a government, or with an international organization or a body of such an organization;

(4) conduct or commission consultations, research, studies and analyses;

(5) grant, on the conditions the Minister sets, financial or technical assistance; and

(6) intervene, on his own initiative and without notice, in any proceeding that could impact the status or use of French in Québec.

“156.4. The Minister shall table in the National Assembly the annual report on the carrying out of this Act in the agencies of the civil administration, other than the parliamentary institutions, within four months after the end of the fiscal year or, if the Assembly is not sitting, within 15 days after resumption.

The report must include, in particular,

(1) a description of the means implemented by each of the agencies referred to in the first paragraph to perform the obligations incumbent on them under this Act and, if applicable, the grounds for amending the language policy of the State that guides them in performing those obligations;

(2) the number of positions for which those agencies require knowledge or a specific level of knowledge of a language other than the official language as well as the number of positions for which such knowledge or such a level of knowledge is desirable;

(3) the particulars required below concerning each of the agencies referred to in section 29.15:

(a) an indication of whether or not it made the directive required under section 29.15;

(b) an indication of whether or not the directive was approved by the Minister, where it is subject to approval under section 29.17; and

(c) an indication of whether the directive is being reviewed at the intervals specified in the third paragraph of section 29.15;

(4) the particulars set out in subparagraph 3 concerning the directives required under section 29.16; and

(5) the number of complaints received and processed by the agencies that are required to adopt the complaint processing procedure provided for in section 128.1.

“156.5. The incumbent minister of a government department or the chief executive officer of an agency referred to in the first paragraph of section 156.4, or the person either of them designates within his department or agency, shall send the Minister of the French Language, in the form, with the content and at the intervals determined by the Minister, the information necessary to prepare the report on the carrying out of this Act.

“156.6. The Minister shall publish the list of the agencies of the civil administration and keep it up to date.

“156.7. The Minister may require the Office to make an inspection to verify compliance with this Act in the government departments, government bodies and municipal bodies to which the language policy of the State applies.

The Minister may also require the Office to conduct an investigation in those bodies on any matter relating to the carrying out of this Act.

“CHAPTER II

“MINISTÈRE DE LA LANGUE FRANÇAISE

“156.8. The Ministère de la Langue française shall be under the direction of the Minister of the French Language.

“156.9. The Government shall appoint a Deputy Minister of the French Language in accordance with the Public Service Act (chapter F-3.1.1).

“156.10. Under the Minister’s direction, the Deputy Minister shall administer the department.

In addition, the Deputy Minister shall exercise any other function assigned to him by the Government or the Minister.

“156.11. In the exercise of his functions, the Deputy Minister has the Minister’s authority.

“156.12. The Deputy Minister may, in writing and to the extent he specifies, delegate the exercise of his functions to a public servant or to the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions he specifies; in such a case, he shall identify the public servant or holder of a position to whom they may be subdelegated.

“156.13. The personnel of the department shall consist in the public servants necessary for the exercise of the Minister’s functions; they shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Minister shall determine those public servants’ duties if they are not determined by law or by the Government.

“156.14. The Minister’s or Deputy Minister’s signature gives authority to any document emanating from the department.

No deed, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by him, the Deputy Minister, a member of the department's personnel or the holder of a position but, in the latter two cases, only to the extent determined by regulation of the Minister.

“156.15. The Minister may, by regulation and on the conditions he determines, allow a signature to be affixed by means of an automatic device or of any other information technology-based process.

“156.16. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 156.14, is authentic.

“156.17. The Minister shall table the department's annual management report in the National Assembly; it shall be attached to the report on the carrying out of this Act.

“CHAPTER III

“DESIGNATED ELEMENTS OF QUÉBEC'S FRANCOPHONE LINGUISTIC HERITAGE

“156.18. The Minister may, if he considers it appropriate, give heritage designation to elements of Québec's francophone linguistic heritage described in the second paragraph of section 156.2.

The Minister shall ensure that the elements given heritage designation are continuously available to the public.

“156.19. A designation is granted through a notice of designation signed by the Minister.

The notice must contain a description of the element concerned and state the reasons for the designation.

The notice of designation must be published in the *Gazette officielle du Québec*. The designation takes effect on the date the notice is so published.

“156.20. The Minister shall designate a member of the department's personnel to act as registrar.

The registrar shall be responsible for

- (1) keeping the register of Québec's francophone linguistic heritage;
- (2) entering in the register the elements designated by the Minister as well as the description of each element contained in the notice of designation; and
- (3) issuing certified extracts from the register to any interested person on payment of the fees determined by government regulation.

The Minister may also designate, from among the members of the department's personnel, a person to exercise the registrar's functions if the registrar is absent or unable to act.

“156.21. The certified extracts issued by the registrar are authentic. The registrar's signature on copies of documents is proof of the fact that those documents exist and are lawfully in the registrar's possession.

Any copy signed by the registrar is equivalent to the original itself in a court of justice, and any document purporting to bear the registrar's signature is presumed to bear that signature.

“156.22. The Minister shall contribute to the knowledge of Québec's francophone linguistic heritage, in particular by making inventories. The Minister shall establish the manner in which the inventories are made, consigned and disseminated.

“TITLE II.2

“FRANCISATION QUÉBEC

“156.23. An administrative unit is established within the Ministère de l'Immigration, de la Francisation et de l'Intégration under the name “Francisation Québec”.

“156.24. Francisation Québec shall conduct and manage government action with respect to francization of persons domiciled in Québec who are not subject to compulsory school attendance under the Education Act (chapter I-13.3) and persons considering settling in Québec, and to francization of persons within enterprises.

For that purpose, Francisation Québec is the sole government point of access for such persons wishing to receive French language learning services.

Francisation Québec must make sure its services are provided throughout Québec and shall establish offices to ensure the right to services enabling the learning of French, provided for in the first paragraph of section 6.1. Where an institution offering college or university instruction makes premises available to Francisation Québec, Francisation Québec may provide its services on those premises.

The learning services offered by Francisation Québec shall be provided free of charge to the person receiving them, unless Francisation Québec requires the person to pay a moderate fee.

“156.25. The functions of Francisation Québec consist, in particular, in

(1) coordinating and offering French language learning services in class, in the workplace and online;

(2) determining the terms governing registration for such services, classification of the persons receiving them and evaluation of French language learning, as well as accountability with regard to such services rendered on behalf of Francisation Québec;

(3) developing, in collaboration with the Office, and putting in place French language learning services within the enterprises referred to in section 149;

(4) developing education programs and educational materials and tools to facilitate French language learning for persons domiciled in Québec who are not subject to compulsory school attendance under the Education Act (chapter I-13.3);

(5) facilitating, with the collaboration of the minister responsible for the administration of the Educational Childcare Act (chapter S-4.1.1), the putting in place, by the educational childcare providers governed by that Act, of activities to foster French language learning by children; and

(6) developing and implementing programs designed to provide opportunities to participate in French in Québec society.

“156.26. Any enterprise that wishes to improve the level of proficiency in French of the members of its personnel may, on its own initiative, solicit the services offered by Francisation Québec.”

98. Section 159 of the Charter is amended

(1) by replacing “, terminology and the francization of the civil administration and enterprises” in the first paragraph by “and terminology. It shall see to the implementation of the civil administration’s compliance programs as well as the measures for the francization of enterprises, including French language learning services within those enterprises, if any, in collaboration with Francisation Québec”;

(2) by inserting “, subject to the powers conferred on the Minister or the Commissioner” at the end of the second paragraph.

99. Section 160 of the Charter is amended by adding the following paragraphs at the end:

“To monitor the progression of the language situation in Québec, the Office shall use the following indicators and show their variation in the report:

- (1) the language of work;
- (2) the language requirements on being hired;
- (3) the language of public services;
- (4) the language of service in businesses;

(5) the numbers of students determined under sections 88.0.5 and 88.0.6 and the quotas determined under sections 88.0.10 and 88.0.11;

(6) francization class attendance, including registrations, levels of French attained and success rates;

(7) language shifts; and

(8) the importance given to French language policies in the multi-year immigration plan.

The report shall compare, in particular, the progression of the use of French and English in Québec and the progression of the use of those languages in the rest of Canada. For that purpose, the Office shall take into account the statistical data produced by the Institut de la statistique du Québec.

The Office, together with the French Language Commissioner, shall determine the indicators of the use of French in the public sphere by the Québec population as well as the other monitoring indicators used to produce the report, except those referred to in the second paragraph.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 15 days after resumption.”

100. Section 161 of the Charter is amended

(1) by striking out “the civil administration and in” in the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“The Office shall collaborate with the Minister in providing support and assistance to the government departments, government bodies and municipal bodies to which the language policy of the State applies for the performance of the obligations incumbent on them under this Act.”

101. The Charter is amended by inserting the following section after section 161:

“**161.1.** The Office shall help define and develop the francization programs and compliance programs provided for in this Act and shall oversee their application.

The Office shall, every two years, submit to the Minister a report concerning the evolution of the programs referred to in the first paragraph.

The Minister shall table the Office’s report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 15 days after resumption.”

102. Section 163 of the Charter is amended

(1) by inserting “, in collaboration with the French Language Commissioner,” after “The Office”;

(2) by replacing “needed” by “on language rights, language policies and linguistic demography as well as on the other matters the knowledge of which is necessary”.

103. The Charter is amended by inserting the following section after section 163:

“163.1. The Office shall, on its own initiative or at the request of the French Language Commissioner, submit to the Commissioner any report on a linguistic matter relevant to achieving the objectives and fulfilling the obligations set out in this Act.”

104. Section 165 of the Charter is amended by replacing “associate deputy minister responsible for the implementation of language policy” in the third paragraph by “Deputy Minister of the French Language”.

105. Section 165.3 of the Charter is amended by replacing “131 to 133, 139, 143 and 151” in the second paragraph by “128.6 to 134.6, 139, 143, 146.1, 146.2, 149 and 151 as well as by the provisions of Title III.1”.

106. Section 165.8 of the Charter is amended by striking out the fifth paragraph.

107. Section 165.10 of the Charter is replaced by the following section:

“165.10. Each year, within four months after the end of the fiscal year, the Office shall send the Minister a report on its activities for that fiscal year.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 15 days after resumption.”

108. Section 165.12 of the Charter is amended, in the first paragraph,

(1) by replacing “of five members” in the introductory clause by “of a committee chair, designated by the Government from among the members of the Office appointed by the Government, and of four members”;

(2) by striking out subparagraph 1.

109. The heading of Title III.1 of the Charter is amended by replacing “INSPECTIONS AND INQUIRIES” by “COMPLAINTS, DISCLOSURES, PROTECTION MEASURES, INSPECTIONS, INVESTIGATIONS AND REMEDIAL MEASURES”.

110. The Charter is amended by inserting the following after the heading of Title III.1 before section 166:

“CHAPTER I

“COMPLAINTS, DISCLOSURES AND PROTECTION MEASURES

“DIVISION I

“COMPLAINTS

“165.15. The Office shall receive complaints relating to any failure to comply with the provisions of this Act.

“165.16. The Office must, on receiving a complaint, send the complainant a notice of the date on which it was received.

If the description of the facts supporting the complaint is not specific enough, the Office shall help the complainant draw up the complaint.

“165.17. If the facts supporting the complaint are referred to in section 45, 45.1 or 46, the Office shall either direct the complainant to the Commission des normes, de l'équité, de la santé et de la sécurité du travail and send the complaint to the latter or direct the complainant to the workers' association representing him. With the complainant's consent, the Commission des normes, de l'équité, de la santé et de la sécurité du travail shall send any complaint that concerns discriminatory conduct referred to in section 45.1 to the Commission des droits de la personne et des droits de la jeunesse, under the terms of an agreement entered into by those organizations and approved by the Minister of Labour. The agreement shall also stipulate the terms of cooperation between those two organizations, in particular to ensure that the time required to send the complaint is not prejudicial to the complainant.

If the facts supporting the complaint concern a parliamentary institution, the Office shall send the complaint to the French Language Commissioner and notify the complainant.

In all other cases, the Office shall open a complaint record, notify the complainant of that fact and, at the complainant's request, inform him of the processing of the complaint and, if applicable, of the measures it is taking to have the author of the failure to comply cease and not repeat the failure.

“165.18. Reception by the Office of a complaint referred to in the first paragraph of section 165.17 suspends the time limit for filing the complaint with the Commission des normes, de l'équité, de la santé et de la sécurité du travail or, as the case may be, with the workers' association representing the complainant.

The suspension ends when the Office directs the complainant to the Commission or the association.

“165.19. If the facts supporting the complaint are alleged to have been committed by a government department, government body or municipal body to which the language policy of the State applies, the Office shall notify the Minister of the French Language without delay.

The Minister may assign any member of the department’s personnel to the Office to participate in processing the complaint. The complaint shall be processed by the Office in collaboration with the Minister.

“165.20. The Office shall put an end to the processing of the complaint where it takes measures to have the author of the failure to comply cease and not repeat the failure.

The Office shall also put an end to the processing of the complaint if

- (1) it considers the complaint to be abusive, frivolous or clearly unfounded;
- (2) the complainant refuses or neglects to provide, within the time specified by the Office, the information or documents that the Office requires; or
- (3) it considers that the circumstances do not justify its intervention.

In the case of a complaint that is processed in collaboration with the Minister under the second paragraph of section 165.19, the Office shall report to the Minister on the processing of the complaint and on the reasons for which the Office considers it warranted to put an end to it.

The Office shall notify the complainant of the reasons for which it is putting an end to the processing of the complaint.

“165.21. Each quarter, the Office shall produce a report on the complaints received, the number of complaints and their processing and send it to the French Language Commissioner and the Minister.

“DIVISION II

“DISCLOSURES

“165.22. Any person who wishes to make a disclosure may do so by communicating to the Office any information, other than information relating to the health of a third person, that the person believes could show that a failure to comply with this Act has occurred or is about to occur, or that the person has been asked to fail to comply.

A person who discloses such a failure to comply may do so despite the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except the provisions of section 33 of that Act, and despite the provisions of the Act respecting the protection of personal information in the private sector (chapter P-39.1), any

other communication restrictions under other laws of Québec, any provision of a contract or any duty of loyalty or confidentiality that may be binding on the person, in particular with respect to an employer or a client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“165.23. The Office shall take all the measures necessary to protect the identity of persons who make a disclosure.

“DIVISION III

“PROTECTION MEASURES

“165.24. It is forbidden to take a reprisal against a person who, in good faith, makes a disclosure to the Office or who cooperates in an investigation made under Chapter II, or to threaten to take a reprisal against a person so that he will abstain from making such a disclosure or cooperating in such an investigation.

“165.25. For the purposes of this chapter, the demotion, suspension, dismissal or transfer of a person or any disciplinary or other measure that adversely affects his employment or working conditions is presumed to be a reprisal.

“165.26. A person who, in good faith and in accordance with section 165.22, reports a failure to comply with this Act to the Office shall not be subject to any civil liability for doing so.

The same applies to a person who files a complaint referred to in section 165.15.

“CHAPTER II

“INSPECTIONS AND INVESTIGATIONS”.

III. Section 166 of the Charter is amended by adding the following paragraph at the end:

“However, the Office shall not make such an inspection or investigation in a parliamentary institution within the meaning of Schedule I nor, in the absence of a complaint, of a disclosure or of a request by the Minister under section 156.7, in an agency of the civil administration to which the language policy of the State applies.”

II2. Sections 167 to 169 of the Charter are replaced by the following section:

“167. The Office shall establish an inspection program concerning compliance with the provisions of sections 46 and 46.1 by employers other than the civil administration.”

113. Section 172 of the Charter is amended by replacing “The” in the first paragraph by “In an investigation other than an investigation relating to an offence under this Act, the”.

114. Section 174 of the Charter is amended by replacing the first paragraph by the following paragraphs:

“A person making an inspection for the purposes of this Act may

(1) enter at any reasonable hour any place, other than a dwelling house, where an activity governed by this Act is carried on, or any other place where documents or other property to which this Act applies may be held;

(2) take photographs of the place and of the property located there;

(3) cause any person present who has access to any computer, equipment or other thing that is on the premises to use it to access data relevant to the application of this Act that is contained in an electronic device, computer system or other medium or to verify, examine, process, copy or print out such data; and

(4) require any information relating to the application of this Act or the regulations as well as the communication, for examination or reproduction, of any related document.

Any person who has custody, possession or control of documents referred to in this section must communicate them to the person making an inspection and facilitate their examination by that person.”

115. Section 175 of the Charter is replaced by the following section:

“**175.** A person making an inspection for the purposes of this Act may, by notification of a notice, require any person to communicate to him, within a reasonable time determined by the notice, any information or document relating to the carrying out of this Act.”

116. Section 177 and Title IV of the Charter, comprising sections 185 to 198, are replaced by the following:

“**CHAPTER III**

“**REMEDIAL MEASURES**

“**DIVISION I**

“**ORDER OF THE OFFICE**

“**177.** If the Office becomes aware of a failure to comply with this Act or a regulation, the Office may order the author of the failure either to comply with it or to cease contravening it, within the time the Office specifies.

An order concerning a failure to comply with section 51, 51.1, 52.1 or 54 may be issued against anyone who distributes, sells retail, leases, offers for sale or for lease or otherwise markets, for consideration or free of charge, or holds for such purposes,

(1) a product, if the inscriptions on the product, on its container or wrapping, or on a document or object supplied with it, including the directions for use and the warranty certificates, are non-compliant; or

(2) computer software, including game software and operating systems, or a game or toy that is non-compliant.

The same applies to any operator of an establishment where menus or wine lists that do not comply with the provisions of section 51 are presented to the public.

If the Office becomes aware of a failure referred to in the second paragraph in relation to a good made available in Québec through an enterprise that, by a technological means, enables a contract for obtaining the good to be entered into and the payment agreed on to be made, in a situation where the distributor, seller, lessor, offeror or holder of the good does not have an establishment in Québec, the Office may order the operator of the enterprise to cease, within the time specified by the Office, to allow any person situated in Québec to enter into a contract with regard to the good.

The interested person against whom an order may be issued under the second, third or fourth paragraph is considered to be the author of the failure for the purposes of the sixth paragraph and of sections 165.17, 165.20, 178 and 179.

Before issuing an order under this section and where section 5 of the Act respecting administrative justice (chapter J-3) applies, the Office shall notify in writing a prior notice of at least 15 days to the author of the failure to comply, stating which provisions of this Act the author of the failure has allegedly failed to comply with, the other reasons that appear to justify the order, the date on which the order is to take effect and the possibility for the author of the failure to submit observations.

“178. The order of the Office must state the provisions of this Act or of the regulation regarding which there has been a failure to comply, the other reasons that justify the order and the time granted to the author of the failure to comply with the order. The order shall be notified to the author of the failure to which the order relates.

The order takes effect on the date of its notification or on any later date specified in the order. It remains binding for a two-year period.

“179. The author of the failure to comply must, within the time specified in the order, send the Office a notice outlining the measures taken to comply with the order.

“180. The Office may revoke or amend an order it has issued under this division.

“181. The order referred to in section 177 may, within 30 days after its notification, be contested before the Administrative Tribunal of Québec.

The Tribunal may only confirm or quash the contested order.

“182. The Office shall not, under this division, issue an order for a failure to comply with

(1) the provisions of Chapter V of Title II, other than those of sections 150 and 151.1; or

(2) the provisions of sections 78.1 to 78.3 and 176.

Nor shall the Office issue an order in the cases referred to in section 184 against an agency of the civil administration to which the language policy of the State applies or against a member of that agency’s personnel.

“DIVISION II

“INJUNCTION AND COURT ORDER

“183. The Office may apply to a judge of the Superior Court for an injunction relating to the carrying out of this Act.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (chapter C-25.01) applies, except that the Office cannot be required to provide a suretyship.

The Office shall not apply for an injunction against an agency of the civil administration to which the language policy of the State applies, or against a member of that agency’s personnel.

“184. The court may, on an application by the Office, order the removal or destruction, within eight days after the date on which the order takes effect, of any poster, sign, advertisement, billboard or illuminated sign that contravenes this Act, at the expense of the person to whom the order is directed.

The application may be directed against the owner of the advertising equipment or against whoever placed the poster, sign, advertisement, billboard or illuminated sign or had it placed.

“TITLE IV

“FRENCH LANGUAGE COMMISSIONER

“CHAPTER I

“APPOINTMENT

“**185.** On the proposal of the Prime Minister and with the approval of two-thirds of its Members, the National Assembly shall appoint a French Language Commissioner; it shall determine, in the same manner, the remuneration, employee benefits and other conditions of employment of the Commissioner.

The person proposed by the Prime Minister must have notable sensitivity and interest regarding the protection of the French language. The Minister of the French Language shall make a recommendation to the Prime Minister to that effect.

“**186.** Before entering into office, the Commissioner shall take the oath set out in Schedule II before the President of the National Assembly.

“**187.** The Commissioner is appointed for a non-renewable seven-year term. At the expiry of the term, the Commissioner remains in office until replaced.

“**188.** The Commissioner may resign at any time by giving written notice to the President of the National Assembly. The Commissioner may be dismissed only by a resolution of the Assembly approved by two-thirds of its Members.

“CHAPTER II

“FUNCTIONS, POWERS AND IMMUNITY

“**189.** The function of the Commissioner is to monitor respect for the fundamental rights conferred by this Act, the performance of the obligations imposed by the Act on persons, enterprises and the civil administration as well as the implementation of its provisions by the Minister, the Office and Francisation Québec.

“**190.** A further function of the Commissioner is to monitor the progression of the language situation in Québec.

To that end, the Commissioner must, in particular,

- (1) monitor knowledge, learning and use of French by immigrants; and
- (2) identify the measures taken by the Government under section 88.14.

“**191.** The Commissioner must see that each parliamentary institution within the meaning of Schedule I meets its obligations under this Act.

For that purpose, the Commissioner shall exercise, with regard to parliamentary institutions, in place of the Government, the Minister of the French Language and the Office, the functions and powers that sections 20, 156, 156.3 and 204.19 allow them to exercise with regard to an agency of the civil administration.

Furthermore, the provisions of a regulation made by the Government or the Minister under the provisions of Chapter IV or IX of Title I of this Act apply to a parliamentary institution only if the Commissioner consents to it.

The Commissioner may also make any provision specific to those institutions that adds to the language policy of the State. Without delay, he shall make such a provision public and send a copy of it to the Minister.

“192. The Commissioner shall receive complaints relating to any failure, by a parliamentary institution, to comply with the provisions of this Act.

If such an institution does not meet an obligation incumbent on it under this Act, the Commissioner must see that the institution develops the necessary measures to remedy the situation and implements them within the time the Commissioner specifies.

“193. The Commissioner shall give any opinions and make any recommendations he considers appropriate to the National Assembly, the Government or the Minister if the Commissioner considers it necessary or in response to a request from any one of them on any matter within the scope of his functions.

In addition, the Commissioner may inform the public about any issue relating to the French language in Québec.

“194. The Commissioner shall exercise his functions exclusively and on a full-time basis.

“195. The Commissioner may, on his own initiative, make any audits and investigations he considers useful for the performance of his functions. The Commissioner may make such an audit or investigation at the request of the Government or the National Assembly.

Such audits and investigations may, in particular, pertain to

- (1) the civil administration’s compliance with its obligations under this Act;
- (2) the measures put in place by the civil administration to promote, assert the value of and protect the French language and to see that French language learning services are provided;
- (3) the activities carried on by the Office;
- (4) the exercise of adopting and updating the language policy of the State;

(5) the compliance of the directives made under section 29.15 or 29.16 with the provisions of section 29.15;

(6) the francization and compliance programs provided for by this Act and the measures to foster French language learning;

(7) compliance with the provisions of Division II of Chapter VIII and of Chapter VIII.1 of Title I;

(8) compliance with the provisions of Chapter V of Title II of this Act with regard to any enterprise benefiting from a grant from or contract entered into with the civil administration; and

(9) the progression of the language situation in Québec.

The Commissioner may specially authorize any person to make such audits and investigations.

“196. The Commissioner shall produce a report following any audit or investigation he makes at the request of the National Assembly.

“197. Each year, within four months after the end of the fiscal year, the Commissioner shall produce a report in which he

(1) reports on his activities;

(2) indicates whether, in the exercise of his functions, he received all the information, reports and explanations requested;

(3) reports on the defined total numbers of students determined under sections 88.0.5 and 88.0.6, on the quotas determined under sections 88.0.10 and 88.0.11 and on the compliance of the institutions concerned with those numbers; and

(4) presents the information referred to in the second paragraph of section 156.4 concerning parliamentary institutions.

In his report, the Commissioner shall point out any matter or any case that, in the Commissioner’s opinion, should be brought to the attention of the National Assembly and that arises from his audits and investigations. The Commissioner shall also mention any difficulties encountered in his audits and investigations.

The Commissioner shall set out, in the report, his observations and recommendations that may, in particular, pertain to

(1) the progression of the language situation;

(2) the activities carried on by the Minister, the Office and Francisation Québec; and

(3) the performance of the obligations incumbent on the agencies of the civil administration under this Act.

“198. The Commissioner shall analyze the report required under section 160 on the progression of the language situation in Québec within six months after it is tabled in the National Assembly and produce a report in which the Commissioner

(1) presents the conclusions of his analysis; and

(2) recommends measures that, in his opinion, contribute to the indicators listed in the second paragraph of that section showing a favourable progression of the French language as the common language.

“199. The Commissioner may, at any time, produce a report on any matter under his authority.

“200. The Commissioner shall send the reports he produces to the President of the National Assembly.

The President shall table them in the National Assembly within three days after receiving them or, if the Assembly is not sitting, within three days after the opening of the next session or after resumption.

The competent committee of the National Assembly shall examine the reports within three months after they are tabled in the Assembly.

“201. For the purpose of performing his functions, the Commissioner may assign his employees or an expert mandated by the Commissioner to an agency of the civil administration.

An agency of the civil administration must provide the premises and equipment the Commissioner considers necessary.

“202. The agencies referred to in section 201 and their directors, executive officers and employees must allow the Commissioner, on request, to have access to and make copies of records, reports, documents or data, in whatever form, relating to the work of the Commissioner under the law, and provide him with any related information or explanation.

This section applies despite the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

This section prevails over any contrary provision of a subsequent general or special Act unless the Act expressly states that it applies despite this section.

“203. The Commissioner may refuse to communicate information whose disclosure could hamper an audit or investigation made under section 195.

The Commissioner may also refuse to communicate an analysis relating to a report referred to in any of sections 196 to 199, or information that could reveal the content of such a report, until the expiry of five years from the date of the report, unless the report has been tabled in the National Assembly or otherwise made public in accordance with the law.

This section applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“204. For the discharge of his functions, the Commissioner may

(1) receive and hear observations from persons or groups;

(2) conduct or commission analyses; and

(3) conduct or commission such studies and research as he considers necessary.

“204.1. The Commissioner and every person specially authorized by the Commissioner to conduct an investigation are vested, for the purposes of the investigation, with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“204.2. The Commissioner, the Commissioner’s employees or an expert mandated under section 201 cannot be compelled to make a deposition relating to information obtained in the exercise of their functions or to produce a document containing such information.

“204.3. No legal proceedings may be brought against the Commissioner or his employees for an act or omission in good faith in the exercise of their functions.

“204.4. No civil action may be brought because of the publication of a report of the Commissioner under this Act or any other Act, or the publication, in good faith, of an extract from or summary of such a report.

“204.5. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought, nor any injunction granted, nor any other provisional measure taken against the Commissioner, his employees or an expert mandated under section 201 in the exercise of their functions.

A judge of the Court of Appeal may, on an application, summarily annul a decision, order or injunction made or granted contrary to this section.

“204.6. The Commissioner may, on his own initiative and without notice, intervene in any proceeding that could impact the status or use of French in Québec.

“CHAPTER III
“ORGANIZATION

“204.7. The Government shall appoint, on the recommendation of the Commissioner, a Deputy Commissioner to assist him in the exercise of his functions.

A person is qualified to exercise deputy commissioner functions only if the person is a member of the Barreau du Québec or of the Chambre des notaires du Québec.

“204.8. The Government shall fix the salary of the Deputy Commissioner, which shall not be reduced subsequently. The Deputy Commissioner’s term shall not exceed five years, but he shall remain in office at the end of that term until re-appointed or replaced. The Government may dismiss the Deputy Commissioner before the expiry of his term, but only for cause.

“204.9. The Commissioner shall determine the duties and powers of the Deputy Commissioner.

“204.10. If the Commissioner is absent or unable to act or if the office of Commissioner is vacant, the Deputy Commissioner shall act as interim commissioner.

The latter shall receive, for the interim, a salary equivalent to that of the Commissioner.

“204.11. The members of the Commissioner’s staff shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

“204.12. The Commissioner shall establish, without further formality, his human resources management policies with respect to planning, organization and development.

Subject to the appropriations granted by Parliament, the Commissioner shall determine the staff needed for the exercise of his functions, their assignment and the level of their positions.

“204.13. The Commissioner shall prepare annual budgetary estimates and submit them to the Office of the National Assembly, which shall approve them with or without modification.

If, during a fiscal year, the Commissioner foresees that the budget estimates approved by the Office of the National Assembly will be exceeded, he shall prepare supplementary budget estimates and submit them to the Office of the National Assembly, which shall approve them with or without modification.

The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the Commissioner’s financial resources.

“204.14. The Public Administration Act (chapter A-6.01), except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 23, subparagraph 3 of the second paragraph of section 24 and the third paragraph of that section, sections 25 to 28, section 44, the fourth paragraph of section 45, sections 46, 48, 49, 50 and 53, the third paragraph of section 57, and sections 74 to 75, 77.3 and 78, applies to the Commissioner. The report referred to in section 24 of that Act shall be included in the Commissioner’s annual report.

The President of the National Assembly shall table in the Assembly the strategic plan adopted by the Commissioner under section 8 of the Public Administration Act.

“204.15. The Commissioner may, by regulation, determine the conditions applicable to the contracts he may enter into.

The regulation under this section comes into force on the date it is approved by the Office of the National Assembly. It is published in the *Gazette officielle du Québec*.”

II7. Sections 205 to 208 of the Charter are replaced by the following:

“CHAPTER I

“CIVIL SANCTIONS

“204.16. The provisions of this chapter add to the provisions of the Civil Code and do not prevent an action from being brought under the rules of that Code.

“204.17. Where a right recognized by sections 2 to 6.2 of this Act has been violated, the victim is entitled to obtain the cessation of the violation.

However, the first paragraph does not apply to a violation of the right recognized by section 5 if it was committed by an enterprise referred to in the first paragraph of section 50.2 that employed fewer than five persons at the time of the violation.

“204.18. The provisions of a contract, decision or other act that cause injury by contravening the provisions of this Act, other than sections 6.2 to 13, may be annulled on the application of the person who suffers the injury.

However, such an act may be absolutely null, whether or not the contravention causes injury, where the following conditions are met:

- (1) an agency of the civil administration is a party to the act;
- (2) the provisions of the act contravene any of sections 21 to 21.2; and
- (3) the act contains no foreign element.

“204.19. The Government may apply to a court to resolve or resiliate a contract entered into by an agency of the civil administration or to suspend its performance if the failure to comply with this Act results from the performance of that contract.

The court shall grant the application if the Government shows there are grounds to believe that the resolution, resiliation or suspension is in the interest of maintaining the status of French in Québec, after taking into account the public interest in the contract being maintained.

“204.20. A party to a contract that may apply for its annulment under the first paragraph of section 204.18 may also, if the party prefers that the contract be maintained, apply for a reduction of the party’s obligation equivalent to the damages the party would be justified in claiming.

“204.21. In the case of a contravention of section 55, an adhering party who invokes the nullity of the contract is not required to prove that the contravention causes him injury.

The court shall grant the adhering party’s application unless the other party to the contract shows that the adhering party suffered no injury; no such demonstration may be made, however, if the contract is absolutely null.

“204.22. A court seized of an application under any of sections 204.18 to 204.21 may, in addition, make any order it sees fit.

“204.23. The provisions of a document that contravene the provisions of this Act, other than sections 6.2 to 13, may not be invoked by the document’s author; they may, however, be invoked against the author.

“204.24. Sections 204.18, 204.19, 204.22 and 204.23 do not affect the acquired rights of workers and their associations or groups referred to in Chapter VI of Title I.

“204.25. For the purposes of article 1435 of the Civil Code, an adhering party is presumed not to know of an external clause drawn up in a language other than French unless the contract was drawn up in that other language on the adhering party’s express request.

“204.26. For the purposes of article 1436 of the Civil Code, a clause drawn up in a language other than French is deemed to be incomprehensible unless the contract was drawn up in that other language on the adhering party’s express request.

“204.27. Despite article 2863 of the Civil Code, any person may make proof by testimony, even to contradict or vary the terms of a writing, to establish that this Act has not been complied with.

“CHAPTER II

“ADMINISTRATIVE PENALTIES AND DISCIPLINARY MEASURES

“**204.28.** The Minister may, after obtaining the opinion of the Office, suspend or revoke a permit or another authorization of the same nature if the enterprise that is the permit or authorization holder repeatedly contravenes the provisions of this Act, despite any order issued by the Office under section 177 and despite any penal proceedings taken against the enterprise owing to such contraventions.

In addition to the holder, the Minister shall notify his decision to the authority that granted the authorization.

“**204.29.** Before ordering the suspension or revocation of a permit or another authorization of the same nature, the Minister must notify in writing the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to its holder and grant the latter at least 15 days to submit observations.

“**204.30.** The decision referred to in section 204.28 may, within 30 days after its notification, be contested by the authorization holder before the Administrative Tribunal of Québec.

The Tribunal may only confirm or quash the contested decision.

“**204.31.** In the case of a failure by a municipal body to comply with a provision of this Act or of a regulation, the Minister of the French Language may, as long as the body has not remedied the failure, withhold any subsidy the Minister grants to the body.

The Minister of the French Language may also require another minister or the Société de financement des infrastructures locales du Québec, after consulting that minister or the Société, to withhold a subsidy granted by them to the body.

“**204.32.** Where a public servant referred to in section 1 of the Public Service Act (chapter F-3.1.1) or a public office holder referred to in section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) fails, in the exercise of his functions, to comply with a provision of this Act or of a regulation, other than sections 78.1 to 78.3 or 176, the failure to comply is deemed to be a breach of the standards of ethics and discipline or, if applicable, of the standards of ethics and professional conduct applicable to him and makes the author of the failure liable to the disciplinary measures prescribed for such a breach.

Moreover, every agency of the civil administration shall establish disciplinary measures to prevent and punish such a failure by members of its personnel, other than public servants or public office holders referred to in the first paragraph, in the exercise of their functions.

“CHAPTER III
“PENAL PROVISIONS

“205. Anyone who contravenes any of sections 78.1 to 78.3 and 176 or an order issued by the Minister under section 128.3 or by the Office under section 177 commits an offence and is liable to a fine of \$700 to \$7,000 in the case of a natural person and \$3,000 to \$30,000 in all other cases.

No penal proceedings may be instituted against a person if the alleged failure to comply makes the person liable to the disciplinary measures referred to in section 204.32.

“206. The following commit an offence and are liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases:

- (1) anyone who discloses, under section 165.22, information he knows to be false or misleading; and
- (2) anyone who contravenes section 165.24.

“207. The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.

In addition, if an offender commits an offence under a provision of this Act after having previously been found guilty of an offence under such a provision and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines for the offence become, if the prosecutor so requests, those prescribed in the case of a second or a subsequent offence, as applicable.

This section applies where prior findings of guilty were pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 206, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

“208. If an offence under this Act is committed by a director or officer of a legal person or of another group, regardless of its juridical form, the minimum and maximum fines are double those applicable to a natural person for such an offence.

“208.0.1. If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.”

118. The Charter is amended by inserting the following sections after section 208.4:

“208.4.1. A copy of an order issued under section 128.3 is sufficient, in the absence of any evidence to the contrary, to establish proof of the order if the copy is accompanied by an affidavit of a person referred to in the second paragraph of section 156.14 attesting that it is an exact copy of the order.

The same applies to a copy of an order issued under section 177 if the copy is accompanied by an affidavit of a person referred to in section 165.9.

“208.4.2. If a legal person or an agent, mandatary or employee of a legal person, of a partnership or of an association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

“208.4.3. In determining the penalty, the judge takes into account the following aggravating factors, among others:

- (1) the seriousness of the harm or the risk of harm to human safety;
- (2) whether the offender acted intentionally or was negligent or reckless;
- (3) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (4) the offender’s attempts to cover up the offence or failure to try to mitigate its consequences;
- (5) whether the offender intended to obtain an increase in revenues or a decrease in expenses by committing the offence or by omitting to take measures to prevent it; and
- (6) the offender’s failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender’s ability to do so.

“208.4.4. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has been imposed.

“208.4.5. When determining a fine higher than the minimum fine prescribed by law, or when determining the time within which an amount must be paid, the judge may take into account the offender’s inability to pay, provided the offender proves the inability by establishing his assets and liabilities.”

119. The Charter is amended by inserting the following after section 208.5:

**“CHAPTER IV
“PROCEEDINGS**

“208.6. A pleading to which, in contravention of section 9, no translation certified by a certified translator is attached cannot be filed at a court office or at the secretariat of an agency of the civil administration that exercises an adjudicative function or within which a person appointed by the Government or by a minister exercises such a function.

The court clerk or the secretary shall notify the legal person concerned without delay of the reason for which the pleading cannot be filed.”

120. Section 212 of the Charter is replaced by the following section:

“212. The Minister of the French Language is responsible for the administration of this Act, except sections 156.23 to 156.26, whose application is under the authority of the Minister of Immigration, Francization and Integration.”

121. The Charter is amended by inserting the following sections after section 213:

“213.1. This Act applies despite sections 1 to 38 of the Charter of human rights and freedoms (chapter C-12).

“214. This Act has effect notwithstanding sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

122. The schedule to the Charter is replaced by Schedules I and II, the text of which appears in Schedule I to this Act.

CIVIL CODE OF QUÉBEC

123. The preliminary provision of the Civil Code of Québec is amended by inserting “Charter of the French language (chapter C-11), the” after “in harmony with the” in the first paragraph.

124. Article 108 of the Code is amended by striking out “or English” before “the name” and “or English, at the option of the interested person” in the second paragraph.

125. Article 109 of the Code is amended

(1) by replacing “he receives, or by drawing it up himself in accordance with the judgment or other” in the first paragraph by “drawn up in French that he receives, or by drawing it up himself in French in accordance with the judgment, with a declaration drawn up in English or with another”;

(2) by inserting “he signed or drew up” after the first occurrence of “declaration” in the second paragraph.

126. Article 140 of the Code is amended by striking out “or English” in the first paragraph.

127. Article 1060 of the Code is amended, in the first paragraph,

(1) by inserting “exclusively in French” after “are filed”;

(2) by adding the following sentence at the end: “The amendments must be made exclusively in French.”

128. The Code is amended by inserting the following article after article 1070.1:

“1070.1.1. The register and documents kept at the disposal of the co-owners, as well as any document drawn up by the syndicate for a co-owner, must be drawn up in French.

The Office québécois de la langue française sees to the application of the first paragraph as if it were a provision of the Charter of the French language (chapter C-11).”

129. Article 2984 of the Code is amended by adding the following paragraph at the end:

“Applications for registration are drawn up exclusively in French.”

130. Article 3006 of the Code is amended by striking out “or English”.

FINANCIAL ADMINISTRATION ACT

131. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Conseil supérieur de la langue française”.

TAX ADMINISTRATION ACT

132. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by inserting the following subparagraph after subparagraph z.7 of the second paragraph:

“(z.7.1) the Office Québécois de la langue française, to the extent that the information is required for the purposes of Division II or III of Chapter V of Title II of the Charter of the French language (chapter C-11);”.

ACT RESPECTING THE CENTRE DE LA FRANCOPHONIE DES AMÉRIQUES

133. Section 8 of the Act respecting the Centre de la francophonie des Amériques (chapter C-7.1) is amended by replacing “responsible for the Charter of the French language” in subparagraphs 1 and 2 of the first paragraph by “of the French Language”.

134. Section 20 of the Act is amended by replacing “responsible for the Charter of the French language” in paragraph 2 by “of the French Language”.

CHARTER OF VILLE DE LONGUEUIL

135. Section 12 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by inserting “or until the recognition is withdrawn by the operation of section 29.2 of the same Charter. The resolution provided for in the second paragraph of that section may be adopted by the borough council” after “of that Charter” in the first paragraph.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

136. Section 11 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by inserting “or until the recognition is withdrawn by the operation of section 29.2 of the same Charter. The resolution provided for in the second paragraph of that section may be adopted by the borough council” after “of that Charter” in the second paragraph.

CHARTER OF HUMAN RIGHTS AND FREEDOMS

137. The preamble of the Charter of human rights and freedoms (chapter C-12) is amended by inserting the following paragraph after the third paragraph:

“Whereas French is the only official language of Québec and the common language of the Québec nation and the language of integration into the Québec nation;”.

138. The Charter is amended by inserting the following section after section 3:

“**3.1.** Every person has a right to live in French to the extent provided for in the Charter of the French language (chapter C-11).”

139. Section 9.1 of the Charter is amended, in the first paragraph,

(1) by replacing “fundamental freedoms and rights” by “human rights and freedoms”;

(2) by inserting “the importance given to the protection of French,” after “State laicity.”

140. Section 50 of the Charter is amended by adding the following paragraph at the end:

“Moreover, the Charter shall not be so interpreted as to suppress or limit the enjoyment or exercise of any right intended to protect the French language conferred by the Charter of the French language (chapter C-11).”

CITIES AND TOWNS ACT

141. Section 335 of the Cities and Towns Act (chapter C-19) is amended by striking out the third paragraph.

CODE OF CIVIL PROCEDURE

142. The preliminary provision of the Code of Civil Procedure (chapter C-25.01) is amended by inserting “Charter of the French language (chapter C-11), the” after “in harmony with the” in the first paragraph.

143. Article 496 of the Code is amended by striking out “or English” in the second paragraph.

144. Article 508 of the Code is amended by adding the following sentence at the end of the third paragraph: “The translation must be in French if the party seeking the recognition or the enforcement of the foreign decision is a legal person.”

145. Article 652 of the Code is amended by adding the following sentence at the end of the second paragraph: “The translation must be in French if the party presenting the application is a legal person.”

PROFESSIONAL CODE

146. The Professional Code (chapter C-26) is amended by inserting the following section after section 59.1.2:

“**59.1.3.** The fact that a professional contravenes section 35.1 of the Charter of the French language (chapter C-11) constitutes an act derogatory to the practice of the profession.”

GENERAL AND VOCATIONAL COLLEGES ACT

147. Section 24.2 of the General and Vocational Colleges Act (chapter C-29) is amended by replacing “In addition, a college must,” in the second paragraph by “A college must, in addition, subject to section 29.6 of the Charter of the French language (chapter C-11) and”.

EXECUTIVE POWER ACT

148. Section 4 of the Executive Power Act (chapter E-18) is amended by adding the following subparagraph after subparagraph 39 of the first paragraph:

“(40) a Minister of the French Language.”

ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

149. Section 3.1 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011) is replaced by the following section:

“**3.1.** In the pursuit of its mission, the Institut shall, among other things, collect, produce and disseminate the statistical information necessary for the following purposes:

(1) to help develop and monitor the Government’s sustainable development strategy, including the statistical information required for sustainable development indicators;

(2) to draft the reports provided for in the Act respecting sustainable development (chapter D-8.1.1);

(3) to help monitor the language situation in Québec, including the indicators of the use of French in the public sphere by the Québec population; and

(4) to draft the reports, conduct the research, analyses and studies and draft the opinions provided for in the Charter of the French language (chapter C-11).”

INTERPRETATION ACT

150. The Interpretation Act (chapter I-16) is amended by inserting the following sections after section 40:

“**40.1.** Acts shall be construed so as not to suppress or limit the enjoyment or exercise of any right intended to protect the French language conferred by the Charter of the French language (chapter C-11).”

“**40.2.** Every Act is presumed to allow using only French in the performance of the obligations it prescribes.”

“**40.3.** Every Act shall be construed so as to promote the use and protection of French.”

ACT RESPECTING ADMINISTRATIVE JUSTICE

151. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 4.0.1:

“(4.1) sections 181 and 204.30 of the Charter of the French language (chapter C-11);”.

ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

152. The Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by inserting the following section after section 41:

“**41.1.** In carrying out its functions, a fund must contribute to supporting and enhancing research in French.”

ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION, DE LA DIVERSITÉ ET DE L'INCLUSION

153. The title of the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1) is amended by replacing “DIVERSITÉ” and “INCLUSION” by “FRANCISATION” and “INTÉGRATION”, respectively.

GOVERNMENT DEPARTMENTS ACT

154. Section 1 of the Government Departments Act (chapter M-34) is amended by adding the following paragraph after paragraph 38:

“(39) the Ministère de la Langue française, presided over by the Minister of the French Language.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

155. Section 86.1 of the Act respecting municipal territorial organization (chapter O-9) is amended by replacing “applies” in paragraph 2 by “and section 29.2 of the Charter apply”.

CONSUMER PROTECTION ACT

156. Section 26 of the Consumer Protection Act (chapter P-40.1) is replaced by the following section:

“26. The contract and the related documents must be drawn up in French. The contract may be drawn up in a language other than French if, after the French version has been given to the consumer in accordance with section 27, such is the express wish of the parties.

If the version of the contract drawn up in a language other than French is the version signed by the parties, the related documents may then be drawn up in that other language.

If the contract or the documents are drawn up in French and in another language, and there is a discrepancy between the two versions, the interpretation most favourable to the consumer prevails.

No sum may be required from the consumer for the drawing up of the French version of the contract or of the related documents.”

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

157. Section 33 of the Act respecting the legal publicity of enterprises (chapter P-44.1) is amended by inserting “, and, if the registrant is an enterprise referred to in the first paragraph of section 149 of the Charter of the French language (chapter C-11), the proportion of such employees not capable of communicating in French, if applicable” at the end of subparagraph 10 of the second paragraph.

158. The Act is amended by inserting the following section after section 131:

“131.1. The inspection and investigation powers conferred by the provisions of this chapter do not apply with regard to the provisions of this Act whose administration is under the responsibility of the Minister of the French Language under section 300.”

159. Section 300 of the Act is amended

(1) by inserting “, and the provisions regarding the declaration of the proportion referred to in subparagraph 10 of the second paragraph of section 33, its correction and updating, the administration of which falls under the responsibility of the Minister of the French Language” after “Revenue”;

(2) by adding the following paragraph at the end:

“The Office Québécois de la langue française may exercise the inspection and investigation powers conferred on it by the Charter of the French language (chapter C-11), to verify compliance with the provisions of this Act falling under the responsibility of the Minister of the French Language.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

160. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by striking out paragraph 12.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

161. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by striking out paragraph 13.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

162. Section 62.4 of the Act respecting occupational health and safety (chapter S-2.1) is amended by inserting “; the text of such a translation must not prevail over the French text or be accessible on more favourable terms” at the end.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

163. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by replacing “the second paragraph of section 45, the second paragraph of section 46 and the third paragraph of section 137.1” in paragraph 1 by “section 47.2”.

COURTS OF JUSTICE ACT

164. The Courts of Justice Act (chapter T-16) is amended by inserting the following section after section 1:

“1.1. French is the language of the courts in Québec, as provided in section 7 of the Charter of the French language (chapter C-11).”

165. The Act is amended by inserting the following section after section 88:

“38.1. The Minister of Justice shall not require any criterion in addition to those determined under subparagraph 4 of the first paragraph of section 88, in connection with the knowledge or specific level of knowledge of a language other than the official language of candidates for the office of judge, unless, pursuant to section 12 of the Charter of the French language (chapter C-11),

the Minister considers, after consultation with the Minister of the French Language, that the exercise of that office requires such knowledge and that all reasonable means have been taken to avoid imposing such a criterion.

In his assessment, the Minister shall not be required to take into consideration data other than that relating to the number of judges who have knowledge of a language other than the official language and to the number of hearings held under section 530 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in such a language.”

CONSTITUTION ACT, 1867

166. The Constitution Act, 1867 (30 & 31 Victoria, c. 3 (U.K.); 1982, c. 11 (U.K.)) is amended by inserting the following after section 90:

“FUNDAMENTAL CHARACTERISTICS OF QUEBEC

“**90Q.1.** Quebecers form a nation.

“**90Q.2.** French shall be the only official language of Quebec. It is also the common language of the Quebec nation.”

REGULATION RESPECTING THE EXEMPTION FROM THE APPLICATION OF THE FIRST PARAGRAPH OF SECTION 72 OF THE CHARTER OF THE FRENCH LANGUAGE THAT MAY BE GRANTED TO CHILDREN STAYING IN QUÉBEC TEMPORARILY

167. Section 1 of the Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily (chapter C-11, r. 7) is amended

(1) in the first paragraph,

(a) by replacing “certificate of acceptance issued under section 3.2 of the Québec Immigration Act (chapter I-0.2.1)” in subparagraph 1 by “Québec certificate of acceptance issued under section 3 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3)”;

(b) by striking out subparagraph 2;

(c) by replacing “certificate of acceptance, an employment authorization or a student authorization under a statute applicable in Québec” in subparagraph 3 by “Québec certificate of acceptance or a work permit or study permit referred to in the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27), except in the cases referred to in subparagraph 3 of the first paragraph of section 84.1 of that Charter”;

(d) by replacing “certificate of acceptance” in subparagraph 4 by “Québec certificate of acceptance”;

(e) by striking out subparagraph 5;

(f) by replacing “certificate of acceptance, an employment authorization or a student authorization” in subparagraph 6 by “Québec certificate of acceptance, a work permit or a study permit”;

(2) in the second paragraph,

(a) by replacing “the certificates or authorizations referred to in subparagraphs 1, 2, 4 and 5” in subparagraph 1 by “the certificate referred to in subparagraphs 1 and 4”;

(b) by replacing “4 to 6” in subparagraph 3 by “4 and 6”;

(3) by replacing “section 3.1” in the third paragraph by “section 22 of the Québec Immigration Regulation for the purposes of sections 18 to 20, 34 and 38”;

(4) by striking out the fourth paragraph.

168. Section 3 of the Regulation is amended by striking out the second paragraph.

169. Section 7 of the Regulation is amended by replacing the first paragraph by the following paragraph:

“Subject to the third paragraph of section 1, an exemption provided for by this Regulation is valid for a period of up to 3 years. However, it is extended until 30 June of the school year in which the period of validity ends if that period ends before that date.”

170. The Regulation is amended by inserting the following section after section 7:

“7.1. Where applicable, the second, third and fourth paragraphs of section 1 and sections 4 to 6 apply, with the necessary modifications, to a child referred to in section 84.1 of the Charter. The work permit or study permit issued under the Immigration and Refugee Protection Act replaces the Québec certificate of acceptance for the purposes of subparagraph 1 of the second paragraph of section 1 of this Regulation.”

REGULATION RESPECTING THE SELECTION PROCEDURE OF
CANDIDATES FOR THE OFFICE OF JUDGE OF THE COURT OF
QUÉBEC, MUNICIPAL COURT JUDGE AND PRESIDING JUSTICE OF
THE PEACE

171. Section 3 of the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1) is amended by replacing the second paragraph by the following paragraph:

“The secretary is designated by the Government and acts under the authority of the Deputy Minister of Justice.”

172. Section 6 of the Regulation is amended by inserting the following paragraph after the first paragraph:

“In the report, the secretariat also includes, for each district or court, where applicable, the data relating to the number of judges who have knowledge of a language other than the official language and to the number of hearings held under section 530 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in such a language.”

173. The Regulation is amended by inserting the following chapter after section 6:

“CHAPTER II.1

“PLANNING FOR POSITIONS TO BE FILLED

“6.1. At least once a year, the Minister invites the chief judge of the Court of Québec, the municipalities in which the chief-place of a municipal court where judges exercise their functions on a full-time and exclusive basis is located, and the associate chief judge of the Court of Québec who is responsible for municipal courts to submit to the Minister, for information purposes, a plan for positions to be filled, taking into account the number of judges in office and the foreseeable vacancies, as well as the offices of judge by division, by place of residence pertaining to an office or by court, where applicable.

In the case of unplanned vacancies, the Minister may consult the chief judge of the Court of Québec, the municipality in which the chief-place of the municipal court is located and the associate chief judge of the Court of Québec who is responsible for municipal courts to obtain their opinion concerning the division concerned, the place of residence pertaining to the office, or the court concerned, where applicable.”

174. Section 7 of the Regulation is replaced by the following section:

“7. Where a judge must be appointed, the Minister requests the secretary to hold a competition and to publish on the website of the Ministère de la Justice and on that of the Barreau du Québec a notice inviting interested persons to submit their application.

The Minister indicates to the secretary the information with regard to paragraphs 2, 3 and 5.1 of section 9.”

175. Section 9 of the Regulation is amended by inserting the following paragraph after paragraph 5:

“(5.1) the criterion required by the Minister of Justice under section 88.1 of the Courts of Justice Act (chapter T-16), if applicable;”.

176. The Regulation is amended by inserting the following section after section 9:

“9.1. The notice must not include the requirement that candidates for the office of judge have knowledge or a specific level of knowledge of a language other than the official language to obtain the position, unless the Minister, after consultation with the Minister of the French Language, considers that such knowledge is necessary for the exercise of that office and that all reasonable means have been taken to avoid imposing such knowledge.”

177. Section 25 of the Regulation is amended, in paragraph 1,

(1) by inserting “, except knowledge of a language other than the official language, unless that requirement is included in the notice,” after “knowledge” in subparagraph *a*;

(2) by inserting “in French, the language of the courts in Québec” after “expression” in subparagraph *c*.

MISCELLANEOUS PROVISIONS

178. The name assigned to the electoral division of Bourget is replaced by the name “Camille-Laurin”.

179. Section 178 of this Act has the same effect as if the name “Camille-Laurin” had been assigned to that electoral division by the Commission de la représentation under section 18 of the Election Act (chapter E-3.3).

The Commission is required, within 30 days after the date of coming into force of section 178 of this Act, to see to the publication of the list of electoral divisions updated with the modification provided for in that section. The second paragraph of section 29 of the Election Act is, for the rest, applicable to that publication.

TRANSITIONAL PROVISIONS

180. Section 9 of the Charter of the French language (chapter C-11), enacted by section 5, does not apply to pleadings filed at the office of a competent court or the secretariat of an agency referred to in section 208.6 of that Charter, enacted by section 119, before 1 September 2022.

181. Section 21 of the Charter of the French language, amended by section 13, as well as sections 21.3, 21.10 and 21.11 of that Charter, enacted by section 14, do not apply to a contract entered into before 1 June 2023.

Section 21 of that Charter, as it read on 31 May 2023, continues to apply to contracts and other writings that, after that date, are related to a contract referred to in the first paragraph.

182. Section 21 of the Charter of the French language, amended by section 13, and section 21.9 of that Charter, enacted by section 14, do not apply to documents sent to the civil administration for the purpose of entering into a contract with it or obtaining a subsidy or other form of financial assistance, or a permit or another authorization of the same nature, if the tendering or awarding procedure for the contract was in progress on 1 June 2023 or, as applicable, if the application for a subsidy or other form of financial assistance, or a permit or another authorization of the same nature, was sent to the civil administration before that date.

In addition, the second paragraph of that section 21.9 does not apply to documents that must be sent to an agency of the civil administration because of financial assistance or an authorization granted before that date.

183. The Minister of the French Language must submit the first language policy of the State to the Government for approval not later than 1 December 2022.

184. The first directives made under section 29.15 or section 29.16 of the Charter of the French language, enacted by section 19, must, in addition, set out measures concerning the use of a language other than French, where the use of that other language is allowed under a provision of the Charter of the French language that is the subject of an amendment under this Act and that is not yet in force at the time the directives are made.

185. An individual contract of employment referred to in subparagraph 2 of the first paragraph of section 41 of the Charter of the French language, amended by section 29, that is entered into before 1 June 2022 and drawn up only in a language other than French must, as soon as possible, be translated into French if the worker asks the employer for such a translation before 1 June 2023.

If there is a discrepancy between the French text and the text in another language of a contract thus translated, a worker may invoke either text, depending on his or her interests.

No sum may be collected against a worker for such a translation.

This section does not apply to a fixed-term contract of employment that expires not later than 1 June 2024.

186. Subject to section 62.4 of the Act respecting occupational health and safety (chapter S-2.1), if a document referred to in subparagraph 4 of the first paragraph of section 41 of the Charter of the French language, amended by section 29, was made available only in a language other than French, before 1 June 2022, its French version may be made available within 12 months after that date. During that period, the employer may continue to make the document available only in the other language.

187. A group agreement referred to in the second paragraph of section 43 of the Charter of the French language, amended by section 31, that was entered into before 1 June 2022 and drawn up only in a language other than French must be translated into French before 1 June 2023, unless the agreement expires within 12 months after that date.

If there is a discrepancy between the French text and the text in another language of a group agreement thus translated, a worker may invoke either text, depending on his or her interests.

188. Section 45 of the Charter of the French language, as it read on 31 May 2022, continues to apply to remedies exercised before the Administrative Labour Tribunal under that section up to that date, and to any grievance submitted for arbitration under that section up to that date.

189. Section 46 of the Charter of the French language, as it read on 31 May 2022, continues to apply to remedies exercised before the Administrative Labour Tribunal under that section up to that date, to remedies exercised under that section following the failure of the mediation applied for with the Office under section 47 of that Charter up to that date, as well as to any grievance submitted for arbitration under that section up to that date.

190. Sections 47 to 47.2 of the Charter of the French language, as they read on 31 May 2022, continue to apply to the mediation applied for to the Office under section 47 of that Charter up to that date.

191. If the articles and financial statements referred to in section 48 of the Charter of the French language, enacted by section 37, were made available only in a language other than French before 1 June 2022, their French version may be made available within 12 months after that date. During that period, the association or parity committee may continue to make those articles and financial statements available only in the other language.

192. A group insurance contract referred to in section 50.1 of the Charter of the French language, enacted by section 40, entered into before 1 June 2022 and drawn up only in a language other than French, must be translated into French before 1 June 2023, unless the contract expires within 12 months after that date.

The same applies to a group annuity contract.

193. Sections 185 to 192 of this Act apply despite sections 204.17 to 204.24 of the Charter of the French language, enacted by section 117.

194. The Minister of Higher Education, Research, Science and Technology and the Minister of the French Language must designate, without delay, the following institutions as English-language institutions:

- (1) John Abbott College;
- (2) Champlain Regional College;
- (3) Centennial College;
- (4) Dawson College;
- (5) Heritage College;
- (6) Marianopolis College;
- (7) TAV College;
- (8) Vanier College;
- (9) The Royal Institution for the Advancement of Learning (McGill University);
- (10) Bishop's University; and
- (11) Concordia University.

The designation takes effect on 1 June 2022.

195. A diploma or attestation referred to in section 88.0.17 or 88.0.18 of the Charter of the French language, enacted by section 60, may be issued to a student who, for a school year before the 2023–2024 school year, was registered in the program leading to the diploma or attestation and was receiving instruction given in English under that program, even if the student does not meet the conditions set out in subparagraph 1 of the first paragraph of section 88.0.17 or the first paragraph of section 88.0.18 of that Charter.

Likewise, such a diploma may be issued to a student who, for a school year before the 2024–2025 school year, was registered in the program leading to the diploma and was receiving instruction given in English under that program, even if the student does not meet the condition set out in subparagraph 2 of the first paragraph of section 88.0.17 of that Charter.

196. The first review of an educational institution’s language policy provided for in section 88.7 of the Charter of the French language, enacted by section 64, must be conducted not later than the date that is one year after the date of coming into force of that section. Subsequent reviews are to be conducted at the intervals prescribed by section 88.7 of that Charter.

197. The first report of an educational institution on the application of the various components of its language policy, provided for in section 88.6 of the Charter of the French language, enacted by section 64, must be sent to the Minister not later than three years after the first review of the policy provided for in section 196 of this Act. Subsequent reports are to be sent to the Minister at the intervals prescribed in section 88.6 of that Charter.

198. An agency of the civil administration referred to in subparagraph 4 or 5 of paragraph A of Schedule I to the Charter of the French language whose activities began before 1 June 2022 must, not later than the date between 27 November 2022 and 26 May 2023 determined by the Office, submit to the Office the analysis of its language situation required under section 128.6 of that Charter, as amended by section 75.

The same applies to an agency of the civil administration, other than an agency referred to in the first paragraph, that was required, on 31 May 2022, to apply a francization program under the authority and with the assistance of the Office under section 129 of that Charter, as it read on that date; the provisions of Division II of Chapter IV of Title II of that Charter, enacted by section 75, apply to that agency as if it were a municipal body that was recognized under section 29.1 of that Charter.

199. The amendments made to the Charter of the French language by this Act must be taken into account, even if they are not yet in force, when carrying out

- (1) an analysis of the language situation referred to in section 198 of this Act;
- (2) an examination by the Office of the language situation, provided for in the first paragraph of section 128.8 of that Charter, enacted by section 75, of a body that sends the Office such an analysis; and
- (3) the development and implementation of a compliance program under the third or fourth paragraph of that section 128.8.

200. The heading of Division II of Chapter V of Title II of the Charter of the French language, enacted by section 77, is to be read, during the period from 1 June 2022 to 1 June 2025, as if “25” were replaced by “50”.

201. Despite sections 152.1 and 204.18 of the Charter of the French language, enacted respectively by sections 96 and 117, a contract may not be cancelled due to the enterprise with which it was entered into being subject to the provisions of the first or second paragraph of section 152.1, where the contract was entered into before the coming into force of those provisions.

The same applies to a subsidy granted to such an enterprise.

202. Unless the context indicates otherwise, in any document other than an Act, any reference to the Minister responsible for the Charter of the French language, the minister responsible for the administration of the Charter of the French language or the Minister responsible for the French Language, to the administrative unit of the Ministère de la Justice called the “Secrétariat à la promotion et à la valorisation de la langue française” or to the associate deputy minister who is responsible for that unit is a reference to, respectively, the Minister of the French Language, the Ministère de la Langue française and the Deputy Minister of the French Language.

203. The records and other physical documents of the Ministère de la Justice are transferred to the Ministère de la Langue française, insofar as they pertain to the powers assigned to the Minister of the French Language.

204. The rights and obligations of the Minister responsible for the Charter of the French language, the minister responsible for the administration of the Charter of the French language or the Minister responsible for the French Language continue to be exercised and performed by the Minister of the French Language.

Any proceeding relating to the French language or to any other matter devolving on the Minister of the French Language and to which the Minister responsible for the Charter of the French language, the minister responsible for the administration of the Charter of the French language or the Minister responsible for the French Language is a party is continued by the Minister of the French Language without continuance of suit.

205. The personnel members of the Ministère de la Justice assigned to the Secrétariat à la promotion et à la valorisation de la langue française become, without other formality, personnel members of the Ministère de la Langue française.

206. Until 31 March 2023, the Minister of Justice pays, out of the appropriations allocated to that minister by Parliament, from the “Justice—Langue française” portfolio in the Expenditure Budget for the fiscal year 2022–2023, the financial commitments made by the Minister of the French Language.

Despite the first paragraph, the Conseil du trésor may, after consultation with the ministers concerned and to the extent it determines, transfer appropriations between the Ministère de la Justice and the Ministère de la Langue française, for the fiscal year 2022–2023, to reflect the division of responsibilities established between the ministers by the provisions of sections 202 to 205 of this Act.

207. The next report on the progression of the language situation provided for in section 160 of the Charter of the French language, amended by section 99, must, despite the intervals prescribed in that section, be sent to the Minister not later than 30 April 2024.

208. The Minister of the French Language acquires the rights and assumes the obligations of the Conseil supérieur de la langue française.

209. The assets of the Conseil supérieur de la langue française are transferred to the Minister of the French Language.

The records and other documents of the Conseil become those of the Minister.

210. The members of the personnel of the Conseil supérieur de la langue française become, without other formality, employees of the Ministère de la Langue française.

211. The terms of the members of the Conseil supérieur de la langue française end on 1 June 2022.

The chair is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his or her instrument of appointment.

212. Despite articles 1060, 2984 and 3006 of the Civil Code, amended respectively by sections 127, 129 and 130, any act that amends or corrects another act that was filed at the Land Registry Office exclusively in a language other than French before 1 June 2022 may be filed there exclusively in that other language.

213. Any exemption granted to a child before 1 June 2022 that may not be renewed under the second paragraph of section 84.1 of the Charter of the French language, enacted by section 57, may, despite that paragraph, be renewed not later than 30 days before its expiry, for a maximum period of one year, provided the conditions for the initial application are met.

214. The secretary for the selection of candidates for judicial office in office on 31 May 2022 exercises the functions of secretary until that office is filled in accordance with the second paragraph of section 3 of the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1), amended by section 171.

215. Unless the context indicates otherwise and with the necessary modifications, in any other Act, or in any regulation or any other document,

(1) a reference to the Minister or Deputy Minister of Immigration and Cultural Communities or to the Ministère de l'Immigration et des Communautés culturelles is a reference to the Minister or Deputy Minister of Immigration, Francization and Integration or to the Ministère de l'Immigration, de la Francisation et de l'Intégration, respectively;

(2) a reference to the Minister or Deputy Minister of Immigration, Diversity and Inclusion or to the Ministère de l'Immigration, de la Diversité et de l'Inclusion is a reference to the Minister or Deputy Minister of Immigration, Francization and Integration or to the Ministère de l'Immigration, de la Francisation et de l'Intégration, respectively;

(3) a reference to the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-30.01) or one of its provisions is a reference to the Act respecting the Ministère de l'Immigration, de la Francisation et de l'Intégration or its corresponding provisions.

FINAL PROVISIONS

216. This Act and the amendments it makes, other than those made by sections 1 to 122 and 137 to 140, apply despite sections 1 to 38 of the Charter of human rights and freedoms (chapter C-12).

217. This Act and the amendments it makes, other than those made by sections 1 to 122, have effect notwithstanding sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

218. The provisions of this Act come into force on 1 June 2022, except

(1) section 5 insofar as it enacts section 9 of the Charter of the French language, section 19 insofar as it enacts section 29.15, to the extent that section 29.16 refers to that section, section 29.16 and section 29.17, as concerns the directive made under that section 29.16, of that Charter, and sections 119, 129 and 130, which come into force on 1 September 2022;

(2) section 4 insofar as it enacts the first paragraph of section 6.1 of that Charter, section 6 insofar as it enacts paragraphs 1 and 2 of section 13.2 of that Charter, sections 7 to 11, 13 and 14, section 15 insofar as it enacts sections 22.2 to 22.5 of that Charter, sections 16 and 45, section 64 insofar as it enacts section 88.12 of that Charter, section 92, section 96 insofar as it enacts the second and third paragraphs of section 152.1 of that Charter, section 97 insofar as it enacts Title II.2 of that Charter, section 117 insofar as it enacts section 204.31 of that Charter, and sections 141 and 156 to 159, which come into force on 1 June 2023;

(3) section 19 insofar as it enacts sections 29.6 and 29.8 of that Charter, section 60 insofar as it enacts the first paragraph of section 88.0.2, sections 88.0.4 to 88.0.16, section 88.0.17, except subparagraph 2 of the first paragraph of that section, and section 88.0.18 of that Charter, and section 147, which come into force as of the 2023–2024 school year;

(4) section 5 insofar as it enacts sections 10 and 11 of that Charter, and section 32, which come into force on 1 June 2024;

(5) section 60 insofar as it enacts the second and third paragraphs of section 88.0.2, section 88.0.3 and subparagraph 2 of the first paragraph of section 88.0.17 of that Charter, which comes into force as of the 2024–2025 school year;

(6) sections 43, 48 and 49 and paragraph 1 of section 83, which come into force on 1 June 2025;

(7) section 19 insofar as it enacts sections 29.15, except as concerns parliamentary institutions, 29.17, except as concerns the directive made under section 29.16, 29.18, except as concerns the sending of a copy of a directive to the French Language Commissioner, 29.21 and 29.22 of that Charter, and section 75 insofar as it enacts sections 128.3 to 128.5 and the second paragraph of sections 128.6, 128.8 and 134.4 of that Charter, which come into force on the date that is three months after the date on which the first language policy of the State, provided for in section 29.10 of that Charter, enacted by section 19, is approved;

(8) section 5 insofar as it enacts the second paragraph of section 13 of that Charter, section 99 insofar as it enacts the fourth paragraph of section 160 of that Charter, paragraph 1 of section 102, section 110 insofar as it enacts the second paragraph of section 165.17 and section 165.21 of that Charter, and section 122 insofar as it enacts the second paragraph of paragraph A of Schedule I to that Charter, which come into force on the date on which the first French Language Commissioner appointed under section 185 of that Charter, enacted by section 116, takes office;

(9) section 19 insofar as it enacts sections 29.15, as concerns parliamentary institutions, 29.18, as concerns the sending of a copy of a directive to the French Language Commissioner, and 29.19 of that Charter, which comes into force on the later of

(a) the date that is three months after the date on which the first language policy of the State, provided for in section 29.10 of that Charter, enacted by section 19, is approved; and

(b) the date on which the first French Language Commissioner appointed under section 185 of that Charter, enacted by section 116, takes office.

SCHEDULE I
(Section 122)

“SCHEDULE I
(Section 98)

A. *The civil administration*

The following are agencies of the civil administration:

(1) the Government and government departments;

(2) government bodies:

(a) bodies whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(b) bodies to which the Government or a minister appoints the majority of the members or directors;

(c) bodies to which the National Assembly appoints the majority of the members;

(d) government agencies listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2), including the persons listed in that schedule, except the Public Protector;

(e) budget-funded bodies, bodies other than budget-funded bodies and government enterprises listed in Schedules 1 to 3 to the Financial Administration Act (chapter A-6.001), including the persons listed in those schedules, as well as bodies whose capital forms part of the domain of the State, and legal persons and other groups whose results are consolidated in the financial statements of those bodies and enterprises or at least half of whose capital stock is derived from the Consolidated Revenue Fund; and

(f) inquiry commissions established under the Act respecting public inquiry commissions (chapter C-37);

(3) municipal bodies:

(a) municipalities, except municipalities governed by the Cree Villages and the Naskapi Village Act (chapter V-5.1) or by the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), municipal boroughs considered municipalities, metropolitan communities, urban agglomeration councils, intermunicipal boards and municipal and regional housing bureaus;

(b) bodies under the authority of a municipality and taking part in the administration of its territory; and

(c) public transit authorities, the Autorité régionale de transport métropolitain and any other operator of a shared transportation system as well as any other body that provides, in particular, shared transportation planning;

(4) school bodies:

(a) school service centres established under the Education Act (chapter I-13.3);

(b) the Comité de gestion de la taxe scolaire de l'île de Montréal established under that Act; and

(c) the Centre de services scolaire du Littoral established by the Act respecting the Commission scolaire du Littoral (1966-1967, chapter 125);

(5) bodies in the health and social services network:

(a) health services and social services:

i. institutions within the meaning of the Act respecting health services and social services (chapter S-4.2); and

ii. institutions within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(b) the health and social services network insurance manager referred to in section 435.1 of the Act respecting health services and social services; and

(c) the health communication centres referred to in the Act respecting pre-hospital emergency services (chapter S-6.2).

The following parliamentary institutions are considered agencies of the civil administration:

(a) the National Assembly, in the exercise of activities other than those necessary for its deliberative function or for the exercise of its legislative power and of its oversight power; and

(b) persons designated by the National Assembly to an office under its authority, with the personnel directed by them.

Despite the preceding paragraphs, the civil administration does not include an educational institution that is a government body when it gives instruction or the Université du Québec.

B. *Semipublic agencies*

Semipublic agencies include:

(1) public utility enterprises, if they do not already belong to the civil administration, telephone and cable-delivery enterprises, air, ship, bus and rail transport enterprises, enterprises that produce, transport, distribute or sell gas, water or electricity, and enterprises holding authorizations from the Commission des transports; and

(2) professional orders listed in Schedule I to the Professional Code (chapter C-26) or established in accordance with that Code.

“SCHEDULE II
(*Section 186*)

OATH

I declare under oath that I will fulfil the duties of my office with honesty, impartiality and justice and that I will not accept any sum of money or other consideration for what I do in the discharge of my duties apart from what is allowed to me by law.

I further declare under oath that I will not reveal, unless duly authorized, any information I have obtained in the discharge of my duties.”

