

# Charter of the French Language annotated

## The impacts of Bill 96<sup>1</sup>

Legend for the coming into force of the amendments to the *Charter of the French Language*:

A	June 1, 2022 (Date of assent)
B	September 1, 2022
C	June 1, 2023
D	June 1, 2024
E	School year 2023-2024
F	School year 2024-2025
G	June 1, 2025
H	Three months after the date of approval of the first language policy of the State
I	Date on which the first French Language Commissioner takes office
J	Later of the following: <ul style="list-style-type: none"><li>• Three months after the date of approval of the first language policy of the State, or</li><li>• Date on which the first French Language Commissioner takes office</li></ul>

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<sup>1</sup> An Act respecting French, the official and common language of Québec, assented on June 1, 2022.



# TABLE OF CONTENTS

**PREAMBLE**..... 5

**TITLE I STATUS OF THE FRENCH LANGUAGE**..... 6

**CHAPTER I THE OFFICIAL LANGUAGE OF QUÉBEC**..... 6

**CHAPTER II FUNDAMENTAL LANGUAGE RIGHTS** ..... 6

**CHAPTER III THE LANGUAGE OF THE LEGISLATURE AND THE COURTS**..... 7

**CHAPTER IV THE LANGUAGE OF THE CIVIL ADMINISTRATION** ..... 9

**DIVISION I GENERAL PROVISIONS**..... 9

**DIVISION II RECOGNIZED BODIES AND INSTITUTIONS AND DOCUMENTS FILED IN CLINICAL RECORDS**..... 17

**DIVISION III CONCORDANCE OF THE CIVIL ADMINISTRATION’S ACTIONS WITH THE ROLE OF QUÉBEC IN THE CANADIAN FRANCOPHONIE AND ABROAD** ..... 19

**DIVISION IV IMPLEMENTATION**..... 20

            §1. – *Responsibilities of administrative authorities* ..... 20

            §2. – *Language policy of the State*..... 20

            §3. – *Directives of agencies of the civil administration* ..... 22

**CHAPTER V THE LANGUAGE OF THE SEMIPUBLIC AGENCIES** ..... 24

**CHAPTER VI THE LANGUAGE OF LABOUR RELATIONS** ..... 27

**CHAPTER VII THE LANGUAGE OF COMMERCE AND BUSINESS** ..... 35

**CHAPTER VIII THE LANGUAGE OF INSTRUCTION** ..... 40

**DIVISION I INSTRUCTION IN KINDERGARTEN CLASSES AND ELEMENTARY AND SECONDARY SCHOOLS**..... 40

**DIVISION II COLLEGE OR UNIVERSITY INSTRUCTION** ..... 46

            §1. – *General provision*..... 46

            §2. – *Provisions specific to college instruction* ..... 46

            §3. – *Provision specific to university instruction* ..... 50

**CHAPTER VIII.1 POLICIES OF COLLEGE OR UNIVERSITY-LEVEL INSTITUTIONS REGARDING THE USE AND QUALITY OF THE FRENCH LANGUAGE**..... 50

**CHAPTER VIII.2 THE COMMON LANGUAGE**..... 53

**CHAPTER IX MISCELLANEOUS**..... 54

**TITLE II LINGUISTIC OFFICIALIZATION, TOPONYMY, CIVIL ADMINISTRATION COMPLIANCE AND FRANCIZATION** ..... 57

**CHAPTER I** ..... 57



**CHAPTER II** LINGUISTIC OFFICIALIZATION .....57

**CHAPTER III** THE COMMISSION DE TOPONYMIE .....60

**CHAPTER IV** FRANCIZATION OF THE CIVIL ADMINISTRATION COMPLIANCE.....62

**DIVISION I** AGENCIES OF THE CIVIL ADMINISTRATION TO WHICH THE LANGUAGE POLICY OF THE STATE APPLIES .....62

        §1. – *Complaint processing procedure*.....62

        §2. – *Measures necessary to remedy failures by government departments, government bodies or municipal bodies* .....62

**DIVISION II** BODIES IN THE HEALTH AND SOCIAL SERVICES NETWORK, SCHOOL BODIES, AND BODIES OR INSTITUTIONS WHOSE RECOGNITION HAS BEEN WITHDRAWN .....63

**CHAPTER V** FRANCIZATION OF ENTERPRISES.....66

**DIVISION I** SCOPE.....66

**DIVISION II** FRANCIZATION OF ENTERPRISES EMPLOYING 25 OR MORE PERSONS.....66

**DIVISION III** FRANCIZATION IN CERTAIN OTHER ENTERPRISES.....73

**DIVISION IV** COMPLIANCE WITH THE FRANCIZATION PROCESS, PENALTIES, EXEMPTIONS AND FORMS .....74

**TITLE II.1** MINISTER OF THE FRENCH LANGUAGE AND MINISTÈRE DE LA LANGUE FRANÇAISE .....75

**CHAPTER I** MINISTER OF THE FRENCH LANGUAGE.....75

**CHAPTER II** MINISTÈRE DE LA LANGUE FRANÇAISE .....78

**TITLE III** THE OFFICE QUÉBÉCOIS DE LA LANGUE FRANÇAISE.....82

**CHAPTER I** ESTABLISHMENT .....82

**CHAPTER II** MISSION AND POWERS .....82

**CHAPTER II.1** ORGANIZATION .....84

**DIVISION I** GENERAL PROVISIONS.....85

**DIVISION II** COMITÉ D’OFFICIALISATION LINGUISTIQUE AND COMITÉ DE SUIVI DE LA SITUATION LINGUISTIQUE.....87

**TITLE III.1** COMPLAINTS, DISCLOSURES, PROTECTION MEASURES, INSPECTIONS, INVESTIGATIONS AND REMEDIAL MEASURES ~~INSPECTIONS AND INQUIRIES~~.....88

**CHAPTER I** COMPLAINTS, DISCLOSURES AND PROTECTION MEASURES.....88

**DIVISION I** COMPLAINTS .....88

**DIVISION II** DISCLOSURES .....90

**DIVISION III** PROTECTION MEASURES .....90

**CHAPTER II** INSPECTIONS AND INVESTIGATIONS.....91

**CHAPTER III** REMEDIAL MEASURES.....93



<b>DIVISION I ORDER OF THE OFFICE</b> .....	93
<b>DIVISION II INJUNCTION AND COURT ORDER</b> .....	95
<b>TITLE IV FRENCH LANGUAGE COMMISSIONER THE CONSEIL SUPÉRIEUR DE LA LANGUE FRANÇAISE</b> .....	96
<b>CHAPTER I APPOINTMENT</b> .....	96
<b>CHAPTER II FUNCTIONS, POWERS AND IMMUNITY</b> .....	97
<b>CHAPTER III ORGANIZATION</b> .....	103
<b>TITLE V PENAL PROVISIONS AND OTHER SANCTIONS</b> .....	105
<b>CHAPTER I CIVIL SANCTIONS</b> .....	105
<b>CHAPTER II ADMINISTRATIVE PENALTY AND DISCIPLINARY MEASURES</b> .....	106
<b>CHAPTER III PENAL PROVISIONS</b> .....	107
<b>CHAPTER IV PROCEEDINGS</b> .....	111
<b>TITLE VI TRANSITIONAL AND MISCELLANEOUS PROVISIONS</b> .....	111
<b>SCHEDULE I (Section 98)</b> .....	112
A. The civil administration.....	112
B. Semipublic agencies .....	114
<b>SCHEDULE II (Section 186)</b> .....	114
<b>REPEAL SCHEDULES</b> .....	116



## PREAMBLE

WHEREAS the French language, the distinctive language of a people that is in the majority French-speaking, is the instrument by which that people has articulated its identity;

Whereas the National Assembly of Québec recognizes that Quebecers wish to see the quality and influence of the French language assured, and is resolved therefore to make of French the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

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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;

Whereas the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities, whose valuable contribution to the development of Québec it readily acknowledges;

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Whereas the National Assembly of Québec recognizes the right of the **First Nations-Amerinds** and the Inuit **in of** Québec, the first inhabitants of this land, to preserve and develop their original language and culture;

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;

Whereas these observations and intentions are in keeping with a new perception of the worth of national cultures in all parts of the earth, and of the obligation of every people to contribute in its special way to the international community;

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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 the only 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;

Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows:



## TITLE I

### STATUS OF THE FRENCH LANGUAGE

#### CHAPTER I

##### THE OFFICIAL LANGUAGE OF QUÉBEC

1. French is the official language of Québec. **Only French has that status.**

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

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1977, c. 5, s. 1.

#### CHAPTER II

##### FUNDAMENTAL LANGUAGE RIGHTS

2. Every person has a right to have the civil administration, the health services and social services, **the other providers of a service governed by the Act respecting health services and social services (chapter S-4.2), the public utility enterprises, the professional orders, their members holding a permit issued in accordance with section 35, college-level and university-level educational institutions,** the associations of **workers employees** and all enterprises doing business in Québec communicate with him in French.

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1977, c. 5, s. 2; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

3. In deliberative assembly, every person has a right to speak in French.

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1977, c. 5, s. 3.

4. Workers have a right to carry on their activities in French.

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1977, c. 5, s. 4.

5. Consumers of goods and services have a right to be informed and served in French.

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1977, c. 5, s. 5.

6. Every person eligible for instruction in Québec has a right to receive that instruction in French.

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1977, c. 5, s. 6.

**6.1. Every person domiciled in Québec has a right to the services provided for in and offered under sections 88.11 and 88.12 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.**

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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.

### CHAPTER III

#### THE LANGUAGE OF THE LEGISLATURE AND THE COURTS

**7.** French is the language of the legislature and the courts in Québec, subject to the following:

- (1) legislative bills shall be printed, published, passed and assented to in French and in English, and the statutes shall be printed and published in both languages;
- (2) the regulations and other similar acts to which section 133 of the Constitution Act, 1867 applies shall be made, passed or issued, and printed and published in French and in English;
- (3) the French and English versions of the texts referred to in paragraphs 1 and 2 are equally authoritative;
- (4) either French or English may be used by any person in, or in any pleading in or process issuing from, any court of Québec.

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1977, c. 5, s. 7; 1993, c. 40, s. 1.

**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. ~~Where an English version exists of a regulation or other similar act to which section 133 of the Constitution Act, 1867 does not apply, the French text shall prevail in case of discrepancy.~~

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.

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1977, c. 5, s. 8; 1993, c. 40, s. 1.

**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.



B

~~9. Every judgment rendered by a court of justice and every decision rendered by a body discharging quasi-judicial functions shall, at the request of one of the parties, be translated into French or English, as the case may be, by the civil administration bound to bear the cost of operating such court or body.~~

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1977, c. 5, s. 9; 1993, c. 40, s. 1.

D

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 of 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.

~~(Replaced).~~

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1977, c. 5, s. 10; 1993, c. 40, s. 1.

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.

~~(Replaced).~~

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1977, c. 5, s. 11; 1993, c. 40, s. 1.

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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.


~~(Replaced).~~

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1977, c. 5, s. 12; 1993, c. 40, s. 1.

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.

~~(Replaced)-~~

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1977, c. 5, s. 13; 1993, c. 40, s. 1.

## CHAPTER IV

### THE LANGUAGE OF THE CIVIL ADMINISTRATION

#### 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.

**14.** The Government, the government departments, the other agencies of the civil administration and the services thereof shall be designated by their French names alone.



1977, c. 5, s. 14.

C

**15.** (*Repealed*).

~~The civil administration shall draw up and publish its texts and documents in the official language.~~

~~This section does not apply to relations with persons outside Québec, to publicity and communiqués carried by news media that publish in a language other than French or to correspondence between the civil administration and natural persons when the latter address it in a language other than French.~~

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1977, c. 5, s. 15.

C

**16.** The civil administration shall use **only** the official language in its written communications with other governments and with legal persons established in Québec.

The Government may, however, determine by regulation the cases, conditions or circumstances in which another language may be used in addition to the official language.<sup>2</sup>

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1977, c. 5, s. 16; 1993, c. 40, s. 2.

**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.

**17.** The Government, the government departments and the other agencies of the civil administration shall use only the official language in their written communications with each other.

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1977, c. 5, s. 17, s. 14.

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**18.** French is the **exclusive** language of **oral and** written internal communications in the Government, the government departments, and the other agencies of the civil administration.

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1977, c. 5, s. 18, s. 14.

**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.

**19.** The notices of meeting, agendas and minutes of all deliberative assemblies in the civil administration shall be drawn up **exclusively** in the official language.

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<sup>2</sup> These amendments are made under Bill 104, *An Act to amend the Charter of the French language*, 2002, c. 28, and not Bill 96. Pursuant to Decree number 1123-2022, they will come into force on June 1, 2023.



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1977, c. 5, s. 19.

**20.** In order to be appointed, transferred or promoted to an office in the civil administration, a knowledge of the official language appropriate to the office applied for is required.

For the application of the preceding paragraph, each agency of the civil administration shall establish criteria and procedures of verification and submit them to the Office québécois de la langue française for approval, failing which the Office may establish them itself. If the Office considers the criteria and procedures unsatisfactory, it may either request the agency concerned to modify them or establish them itself.

This section does not apply to bodies or institutions recognized under section 29.1 which implement the measures approved by the Office according to the third paragraph of section 23.

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1977, c. 5, s. 20; 1983, c. 56, s. 2; 1993, c. 40, s. 3; 2000, c. 57, s. 1; 2002, c. 28, s. 34.

A

**20.1.** An agency of the civil administration shall, within three months after the end of its fiscal year, publish a report stating 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.

C

**21.** Contracts entered into by the civil administration, including the related sub-contracts, shall be drawn up **exclusively** in the official language. ~~Such contracts and the related documents may be drawn up in another language when the civil administration enters into a contract with a party outside Québec.~~<sup>3</sup>

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, or futures contracts.

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1977, c. 5, s. 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.

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<sup>3</sup> See the exception to this provision at sections 21.5 and 22.3.



**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;

(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;

(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.



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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.

**22.** The civil administration shall use only French in signs and posters, except where reasons of health or public safety require the use of another language as well.

In the case of traffic signs, the French inscription may be complemented or replaced by symbols or pictographs, and another language may be used where no symbol or pictograph exists that satisfies the requirements of health or public safety.

The Government may, however, determine by regulation the cases, conditions or circumstances in which the civil administration may use French and another language in signs and posters.

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1977, c. 5, s. 22; 1993, c. 40, s. 4.

**22.1.** In the territory of a municipality, a specific term other than a French term may be used in conjunction with a generic French term to designate a thoroughfare if the term is sanctioned by usage or if its use has unquestionable merit owing to its cultural or historical interest.

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1983, c. 56, s. 3; 1996, c. 2, s. 112.

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**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 May 13, 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 for 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 paragraph 2 of that 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 made or reviewed the directive provided for in section 29.14 or, in the case of a body referred to in section 29.15, where the government department referred to in that section made or reviewed the directive provided for in that section, provided the directive was either approved under the first paragraph of section 29.16 or section 29.18 or sent under the second paragraph of section 29.16.

**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<sup>4</sup>

(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;

(2.1) 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) the 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;

(3) 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;

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

(5) 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;

(6) 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

(7) 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 3 of the first paragraph.

<sup>4</sup> This section is subject to renumbering.



## DIVISION II

### RECOGNIZED BODIES AND INSTITUTIONS AND DOCUMENTS FILED IN CLINICAL RECORDS

**23.** The bodies and institutions recognized under section 29.1 must ensure that their services to the public are available in the official language.

They must draw up their notices, communications and printed matter intended for the public in the official language.

They must devise the necessary measures to make their services to the public available in the official language, and criteria and procedures for verifying knowledge of the official language for the purposes of application of this section. These measures, criteria and procedures are subject to approval by the Office.

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1977, c. 5, s. 23; 1983, c. 56, s. 4; 1993, c. 40, s. 5; 2000, c. 57, s. 2.

**24.** The bodies and institutions recognized under of section 29.1 may erect signs and posters in both French and another language, the French text predominating.

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1977, c. 5, s. 24; 1993, c. 40, s. 6; 2000, c. 57, s. 3.

**25.** (*Repealed*).

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1977, c. 5, s. 25; 1983, c. 56, s. 5.

**26.** The bodies and institutions recognized under section 29.1 may use, when writing both the official language and another language in their documents, the services they provide and the use of their technological means, in their names, their internal communications and their communications with each other, 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.

In the recognized bodies and institutions, two persons may use what language they choose in written communications to one another. However, a body or institution shall, at the request of a person required to consult such a communication in the course of his duties, prepare a French version of it. Moreover, persons may, within those bodies and institutions, use the language of their choice in oral communications with each other.

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1977, c. 5, s. 26; 1983, c. 56, s. 6; 1993, c. 40, s. 7; 2000, c. 57, s. 4.

**27.** In the health services and the social services, the documents filed in the clinical records shall be drafted in French or in English, as the person drafting them sees fit. However, each health service or social service may require such documents to be drafted in French alone. ~~Resumés of clinical records must be furnished in French on demand to any person authorized to obtain them.~~

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.

1977, c. 5, s. 27.

**28.** Notwithstanding sections 23 and 26, school bodies recognized under section 29.1 may use the language of instruction in their communications connected with teaching without having to use the official language at the same time.

1977, c. 5, s. 28; 1983, c. 56, s. 7; 1993, c. 40, s. 8; 2000, c. 57, s. 5.

**29.** (*Repealed*).

1977, c. 5, s. 29; 1993, c. 40, s. 9.

**29.1.** English language school service centres and the centre de services scolaire du Littoral are recognized school bodies.

The Office shall recognize, at the request of the municipality, body or institution,

- (1) a municipality of which more than half the residents have English as their mother tongue;
- (2) a body under the authority of one or more municipalities that participates in the administration of their territory, where each such municipality is a recognized municipality; or
- (3) a health and social services institution listed in ~~the~~ Schedule I, where it provides services to persons who, in the majority, speak a language other than French.

The Government may, at the request of a body or institution that no longer satisfies the condition which enabled it to obtain the recognition of the Office, withdraw such recognition if it considers it appropriate in the circumstances and after having consulted the Office. Such a request shall be made to the Office, which shall transmit it to the Government with a copy of the record. The Government shall inform the Office and the body or institution of its decision.

1993, c. 40, s. 10; 2000, c. 57, s. 6; 2002, c. 28, s. 2; 2020, c. 1, s. 312.

**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.



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**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.

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**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 and 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).

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**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.

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**29.7.1.** 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 of those consultations in the report referred to in the first paragraph.

## DIVISION IV

### IMPLEMENTATION

#### §1. — *Responsibilities of administrative authorities*

**29.8.** 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*

**29.9.** 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.

**29.10.** 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 among an agency's personnel members of the obligations incumbent on them under this Act and the fundamental language rights conferred on them, 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.

**29.11.** 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; and

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

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

**29.12.** The language policy of the State shall be reviewed at least every 10 years.

**29.13.** 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

**29.14.** An agency of the civil administration to which the language policy of the State applies<sup>5</sup> 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.

**29.15.** The Ministère de l'Éducation, du Loisir et du Sport shall make a directive that complies with section 29.14 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.

**29.16.** Every directive made under section 29.14 by a government department or government body and the directives made under section 29.15 shall be submitted to the Minister, who may, if he considers them compliant with section 29.14, approve them with or without amendments.

A municipal body shall send the Minister the directive it makes under section 29.14 and make it public.

**29.17.** If a government department or government body fails to make the directive referred to in section 29.16 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 29.19. 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.

**29.18.** Every directive made under section 29.14 by a parliamentary institution shall be submitted to the French Language Commissioner.

<sup>5</sup> Section 29.14 comes into force on three different dates: (1) Where an agency of the civil administration is a parliamentary institution, section 29.14 comes into force on the later of (a) three months after the date of approval of the first language policy of the State or (b) the date on which the first French Language Commissioner takes office.

(2) Where it is not a parliamentary institution, it comes into force three months after the date of approval of the first language policy of the State.

(3) For the purposes of section 29.15 and as it relates to Ministries, it comes into force three months after the date of assent.

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The provisions of the first paragraph of section 29.16 and section 29.17 are otherwise applicable, with the necessary modifications, to such a directive. The Commissioner shall publish each of the directives made or approved by him.

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**29.19.** 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 29.17 or by the French Language Commissioner under the second paragraph of section 29.18; or

(2) the agency did not make the directive provided for in section 29.14 or, in the case of a body referred to in section 29.15, 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.

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**29.20.** An agency of the civil administration referred to in the first paragraph of section 29.14 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.

**29.21.** 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 29.14.

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.

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**29.22.** Subject to the measures established under section 29.13, 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.



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**29.23.** 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.

## CHAPTER V

### THE LANGUAGE OF THE SEMIPUBLIC AGENCIES

**30.** The public utility enterprises, the professional orders and the members of the professional orders must arrange to make their services available in the official language.

They must draw up their notices, communications and printed matter intended for the public, including public transportation tickets, in the official language.

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1977, c. 5, s. 30; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

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**30.1.** The members of the professional orders must, ~~where a person who calls upon their services so requests,~~ provide a French copy of any notice, opinion, report, expertise or other document they draw up ~~to any person authorized to obtain them and who so requests concerning that person,~~ without requiring a charge for translation. The request may be made at any time.

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.

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1983, c. 56, s. 8; 1997, c. 24, s. 1.

**31.** The public utility enterprises and the professional orders shall use the official language in their written communications with the civil administration and with legal persons.

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1977, c. 5, s. 31; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

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**32.** The professional orders shall use only the official language in their written and oral communications ~~with all or some of their members and of the candidates to the practice of the profession with their general membership.~~

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. ~~They may, however, in communicating with an individual member, reply in his language.~~

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1977, c. 5, s. 32; 1994, c. 40, s. 457.

**33.** Sections 30 and 31 do not apply to communiqués or publicity intended for news media that publish in a language other than French.





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1977, c. 5, s. 33.

**34.** The professional orders shall be designated by their French names alone.

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1977, c. 5, s. 34; 1994, c. 40, s. 457.

**35.** The professional orders shall not issue permits except to persons whose knowledge of the official language is appropriate to the practice of ~~their~~ profession.

~~When issuing a permit, a professional order shall consider that a person has such knowledge if A person is deemed to have the appropriate knowledge if~~

- (1) he has received, full time, no less than three years of secondary or post-secondary instruction provided in French;
- (2) he has passed the fourth or fifth year secondary level examinations in French as the first language;
- (3) from and after the school year 1985-86, he obtains a secondary school certificate in Québec.

In all other cases, a person must obtain a certificate issued by the Office québécois de la langue française or hold a certificate defined as equivalent by regulation of the Government.

The Government, by regulation, may determine the procedures and conditions of issue of certificates by the Office, establish the rules governing composition of an examining committee to be formed by the Office, provide for the mode of operation of that committee, and determine criteria for evaluating the appropriate knowledge of French for the practice of a profession or a category of professions and a mode of evaluating such knowledge.

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1977, c. 5, s. 35; 1983, c. 56, s. 9; 1993, c. 40, s. 11; 1994, c. 40, s. 457; 2002, c. 28, s. 34.

**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.

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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.

**36.** Within the last two years before obtaining a qualifying diploma for a permit to practise, every person enrolled in an educational institution that issues such diploma may give proof that his knowledge of the official language meets the requirements of section 35.

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1977, c. 5, s. 36.

**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.

~~The professional orders may issue temporary permits valid for not more than one year to persons from outside Québec who are declared qualified to practise their profession but whose knowledge of the official language does not meet the requirements of section 35.~~

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1977, c. 5, s. 37; 1994, c. 40, s. 457.

**38.** The permits envisaged in section 37 may be renewed, only three times, with the authorization of the Office québécois de la langue française and if the public interest warrants it. For each renewal, the persons concerned must sit for examinations held according to the regulations of the Government.

In its annual report of activities, the Office shall indicate the number of permits for which it has given authorization for renewal pursuant to this section.

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1977, c. 5, s. 38; 1993, c. 40, s. 12; 2002, c. 28, s. 34.

**39.** *(Repealed.)*

~~Persons having obtained, in Québec, a diploma referred to in section 36 may, until the end of 1980, avail themselves of sections 37 and 38.~~

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1977, c. 5, s. 39.

**40.** Where it is in the public interest, a professional order, with the prior authorization of the Office québécois de la langue française, may issue a restricted permit to a person already authorized under the laws of another province or another country to practise his profession. This restricted



permit authorizes its holder to practise his profession for the exclusive account of a single employer, in a position that does not involve his dealing with the public.

In the case of this section, a permit may be issued to the spouse as well.

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

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1977, c. 5, s. 40; 1983, c. 56, s. 10; 1994, c. 40, s. 457; 2002, c. 28, s. 34.

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**40.1.** The Office des professions 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 transmitted by the Office des professions.

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

- (1) a candidate to the practice of 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.

## CHAPTER VI

### THE LANGUAGE OF LABOUR RELATIONS

**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;<sup>6</sup>
- (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;

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<sup>6</sup> This refers to the section on psychological harassment of the *Act respecting labour standards*. Generally, the *Act respecting labour standards* applies to (a) employees located in Québec regardless of whether their employer has an establishment in Québec, (b) employees who perform work both in Québec and outside Québec for an employer whose residence, domicile, undertaking, head office or office is in Québec; and (c) to employees domiciled or resident in Québec who perform work outside Québec for an employer contemplated in (b). Division V.2 of Chapter IV applies to all employees and to all employers.

(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;

(5) “association of workers” includes, in addition to an association of employees within the meaning of the Labour Code (chapter C-27),<sup>7</sup> the association and the group referred to in paragraph 3.

**41. Every employer shall respect the worker’s right to carry on his activities in French; therefore, the employer is required, in particular ~~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:~~**

(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.

<sup>7</sup> Under the *Labour Code*, an “association of employees” means a group of employees constituted as a professional syndicate, union, brotherhood or otherwise, having as its objects the study, safeguarding and development of the economic, social and educational interests of its members and particularly the negotiation and application of collective agreements.



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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.

1977, c. 5, s. 41.

~~42. Where an offer to fill a position, in particular through recruitment, hiring, transfer or promotion is published by an 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 employer publishing this offer of employment in a daily newspaper published in a language other than French 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 must publish it simultaneously and using transmission means of the same nature and reaching a target public of a proportionally comparable size in a daily newspaper published in French, with at least equivalent display.~~

1977, c. 5, s. 42; 1993, c. 40, s. 13; 1999, c. 40, s. 45.

43. Collective agreements and the schedules to them must be drafted in the official language, including those which must be filed pursuant to section 72 of the Labour Code (chapter C-27).

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

1977, c. 5, s. 43.

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~~44. A French version must be attached immediately and without delay to an An arbitration award rendered in English following arbitration of a grievance, disagreement or dispute, either made following arbitration of a grievance or dispute regarding the negotiation, renewal or review of a collective agreement or group agreement, or resulting from the interpretation or application of a collective agreement or group agreement shall, at the request of one of the parties, be translated into French or English, as the case may be, at the parties' expense.~~


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.

1977, c. 5, s. 44; 1977, c. 41, s. 1; 1993, c. 40, s. 14.

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~~45. An employer is prohibited from dismissing, laying off, demoting or transferring a member of his staff 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: 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.~~

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- (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.

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.

~~A staff member not subject to a collective agreement who believes he has been aggrieved by an action that is prohibited by the first paragraph may exercise a remedy before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Labour Code (chapter C-27) apply, with the necessary modifications.~~

~~A staff member subject to a collective agreement who believes he has been so aggrieved may submit the grievance for arbitration if the association representing the staff member fails to do so. Section 17 of the Labour Code applies to the arbitration of the grievance, with the necessary modifications.~~

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1977, c. 5, s. 45; 1997, c. 24, s. 2; 2000, c. 57, s. 7; 2001, c. 26, s. 83; 2015, c. 15, s. 237; I.N. 2016-12-01.

**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.

**46.** An employer is prohibited from 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 ~~making the obtaining of an employment or office dependent upon the~~ knowledge or a specific level of knowledge of a language other than the official language, unless the nature of the duties requires such knowledge; even in the latter case, the employer shall first take all reasonable means to avoid imposing such a requirement.

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.

~~A person, whether or not in an employment relationship with the employer, who believes he has been aggrieved by a contravention of the first paragraph and who is not subject to a collective agreement may exercise a remedy before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.~~

~~A person who is subject to a collective agreement and who believes he has been so aggrieved may submit the grievance for arbitration if the association representing the person fails to do so.~~

~~The remedy is brought before the Tribunal within 30 days after the date on which the employer informed the complainant of the linguistic requirements of the employment or position or, failing that, from the last act of the employer which was invoked to support the allegation of contravention of the first paragraph of this section.~~

~~It is incumbent upon the employer to prove to the Tribunal or the arbitrator that the performance of the work requires knowledge or a specific level of knowledge of a language other than French.~~

~~If the Tribunal or the arbitrator finds the complaint to be justified, the Tribunal or the arbitrator may issue any order the Tribunal or the arbitrator considers fair and reasonable in the circumstances, in particular an order to cease the act complained of, to perform an act, such as the renewal of the staffing process for the employment or position, or to pay compensation or punitive damages to the complainant.~~

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1977, c. 5, s. 46; 2000, c. 57, s. 8; 2001, c. 26, s. 84; 2015, c. 15, s. 237.

**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.

**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.

~~A person who believes he has been aggrieved by a contravention of the first paragraph of section 46 may, before exercising the remedy provided for in that section, apply in writing to the Office québécois de la langue française for the matter to be submitted to a mediator to allow an exchange of views between the person and the employer and to foster a speedy resolution of the matter by way of a written agreement.~~

~~The parties are required to take part in all meetings to which they are called by the mediator; the mediator and the parties may use telephone or other communications equipment by which they may hear one another. The complainant may be represented by the complainant's association of employees.~~

~~Mediation may not extend beyond 30 days after the date it was applied for. Mediation may be terminated before that time if, in the mediator's opinion, his intervention is not expedient or desirable in view of the circumstances. The mediator shall notify the parties in writing.~~

~~The time for bringing the matter before the Administrative Labour Tribunal or an arbitrator is suspended during mediation. The time begins to run again on receipt by the complainant of a notice terminating the mediation or not later than 30 days after mediation is applied for.~~

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1977, c. 5, s. 47; 1977, c. 41, s. 1; 2000, c. 57, s. 9; 2002, c. 28, s. 34; 2001, c. 26, s. 85; 2015, c. 15, s. 237.

**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.



~~Unless the parties consent thereto, nothing that is said or written in the course of mediation may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.~~

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2000, c. 57, s. 9.

**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.

~~A mediator may not be compelled to disclose anything revealed to or learned by him in the exercise of his functions or produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.~~

~~Notwithstanding 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 may have access to a document contained in the mediation record.~~

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2000, c. 57, s. 9.

**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 worker'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 workers 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).

~~Except as they regard the vested rights of employees and their associations, juridical acts, decisions and other documents not in conformity to this chapter are null. The use of a language other than that prescribed in this chapter shall not be considered a defect of form within the meaning of section 151 of the Labour Code (chapter C-27).~~

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1977, c. 5, s. 48.

**49.** Every association of ~~workers~~ **employees** shall use the official language in written and oral communications with its members. It may use the language of an individual member ~~who has so requested when communicating with that member in its correspondence with him.~~

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

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1977, c. 5, s. 49.

**50.** Sections 41 to 49 of this Act are deemed an integral part of every collective agreement or every group agreement. ~~Any stipulation in the agreement contrary to any provision of this Act is absolutely null.~~

~~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.~~

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1977, c. 5, s. 50; 1999, c. 40, s. 45.

**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 makes 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 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.



## CHAPTER VII

### THE LANGUAGE OF COMMERCE AND BUSINESS

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**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.

**51.** Every inscription on a product, on its container or on its wrapping, or on a document or object supplied with it, including the directions for use and the warranty certificates, must be drafted in French. This rule applies also to menus and wine lists.

The French inscription may be accompanied with a translation or translations, but no inscription in another language may be given greater prominence than that in French **or be available on more favourable terms.**

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1977, c. 5, s. 51; 1997, c. 24, s. 24.

G

**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.

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**52.** Regardless of the medium used, ~~c~~atalogues, brochures, folders, commercial directories, order forms and any other documents of the same nature that are available to the public ~~and any similar publications~~ must be drawn up in French.

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.

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1977, c. 5, s. 52; 1983, c. 56, s. 11; 1993, c. 40, s. 15.

**52.1.** All computer software, including game software and operating systems, whether installed or uninstalled, must be available in French unless no French version exists.

Software can also be available in languages other than French, provided that the French version can be obtained on terms, except price where it reflects higher production or distribution costs, that are no less favourable and that it has technical characteristics that are at least equivalent.

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1997, c. 24, s. 3.

**53.** *(Repealed).*

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1977, c. 5, s. 53; 1983, c. 56, s. 11; 1993, c. 40, s. 16; 1997, c. 24, s. 4.



**54.** Toys and games, except those referred to in section 52.1, which require the use of a non-French vocabulary for their operation are prohibited on the Québec market, unless a French version of the toy or game is available on the Québec market on no less favourable terms.

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1977, c. 5, s. 54; 1993, c. 40, s. 17; 1997, c. 24, s. 5.

**54.1.** The Government may, by regulation and on the conditions it fixes, provide for exceptions to the application of sections 51 to 54.

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1997, c. 24, s. 6.

**55.** Contracts pre-determined by one party, ~~contracts containing printed standard clauses,~~ and the related documents, must be drawn up in French. 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. ~~They may be drawn up in another language as well at the express wish of the parties.~~

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;
- (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 that the latter section; and
- (3) a contract used in relations with persons outside Québec.

With the exception of an employment contract, a contract of adhesion or a contract containing standard clauses to which the first paragraph does not apply, as well as 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 to 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.

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1977, c. 5, s. 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.

**56.** If the documents referred to in section 51 are required by any Act, order in council or government regulation, they may be excepted from the rule enunciated in that section, provided that the languages in which they are drafted are the subject of a federal-provincial, interprovincial or international agreement.

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1977, c. 5, s. 56.

**57.** ~~Application forms for employment, order forms, Invoices, receipts, and 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.

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1977, c. 5, s. 57.

**58.** Public signs and posters and commercial advertising must be in French.

They may also be both in French and in another language provided that French is markedly predominant.

However, the Government may determine, by regulation, the places, cases, conditions or circumstances where public signs and posters and commercial advertising must be in French only, where French need not be predominant or where such signs, posters and advertising may be in another language only.



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1977, c. 5, s. 58; 1983, c. 56, s. 12; 1988, c. 54, s. 1; 1993, c. 40, s. 18.

**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.

~~(Replaced).~~

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1988, c. 54, s. 1; 1993, c. 40, s. 18.

**58.2.** ~~(Replaced).~~

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1988, c. 54, s. 1; 1993, c. 40, s. 18.

**59.** Section 58 does not apply to advertising carried in news media that publish in a language other than French, or to messages of a religious, political, ideological or humanitarian nature if not for a profit motive.

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1977, c. 5, s. 59; 1988, c. 54, s. 2; 1993, c. 40, s. 19.

**60.** ~~(Repealed).~~

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1977, c. 5, s. 60; 1988, c. 54, s. 3.

**61.** ~~(Repealed).~~

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1977, c. 5, s. 61; 1988, c. 54, s. 4; 1993, c. 40, s. 20.

**62.** ~~(Repealed).~~

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1977, c. 5, s. 62; 1983, c. 56, s. 13; 1988, c. 54, s. 5; 1993, c. 40, s. 20.

**63.** The name of an enterprise must be in French.

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1977, c. 5, s. 63; 1999, c. 40, s. 45.

**64.** To obtain juridical personality, it is necessary to have a name in French.

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1977, c. 5, s. 64.

**65.** Every name that is not in French must be changed before 31 December 1980, unless the Act under which the enterprise is incorporated does not allow it.

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1977, c. 5, s. 65; 1999, c. 40, s. 45.

**66.** Sections 63, 64 and 65 also apply to names entered by way of declaration in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1).



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1977, c. 5, s. 66; 1993, c. 48, s. 197; 2010, c. 7, s. 282.

**67.** Family names, place names, expressions formed by the artificial combination of letters, syllables or figures, and expressions taken from other languages may appear in the names of enterprises to specify them, in accordance with the other Acts and with the regulations of the Government.

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1977, c. 5, s. 67; 1993, c. 40, s. 21; 1999, c. 40, s. 45.

**68.** The name of an enterprise may be accompanied with a version in a language other than French provided that, when it is used, the French version of the name appears at least as prominently.

However, in public signs and posters and commercial advertising, the use of a version of a name in a language other than French is permitted to the extent that the other language may be used in such signs and posters or in such advertising pursuant to section 58 and the regulations enacted under that section.

In addition, in texts or documents drafted only in a language other than French, a name may appear in the other language only.

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1977, c. 5, s. 68; 1983, c. 56, s. 14; 1988, c. 54, s. 6; 1993, c. 40, s. 22; 1999, c. 40, s. 45.

**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.

**69.** *(Repealed)*.

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1977, c. 5, s. 69; 1988, c. 54, s. 7.

**70.** Health services and social services the names of which, adopted before 26 August 1977, are in a language other than French may continue to use such names provided they add a French version.

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1977, c. 5, s. 70.

**71.** A non-profit organization devoted exclusively to the cultural development or to the defense of the peculiar interests of a particular ethnic group may adopt a name in the language of the group, provided that it adds a French version.

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1977, c. 5, s. 71.



## CHAPTER VIII

### THE LANGUAGE OF INSTRUCTION

#### DIVISION I

#### INSTRUCTION IN KINDERGARTEN CLASSES AND ELEMENTARY AND SECONDARY SCHOOLS

**72.** Instruction in the kindergarten classes and in the elementary and secondary schools shall be in French, except where this ~~division chapter~~ allows otherwise.

This rule obtains in school bodies within the meaning of ~~Schedule I the Schedule~~ and in private educational institutions accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1) with respect to the educational services covered by an accreditation.

Nothing in this section shall preclude instruction in English to foster the learning thereof, in accordance with the formalities and on the conditions prescribed in the basic school regulations established by the Government under section 447 of the Education Act (chapter I-13.3).

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1977, c. 5, s. 72; 1992, c. 68, s. 138; 1993, c. 40, s. 23.

**73.** The following children, at the request of one of their parents, may receive instruction in English:

(1) a child whose father or mother is a Canadian citizen and received elementary instruction in English in Canada, provided that that instruction constitutes the major part of the elementary instruction he or she received in Canada;

(2) a child whose father or mother is a Canadian citizen and who has received or is receiving elementary or secondary instruction in English in Canada, and the brothers and sisters of that child, provided that that instruction constitutes the major part of the elementary or secondary instruction received by the child in Canada;

(3) *(subparagraph repealed)*;

(4) *(subparagraph repealed)*;

(5) *(subparagraph repealed)*.

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1977, c. 5, s. 73; 1983, c. 56, s. 15; 1993, c. 40, s. 24; 2002, c. 28, s. 3; 2010, c. 23, s. 1.

**73.1.** The Government may determine by regulation the analytical framework that a person designated under section 75 must use in assessing the major part of the instruction received, invoked in support of an eligibility request under section 73. The analytical framework may, among other things, establish rules, assessment criteria, a weighting system, a cutoff or a passing score and interpretive principles.





The regulation may specify the cases and conditions in which a child is presumed or deemed to have satisfied the requirement of having received the major part of his instruction in English within the meaning of section 73.

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The regulation is adopted by the Government on the joint recommendation of the Minister of Education, Recreation and Sports and the Minister ~~of the French Language responsible for the administration of this Act.~~

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2010, c. 23, s. 2.

**74.** The parent who may make the requests provided for ~~in this division this chapter~~ must be the holder of parental authority. However, the person who has *de facto* custody of the child and who is not the holder of parental authority may also make such a request provided the holder of parental authority does not object.

A person designated by the Minister may temporarily suspend consideration of a request submitted by one parent if the other parent objects in writing to the request's being considered.

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1977, c. 5, s. 74; 1993, c. 40, s. 25; 2010, c. 23, s. 3.

**75.** The Minister of Education, Recreation and Sports may empower such persons as he may designate to verify and decide on children's eligibility for instruction in English under any of sections 73, 81, 85 and 86.1.

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In addition to the documents and information required by regulation, a person designated by the Minister may require a person to send the designated person, within a set time, any document or information relevant to the verification of a request made under ~~this division this chapter~~. The designated person may also require that the documents or information be accompanied by an affidavit of their veracity.

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1977, c. 5, s. 75; 1993, c. 40, s. 26; 2005, c. 28, s. 195; 2010, c. 23, s. 4; I.N. 2016-01-01 (NCCP).

**76.** The persons designated by the Minister of Education, Recreation and Sports under section 75 may verify the eligibility of children to receive their instruction in English even if they are already receiving or are about to receive their instruction in French.

Such persons may also declare a child eligible to receive instruction in English where his father or mother attended school after 26 August 1977 and would have been eligible to receive such instruction under section 73, even if he or she did not receive such instruction. However, where the father or mother attended school before 17 April 1982, his or her eligibility shall be determined in accordance with section 73 as it read before that date, by adding, at the end of paragraphs *a* and *b* of that section, the words "provided that that instruction constitutes the major part of the elementary instruction he or she received in Québec".

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1977, c. 5, s. 76; 1993, c. 40, s. 27; 2002, c. 28, s. 4; 2005, c. 28, s. 195.

**76.1.** The persons declared eligible to receive instruction in English under any of sections 73, 76 and 86.1 are deemed to have received or be receiving instruction in English for the purposes of section 73.



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1993, c. 40, s. 28; 2002, c. 28, s. 5.

**77.** A certificate of eligibility obtained fraudulently or on the basis of a false representation is absolutely null.

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1977, c. 5, s. 77; 1999, c. 40, s. 45.

**78.** The Minister of Education, Recreation and Sports may revoke a certificate of eligibility issued in error.

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1977, c. 5, s. 78; 2005, c. 28, s. 195.

**78.1.** No person may permit or tolerate a child's receiving instruction in English if he is ineligible therefor.<sup>8</sup>

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1986, c. 46, s. 7.

**78.2.** No person may set up or operate a private educational institution or change how instruction is organized, priced or dispensed in order to circumvent section 72 or other provisions of **this division this chapter** governing eligibility to receive instruction in English.<sup>9</sup>

It is prohibited, in particular, to operate a private educational institution principally for the purpose of making children eligible for instruction in English who would otherwise not be admitted to a school of an English school service centre or to a private English-language educational institution accredited for the purposes of subsidies under the Act respecting private education (chapter E-9.1).

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2010, c. 23, s. 5; 2020, c. 1, s. 312.

**78.3.** No person may make a false or misleading statement to the Minister or a designated person, or refuse to provide them with the information or documents they are entitled to obtain.<sup>10</sup>

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2010, c. 23, s. 5.

**79.** A school body not already giving instruction in English in its schools is not required to introduce it and shall not introduce it without express and prior authorization of the Minister of Education, Recreation and Sports.

However, every school body shall, where necessary, avail itself of section 213 of the Education Act (chapter I-13.3) to arrange for the instruction in English of any child declared eligible therefor.

The Minister of Education, Recreation and Sports shall grant the authorization referred to in the first paragraph if, in his opinion, it is warranted by the number of pupils in the jurisdiction of the school body who are eligible for instruction in English under **this division this chapter**.

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<sup>8</sup> See s. 182.

<sup>9</sup> See s. 182.

<sup>10</sup> See s. 182.





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1977, c. 5, s. 79; 1988, c. 84, s. 547; 1993, c. 40, s. 29; 2005, c. 28, s. 195.

**80.** The Government may determine by regulation the procedure for submitting requests for eligibility under section 73 or 86.1.

The regulation may include measures concerning

- (1) the role of a school body in submitting requests;
- (2) the fees that may be charged by a school body or the Minister respectively to open a file or examine a request;
- (3) the time granted for submitting a request; and
- (4) the information and documents that must accompany a request.

Regulatory provisions may vary according to, among other things, the nature of the request and the characteristics of the educational institution attended.

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1977, c. 5, s. 80, s. 14; 1993, c. 40, s. 30; 2010, c. 23, s. 6.

**81.** Children having serious learning disabilities may, at the request of one of their parents, receive instruction in English if required to facilitate the learning process. The brothers and sisters of children thus exempted from the application of the first paragraph of section 72 may also be exempted.

The Government, by regulation, may define the classes of children envisaged in the preceding paragraph and determine the procedure to be followed in view of obtaining such an exemption.

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1977, c. 5, s. 81, s. 14; 1983, c. 56, s. 16; 1993, c. 40, s. 31; 2002, c. 28, s. 6.

**82.** *(Repealed)*.

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1977, c. 5, s. 82; 1983, c. 56, s. 17; 1993, c. 40, s. 32; 1997, c. 43, s. 146; 2002, c. 28, s. 7.

**83.** *(Repealed)*.

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1977, c. 5, s. 83, s. 14; 1983, c. 56, s. 18; 1997, c. 24, s. 7; 1997, c. 43, s. 147; 2002, c. 28, s. 7.

**83.1.** *(Repealed)*.

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1983, c. 56, s. 18; 1997, c. 43, s. 148.

**83.2.** *(Repealed)*.

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1983, c. 56, s. 18; 1997, c. 43, s. 148.

**83.3.** *(Repealed)*.

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1983, c. 56, s. 18; 1997, c. 43, s. 149; 2002, c. 28, s. 7.

**83.4.** Any decision concerning a child's eligibility for instruction in English made pursuant to section 73, 76, 81, **84.1**, 85 or 86.1 may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec. The same is true of any decision made pursuant to section 77 or 78.

1997, c. 43, s. 150; 2002, c. 28, s. 8; 2010, c. 23, s. 7.

**84.** No secondary school leaving certificate may be issued to a student who does not have the speaking and writing knowledge of French required by the curricula of the Ministère de l'Éducation, du Loisir et du Sport.

1977, c. 5, s. 84; 2005, c. 28, s. 195.

**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.

**85.** Children, other than those who may benefit from the exemption under section 84.1, staying in Québec temporarily may, at the request of one of their parents, be exempted from the application of the first paragraph of section 72 and receive instruction in English in the cases or circumstances and on the conditions determined by regulation of the Government. The regulation shall also prescribe the period for which such an exemption may be granted and the procedure to be followed in order to obtain or renew it.

1977, c. 5, s. 85, s. 14; 1983, c. 56, s. 19; 1993, c. 40, s. 33.

**85.1.** Where warranted by a serious family or humanitarian situation, the Minister of Education, Recreation and Sports may, upon a reasoned request and on the recommendation of the examining committee, declare eligible for instruction in English a child who has been declared non-eligible by a person designated by the Minister.

The request must be filed within 30 days of notification of the unfavourable decision.



The request shall be submitted to an examining committee composed of three members designated by the Minister. The committee shall report its observations and recommendation to the Minister.

The Minister shall specify, in the report referred to in section 4 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15), the number of children declared eligible for instruction in English under this section and the grounds on which they were declared eligible.

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1986, c. 46, s. 8; 1997, c. 43, s. 151; 2002, c. 28, s. 9; 2005, c. 28, s. 195.

**86.** The Government may make regulations extending the scope of section 73 to include such persons as may be contemplated in any reciprocity agreement that may be concluded between the Gouvernement du Québec and another province.

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1977, c. 5, s. 86, s. 14; 1993, c. 40, s. 34.

**86.1.** In addition to the cases provided for in section 73, the Government, by order, may, at the request of one of the parents, authorize generally the following children to receive their instruction in English:

(a) a child whose father or mother received the greater part of his or her elementary instruction in English elsewhere in Canada and, before establishing domicile in Québec, was domiciled in a province or territory that it indicates in the order and where it considers that the services of instruction in French offered to French-speaking persons are comparable to those offered in English to English-speaking persons in Québec;

(b) a child whose father or mother establishes domicile in Québec and who, during his last school year or from the beginning of the current school year, has received primary or secondary instruction in English in the province or territory indicated in the order;

(c) the younger brothers and sisters of children described in subparagraphs a and b.

Sections 76 to 79 apply to the persons contemplated in this section.

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1983, c. 56, s. 20; 1993, c. 40, s. 35.

**87.** Nothing in this Act prevents the use of an **Aboriginal Amerindie** language in providing instruction to the **First Nations Amerinds**, or of Inuktitut in providing instruction to the Inuit.

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1977, c. 5, s. 87; 1983, c. 56, s. 21.

**88.** Notwithstanding sections 72 to 86, in the schools under the jurisdiction of the Cree School Board or the Kativik School Board, according to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), the languages of instruction shall be Cree and Inuktitut, respectively, and the other languages of instruction in use in the Cree and Inuit communities in Québec on the date of the signing of the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), namely, 11 November 1975.



The Cree School Board and the Kativik School Board shall pursue as an objective the use of French as a language of instruction so that pupils graduating from their schools will in future be capable of continuing their studies in a French school, college or university elsewhere in Québec, if they so desire.

After consultation with the school committees, in the case of the Crees, and with the parents' committees, in the case of the Inuit, the commissioners shall determine the rate of introduction of French and English as languages of instruction.

With the assistance of the Ministère de l'Éducation, du Loisir et du Sport, the Cree School Board and the Kativik School Board shall take the necessary measures to have sections 72 to 86 apply to children whose parents are not Crees or Inuit. For the purposes of the second paragraph of section 79, a reference to the Education Act is a reference to section 450 of the Education Act for Cree, Inuit and Naskapi Native Persons.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

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1977, c. 5, s. 88; 1983, c. 56, s. 22, s. 51; 1988, c. 84, s. 548; 2005, c. 28, s. 195.

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## 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.

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#### §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.

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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.

**88.0.2.1.** Each of the courses required under section 88.0.2 as well as the second language 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).

**88.0.3.** 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).

**88.0.4.** 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.

**88.0.5.** The Minister of Higher Education, Research, Science and Technology shall determine, for each school year, a 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 number of students does not exceed 2% of the combined defined total number of students for all the French-language institutions providing college instruction.

**88.0.6.** For the purposes of sections 88.0.4 and 88.0.5, “total number of students” means the number of students registered full-time, 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.

**88.0.7.** 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 88.0.4 or 88.0.5, 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).

**88.0.8.** 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 88.0.4 or 88.0.5.

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.

**88.0.8.1.** 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 88.0.4, 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.

**88.0.8.2.** 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 88.0.5, 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.

**88.0.8.3.** For the purposes of sections 88.0.8.1 and 88.0.8.2, “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 88.0.7 and 88.0.8 apply to the quotas determined under sections 88.0.8.1 and 88.0.8.2 as if they were total numbers of students.

**88.0.8.4.** A college-level private institution not accredited for the purposes of subsidies is, for the purposes of sections 88.0.4 and 88.0.6, 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 88.0.6 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 88.0.4 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.

**88.0.9.** 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.

**88.0.10.** 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.

**88.0.11.** 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.



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**88.0.12.** 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.

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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.

**88.0.12.1.** 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.

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*§3. – Provision specific to university instruction*

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

**88.0.14.** 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.

**CHAPTER VIII.1**

**POLICIES OF COLLEGE OR UNIVERSITY-LEVEL INSTITUTIONS REGARDING THE USE AND QUALITY OF THE FRENCH LANGUAGE**

2002, c. 28, s. 10.

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**88.1.** ~~Before 1 October 2004,~~ Every institution that provides college instruction, other than a private institution not accredited for the purposes of subsidies, must adopt a policy applicable to college-level instruction regarding the use and quality of the French language **that promotes**



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respect for the fundamental language rights conferred by this Act and the institution's contribution to the achievement of the objectives of this Act. The same applies to the university-level institutions listed in the first paragraph of section 88.0.1 ~~paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).~~

Any institution to which the first paragraph applies that is founded or accredited after 1 October 2002 must adopt such a policy within two years after it is founded or receives accreditation.

2002, c. 28, s. 10.

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**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.

**88.2.** In the case of a French-language college- or university-level educational institution or of an institution that is a government body ~~an institution that provides college or university instruction in French to the majority of its students~~, the language policy must pertain to

(1) the language of instruction, including the language of manuals and other instructional tools, and the language of learning assessment instruments;

(2) the language of communication used by the administration of the institution in its official texts and documents as well as in any other form of communication;

(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;

~~(3) the quality of French and the command of the French language among the students, the teaching staff, especially upon hiring, and other staff members;~~

(4) the language of work;

(5) the implementation of the policy and the related follow-up, specifying, in particular, the procedures for processing complaints about its application ~~monitoring of its application~~;

(6) the functions of the institution's most senior officer as person responsible for the implementation 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; and

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(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.

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.

~~In the case of an institution that provides college or university instruction in English to the majority of its students, the language policy must pertain to the teaching of French as a second language, the language used by the administration of the institution in its written communications with the civil administration and legal persons established in Québec, and the implementation of the policy and the monitoring of its application.~~

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2002, c. 28, s. 10.

**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.

~~The language policy of an educational institution must be transmitted to the Minister of Higher Education, Research, Science and Technology as soon as it is determined. The same applies to any amendment to the policy.~~

~~Upon request, an educational institution must transmit a report on the application of its policy to the Minister.~~

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2002, c. 28, s. 10; 2005, c. 28, s. 195; 2013, c. 28, s. 201.

**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.

**88.9.1.** Québec's immigration policy referred to in section 3 of the Quebec Immigration Act (chapter 1-0.2.1) and section 2 of the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1) must be consistent with the objective of making French the common language.

**88.10.** 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.

**88.11.** 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.

**88.12.** 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.

**88.13.** In addition to the measures provided for in sections 88.11 and 88.12, 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.

## CHAPTER IX

### MISCELLANEOUS

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

**88.15.** 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 June 1, 2022, unless such an Act expressly states that it applies despite this Act.

**89.** Where this Act does not require the use of the official language exclusively, the official language and another language may be used together.

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

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1977, c. 5, s. 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.

**90.** Subject to section 7, anything that, by prescription of an Act of Québec or an Act of the British Parliament having application to Québec in a field of provincial jurisdiction, or of a regulation or an order in council, must be published in French and English may be published in French alone.

Similarly, anything that, by prescription of an Act, a regulation or an order in council, must be published in a French newspaper and in an English newspaper, may be published in a French newspaper alone.

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1977, c. 5, s. 90; 1993, c. 40, s. 36.

**91.** Where this Act authorizes the drafting of texts or documents both in French and in one or more other languages, the French version must be displayed at least as prominently as every other language.

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.

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1977, c. 5, s. 91.

**92.** Nothing prevents the use of a language in derogation of this Act by international organizations designated by the Government or where international usage requires it, **as well as to quote a statement made in a language other than French.**

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1977, c. 5, s. 92, s. 14.

**93.** In addition to its other regulation-making powers under this Act, the Government may make regulations to facilitate the administration of the Act, including regulations defining the terms and expressions used in the Act or defining their scope.

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1977, c. 5, s. 93, s. 14; 1993, c. 40, s. 37.

**94.** *(Repealed).*

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1977, c. 5, s. 94, s. 14; 1993, c. 40, s. 38.

**95.** The following persons and bodies have the right to use Cree and Inuktitut and are exempt from the application of this Act, except sections 87, 88 and 96:

- (a) persons qualified for benefit under the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), in the territories envisaged by the said Agreement;



(b) bodies to be created under the said Agreement, within the territories envisaged by the Agreement;

(c) bodies of which the members are in the majority persons referred to in subparagraph a, within the territories envisaged by the Agreement.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

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1977, c. 5, s. 95; 1983, c. 56, s. 51.

**96.** The bodies envisaged in section 95 must introduce the use of French into their administration, both to communicate in French with the rest of Québec and with those persons under their administration who are not contemplated in subparagraph a of that section, and to provide their services in French to those persons.

During a transitional period of such duration as the Government may fix after consultation with the persons concerned, sections 16 and 17 of this Act do not apply to communications of the civil administration with the bodies envisaged in section 95.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

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1977, c. 5, s. 96, s. 14.

**97.** The Indian reserves are not subject to this Act.

The Government, by regulation, shall determine the cases, conditions and circumstances where or whereunder an agency or body contemplated in ~~the~~ Schedule I is authorized to make an exception to the application of one or several provisions of this Act in respect of a person who resides or has resided on a reserve, a settlement in which a native community lives or on Category I and Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

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, settlement or lands.

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1977, c. 5, s. 97; 1983, c. 56, s. 23; 1993, c. 40, s. 39.

**98.** The various agencies of the civil administration, and the health services and social services, the public utility enterprises and the professional orders referred to in this Act are listed in ~~the~~ Schedule I.

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1977, c. 5, s. 98; 1994, c. 40, s. 457; 1999, c. 40, s. 45.



**TITLE II**

## LINGUISTIC OFFICIALIZATION, TOPONYMY, CIVIL ADMINISTRATION COMPLIANCE AND FRANCIZATION

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2002, c. 28, s. 11.

**CHAPTER I**


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*Repealed*, 2002, c. 28, s. 12.

2002, c. 28, s. 12.

**99.** *(Repealed)*.

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1977, c. 5, s. 99; 2002, c. 28, s. 12.

**CHAPTER II**

## LINGUISTIC OFFICIALIZATION

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2002, c. 28, s. 13.

**100.** *(Repealed)*.

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1977, c. 5, s. 100; 1993, c. 40, s. 40; 1997, c. 24, s. 8; 1999, c. 40, s. 45; 2002, c. 28, s. 14.

**101.** *(Repealed)*.

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1977, c. 5, s. 101, s. 14; 1997, c. 24, s. 9; 2002, c. 28, s. 14.

**102.** *(Repealed)*.

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1977, c. 5, s. 102; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2002, c. 28, s. 14.

**103.** *(Repealed)*.

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1977, c. 5, s. 103; 1978, c. 15, s. 133, s. 140; 1983, c. 55, s. 161; 2002, c. 28, s. 14.

**104.** *(Repealed)*.

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1977, c. 5, s. 104, s. 14; 2002, c. 28, s. 14.

**105.** *(Repealed)*.

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1977, c. 5, s. 105; 1997, c. 24, s. 10.

**106.** *(Repealed)*.

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1977, c. 5, s. 106, s. 14; 1999, c. 40, s. 45; 2002, c. 28, s. 14.



**106.1. (Repealed).**

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1997, c. 24, s. 11; 2002, c. 28, s. 14.

**107. (Repealed).**

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1977, c. 5, s. 107; 2002, c. 28, s. 14.

**108. (Repealed).**

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1977, c. 5, s. 108; 2002, c. 28, s. 14.

**109. (Repealed).**

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1977, c. 5, s. 109; 2002, c. 28, s. 14.

**110. (Repealed).**

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1977, c. 5, s. 110, s. 14; 1996, c. 2, s. 113; 2002, c. 28, s. 14.

**111. (Repealed).**

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1977, c. 5, s. 111; 2002, c. 28, s. 14.

**112. (Repealed).**

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1977, c. 5, s. 112; 1993, c. 40, s. 41; 1997, c. 24, s. 12; 2002, c. 28, s. 14.

**113. (Repealed).**

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1977, c. 5, s. 113; 1993, c. 40, s. 42; 2002, c. 28, s. 14.

**114. (Repealed).**

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1977, c. 5, s. 114, s. 14; 1985, c. 30, s. 24; 1993, c. 40, s. 43; 1997, c. 24, s. 13; 1999, c. 40, s. 45; 2000, c. 57, s. 10; 2002, c. 28, s. 14.

**115. (Repealed).**

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1977, c. 5, s. 115, s. 14; 2002, c. 28, s. 14.

**116.** The departments and agencies of the civil administration may establish linguistic committees and determine their composition and operation.

The committees shall identify terminological deficiencies and problematical terms and expressions in their designated field. They shall submit the terms and expressions they favour to the Comité d'officialisation linguistique. The Comité may in turn submit them to the Office québécois de la langue française for standardization or recommendation.

If a department or agency does not establish a linguistic committee, the Office may, on the proposal of the Comité d'officialisation linguistique, make an official request that it do so.



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1977, c. 5, s. 116; 1997, c. 24, s. 14; 2002, c. 28, s. 15.

**116.1.** The Office québécois de la langue française may, on the proposal of the Comité d'officialisation linguistique, recommend or standardize terms and expressions. The Office shall disseminate standardized terms and expressions, in particular through publication in the *Gazette officielle du Québec*.

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2002, c. 28, s. 16.

**117.** (Replaced).

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1977, c. 5, s. 117; 1997, c. 24, s. 14.

**118.** Upon publication in the *Gazette officielle du Québec* of the terms and expressions standardized by the Office, their use becomes obligatory in texts, documents, signs and posters emanating from the civil administration and in contracts to which it is a party, and in teaching manuals and educational and research works published in French in Québec and approved by the Minister of Education, Recreation and Sports.

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1977, c. 5, s. 118; 1983, c. 56, s. 24; 1985, c. 21, s. 20; 1988, c. 41, s. 88; 1993, c. 51, s. 18; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

**118.1.** (Repealed).

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1993, c. 40, s. 44; 1997, c. 24, s. 15.

**118.2.** (Repealed).

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1993, c. 40, s. 44; 1997, c. 24, s. 15.

**118.3.** (Repealed).

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1993, c. 40, s. 44; 1997, c. 24, s. 15.

**118.4.** (Repealed).

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1993, c. 40, s. 44; 1997, c. 24, s. 15.

**118.5.** (Repealed).

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1993, c. 40, s. 44; 1997, c. 24, s. 15.

**119.** (Repealed).

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1977, c. 5, s. 119; 2002, c. 28, s. 17.

**120.** (Repealed).

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1977, c. 5, s. 120; 2002, c. 28, s. 17.

**121.** (Repealed).



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1977, c. 5, s. 121; 2002, c. 28, s. 17.

### CHAPTER III

#### THE COMMISSION DE TOPONYMIE

**122.** A Commission de toponymie is established at the Office québécois de la langue française and is incorporated into it for administrative purposes.

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1977, c. 5, s. 122; 2002, c. 28, s. 34.

**123.** The Commission is composed of seven members, including the chairman, appointed by the Government for not more than five years.

The Government shall fix the remuneration and determine the fringe benefits and other conditions of employment of the members of the Commission.

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1977, c. 5, s. 123, s. 14; 1983, c. 56, s. 25; 1993, c. 40, s. 45.

**123.1.** The members of the Commission remain in office notwithstanding the expiry of their term until they are reappointed or replaced.

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1983, c. 56, s. 25.

**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.

**124.** The Commission has jurisdiction to propose to the Government the criteria of selection and rules of spelling of all place names and to make the final decision on the assignment of names to places not already named and to approve any change of place names.

The Government may establish, by regulation, the criteria for the choice of place names, the rules of spelling to be followed in matters relating to toponymy and the method to be followed in choosing and obtaining approval for place names.

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1977, c. 5, s. 124; 1993, c. 40, s. 46; 1999, c. 40, s. 45.

**125.** The Commission shall:

- (a) propose to the Government the standards and rules of spelling to be followed in place names;
- (b) catalogue and preserve place names;



- (c) establish and standardize geographical terminology, in cooperation with the Office;
- (d) officialize place names;
- (e) publicize the official geographical nomenclature of Québec;
- (f) advise the Government on any question submitted by it to the Commission relating to toponymy.

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1977, c. 5, s. 125, s. 14; 1993, c. 40, s. 47.

**126.** The Commission may:

- (a) advise the Government and other agencies of the civil administration on any question relating to toponymy;
- (b) (subparagraph repealed);
- (c) in unorganized territories, name geographical places or change their names;
- (d) with the consent of the agency of the civil administration having concurrent jurisdiction over the place name, determine or change the name of any place in a local municipal territory.

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1977, c. 5, s. 126, s. 14; 1993, c. 40, s. 48; 1996, c. 2, s. 114.

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

**127.** The names approved by the Commission during the year must be published at least once a year in the *Gazette officielle du Québec*.

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1977, c. 5, s. 127.

**128.** Upon the publication in the *Gazette officielle du Québec* of the names chosen or approved by the Commission, the use of such names becomes obligatory in texts and documents of the civil administration and the semipublic agencies, in traffic signs, in public signs and posters and in teaching manuals and educational and research works published in Québec and approved by the Minister of Education, Recreation and Sports.

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1977, c. 5, s. 128; 1985, c. 21, s. 21; 1988, c. 41, s. 88; 1993, c. 51, s. 19; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

## CHAPTER IV

### FRANCIZATION OF THE 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.



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## 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 latter's capacity to meet the other obligations incumbent on it under those provisions.

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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.

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**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.

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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.





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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.

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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.

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**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.

~~**129.** Every agency of the civil administration requiring time to comply with certain provisions of this Act or to ensure the generalized use of French in its domain must as soon as possible adopt a francization program under the authority and with the assistance of the Office.~~

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~~1977, c. 5, s. 129; 1999, c. 40, s. 45.~~

~~**130.** The francization programs must take into account the situation of persons nearing retirement or having a long record of service with the civil administration.~~

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~~1977, c. 5, s. 130.~~

~~**131.** Every agency of the civil administration must, not later than 180 days after the beginning of its activities, submit to the Office a report including an analysis of the language situation in that~~

~~agency and an account of the measures it has adopted and those it intends to adopt in view of complying with this Act.~~

~~The Office shall determine the form of such report and the information it must furnish.~~

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~~1977, c. 5, s. 131; 1983, c. 56, s. 26.~~

~~132. If the Office considers the adopted or envisaged measures insufficient, it shall give the persons concerned the opportunity to present observations and have the documents and information it considers essential forwarded to it.~~

~~It shall prescribe appropriate correctives, if needed.~~

~~Any agency refusing to implement such correctives is guilty of an offence.~~

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~~1977, c. 5, s. 132; 1997, c. 43, s. 152.~~

~~133. For a period of not more than one year, the Office may exempt from the application of any provision of this Act any service or agency of the civil administration that requests it, if it is satisfied with the measures taken by that service or agency towards the objectives set by this Act and the regulations.~~

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~~1977, c. 5, s. 133.~~

~~134. (Repealed).~~

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~~1977, c. 5, s. 134; 1983, c. 56, s. 27; 1992, c. 61, s. 99.~~

## CHAPTER V

### FRANCIZATION OF ENTERPRISES

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1999, c. 40, s. 45.

#### DIVISION I

##### SCOPE

**135.** This chapter applies to all enterprises, including public utility enterprises.

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1977, c. 5, s. 135; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

#### DIVISION II

##### FRANCIZATION OF ENTERPRISES EMPLOYING 25 OR MORE PERSONS

**136.** Enterprises referred to in section 139 employing 100 or more persons must form a francization committee composed of six or more persons. 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.

~~The francization committee shall analyze the language situation in the enterprise and make a report to the management of the enterprise for transmission to the Office. Where necessary, the committee shall devise a francization program for the enterprise and supervise its implementation. Where a francization certificate is issued to the enterprise, the committee shall ensure that the use of French remains generalized at all levels of the enterprise according to the terms of section 141.~~

~~The francization committee may establish subcommittees to assist it in the carrying out of its tasks.~~

~~The francization committee shall meet not less than once every six months.~~

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1977, c. 5, s. 136; 1983, c. 56, s. 28; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

**137.** ~~At least~~ Half of the members of the francization committee and of every subcommittee shall be representatives of the workers of the enterprise. ~~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.~~

~~The representatives of the workers~~ ~~Such representatives~~ shall be designated by the association of employees representing the majority of the workers or, where several associations of employees together represent the majority of the workers, such associations shall designate the representatives by agreement. In the absence of an agreement, or in all other cases, such representatives shall be elected by the whole body of the workers of the enterprise in the manner and on the conditions determined by the management of the enterprise ~~after consulting the Office.~~

The workers' representatives are designated for a period of not more than two years. However, their term as representatives may be renewed.

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1977, c. 5, s. 137; 1983, c. 56, s. 29; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 18.

**137.1.** Workers' representatives on the francization committee or a subcommittee may, without loss of pay, absent themselves from work for the time required to attend meetings of the committee or subcommittee and to perform any committee or subcommittee task. They shall be deemed to be working and shall be remunerated at the normal rate during that time.

In no case may an employer not remunerate or dismiss, lay off, demote or transfer a worker ~~or take reprisals against or impose any other penalty on him~~, for the sole reason that the worker took part in committee or subcommittee meetings or tasks.

~~Any Section 47 applies, with the necessary modifications, to any worker who feels aggrieved by a practice an action that is prohibited by the second paragraph may exercise the rights set out in the second or third paragraph of section 45, as the case may be.~~

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2002, c. 28, s. 19.



**138.** The enterprise shall provide the Office with a list of the members of the francization committee and every subcommittee, and any changes to such list.

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

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1977, c. 5, s. 138; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

**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



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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.

**138.1.** *(Replaced).*

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1983, c. 56, s. 30; 1993, c. 40, s. 49.

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**139.** An enterprise which employs ~~25~~ **50** persons or more for a period of six months must register with the Office within six months of the end of that period. For that purpose, the enterprise shall inform the Office of the number of persons it employs and provide it with general information on its legal status and its functional structure and on the nature of its activities.

The Office shall issue a certificate of registration to the enterprise.

Within ~~three~~ **six** months of the date on which the certificate of registration is issued, the enterprise shall transmit an analysis of its linguistic situation to the Office. ~~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.~~

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1977, c. 5, s. 139; 1983, c. 56, s. 31; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 20.

**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.

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**140.** If the Office considers, after examining the analysis of the enterprise’s linguistic situation, that the use of French is generalized at all levels of the enterprise according to the terms of section 141, it shall issue a francization certificate.

If, however, the Office considers that the use of French is not generalized at all levels of the enterprise, it shall notify the enterprise that it must adopt a francization program. In the case of an enterprise to which section 139 applies, the Office may, in addition, order the establishment of a francization committee of four or six members; in that case, sections 136 to ~~139.2~~ ~~138~~ are applicable with the necessary modifications.

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The francization program shall be submitted to the Office within ~~three~~ ~~six~~ months of the date on which the notice is received. The program requires the approval of the Office. ~~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.~~

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1977, c. 5, s. 140; 1983, c. 56, s. 32; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 21.

**141.** The francization program is intended to generalize the use of French at all levels of the enterprise through

- (1) a ~~good~~ ~~the knowledge of the official language on the part of the senior officers, the other officers,~~ the members of the professional orders and the other members of the personnel;
- (2) an increase, where necessary, at all levels of the enterprise, including the board of directors, in the number of persons having a good knowledge of the French language so as to generalize its use;
- (3) the use of French as the language of work and as the language of internal communication;
- (4) the use of French in the work ~~the working documents and tools used in of the enterprise, especially in manuals and catalogues;~~
- (5) the use of French in communications with the civil administration, clients, suppliers, the public and shareholders except, in the latter case, if the enterprise is a closed company within the meaning of the Securities Act (chapter V-1.1);
- (6) the use of French terminology;
- (7) the use of French in public signs and posters and commercial advertising;
- (8) appropriate policies for hiring, promotion and transfer;
- (9) the use of French in information technologies.

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1977, c. 5, s. 141; 1993, c. 40, s. 49; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

**142.** A francization program must take account of



- (1) the situation of persons who are near retirement or of persons who have long records of service with the enterprise;
- (2) the relations of the enterprise with the exterior;
- (3) the particular case of head offices and research centres established in Québec by enterprises whose activities extend outside Québec;
- (4) in enterprises producing cultural goods having a language content, the particular situation of production units whose work is directly related to such language content;
- (5) the line of business of the enterprise.

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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.

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1977, c. 5, s. 142; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 22.

**143.** After having approved the francization program of an enterprise, the Office shall issue an attestation of implementation in respect of the program.

The enterprise must comply with the elements and stages of its program and keep its personnel informed of the implementation thereof.

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In addition, the enterprise must submit reports on the implementation of its program to the Office, ~~every 24 months in the case of an enterprise employing fewer than 100 persons and. Where a francization committee is established within the enterprise, it is incumbent on it to see to the drafting of those reports every 12 months in the case of an enterprise employing 100 or more persons.~~

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

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1977, c. 5, s. 143; 1983, c. 56, s. 33; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

**144.** The implementation of francization programs in head offices and in research centres may be the subject of special agreements with the Office to allow the use of a language other than French as the language of operation. Such agreements are valid for a renewable period of not more than five years.

The Government shall determine, by regulation, in what cases, on what conditions and according to what terms a head office or research centre may be a party to such an agreement. The regulation may prescribe matters which must be dealt with under certain provisions of such an agreement.

While such an agreement remains in force, the head office or research centre is deemed to be complying with the provisions of this chapter.



1977, c. 5, s. 144; 1983, c. 56, s. 34; 1993, c. 40, s. 49; 2002, c. 28, s. 23.

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**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

~~(Replaced).~~

1983, c. 56, s. 34; 1993, c. 40, s. 49.

**145.** Where an enterprise has completed the implementation of its francization program and the Office considers that the use of French is generalized at all levels of the enterprise according to the terms of section 141, the Office shall issue a francization certificate.

1977, c. 5, s. 145; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

**146.** Every enterprise holding a francization certificate issued by the Office is required to ensure that the use of French remains generalized at all levels according to the terms of section 141.

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The enterprise shall submit to the Office, every three years, a report on the progression of the use of French in the enterprise. **Where a francization committee is established within the enterprise, it is incumbent on it to see to the drafting of that report.**

1977, c. 5, s. 146; 1983, c. 56, s. 35; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

**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.

**147.** The Office may refuse, suspend or cancel the attestation of implementation of a francization program or the francization certificate of an enterprise which is not or is no longer complying with its obligations under this Act or the regulations thereunder.

Before making a decision, the Office may hear the views of any interested person on the situation of the enterprise concerned.





1977, c. 5, s. 147; 1983, c. 56, s. 36; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

**148.** The Government shall determine, by regulation, the procedure relating to the issue, suspension or cancellation of an attestation of implementation of a francization program or a francization certificate. Such procedure may vary according to the classes of enterprises established by the Government.

The Government shall also determine, by regulation, the procedure by which an interested person makes his views known under the second paragraph of section 147.

1977, c. 5, s. 148; 1983, c. 56, s. 37; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

### DIVISION III

#### FRANCIZATION IN CERTAIN OTHER ENTERPRISES

**149.** The Office, after consulting 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.

~~(Replaced).~~

1977, c. 5, s. 149; 1993, c. 40, s. 49.

**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.

~~(Replaced).~~

1977, c. 5, s. 150; 1983, c. 56, s. 38; 1993, c. 40, s. 49.

**151.** The Office may, with the approval of the Minister of the French language responsible for the administration of this Act, and on condition of a notice in the *Gazette officielle du Québec*, require an enterprise employing less than 50 persons to analyze its language situation and to prepare and implement a francization program.

Where such an enterprise requires a period of time to comply with certain provisions of this Act or of a regulation thereunder, it may request the assistance of the Office and enter into a special agreement with the latter. Within the scope of such an agreement, the Office may, for the

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period it determines, exempt the enterprise from the application of any provision of this Act or of a regulation thereunder.

The Office shall, every year, make a report to the Minister of the measures taken by the enterprises and the exemptions granted.

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1977, c. 5, s. 151; 1993, c. 40, s. 50; 1999, c. 40, s. 45; 2002, c. 28, s. 24.

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## DIVISION IV

### COMPLIANCE WITH THE FRANCIZATION PROCESS, PENALTIES, EXEMPTIONS AND FORMS

**151.1.** Every enterprise is required ~~that fails to~~ comply with the obligations imposed on it by sections 136 to 146.2 and 151 with regard to the francization process applicable to it ~~commits an offence and is liable to the penalties provided for in section 205.~~

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1997, c. 24, s. 16; 1999, c. 40, s. 45.

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**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.

~~(Repealed).~~

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1977, c. 5, s. 152; 1993, c. 40, s. 51.

**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.

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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.

**153.** The Office may, for such period as it may determine, exempt an enterprise from the application of any provision of this Act or of the regulations

- (a) where it issues a certificate of registration or a francization certificate, or



(b) where a francization program approved by the Office is in the process of being implemented in the enterprise.

The Office shall notify the Minister of any exemption thus granted.

1977, c. 5, s. 153; 1983, c. 56, s. 39; 1993, c. 40, s. 52; 1999, c. 40, s. 45.

**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.

~~The general information, the analysis of the linguistic situation and the reports provided for in this chapter must be submitted on the forms and questionnaires furnished by the Office.~~

1977, c. 5, s. 154; 1983, c. 56, s. 40; 1993, c. 40, s. 53.

~~154.1. (Replaced).~~

~~1983, c. 56, s. 40; 1993, c. 40, s. 53.~~

## 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.

~~(Replaced).~~

1977, c. 5, s. 155, s. 14; 1978, c. 18, s. 24; 1978, c. 15, s. 140; 1983, c. 56, s. 41; 1983, c. 55, s. 161; 1993, c. 40, s. 53.

~~155.1. (Replaced).~~

~~1983, c. 56, s. 41; 1993, c. 40, s. 53.~~

~~155.2. (Replaced).~~

~~1983, c. 56, s. 41; 1993, c. 40, s. 53.~~

~~155.3. (Replaced).~~

~~1983, c. 56, s. 41; 1993, c. 40, s. 53.~~

~~155.4. (Replaced).~~

~~1983, c. 56, s. 41; 1993, c. 40, s. 53.~~

**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.

~~(Replaced).~~

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1977, c. 5, s. 156; 1993, c. 40, s. 53.

**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 29.14:
  - (a) an indication of whether or not it made the directive required under section 29.14;
  - (b) an indication of whether or not the directive was approved by the Minister, where it is subject to approval under section 29.16; and
  - (c) an indication of whether the directive is being reviewed at the intervals specified in the third paragraph of section 29.14;
- (4) the particulars set out in subparagraph 3 concerning the directives required under section 29.15; 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<sup>11</sup>

- (1) coordinating and offering French language learning services in class, in the workplace and online;
  - (1.1) 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;
- (2) developing, in collaboration with the Office, and putting in place French language learning services within the enterprises referred to in section 149;
- (3) 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);
- (4) 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 childcare providers governed by that Act, of activities to foster French language learning by children; and
- (5) developing and implementing programs designed to provide opportunities to participate in French in Québec society.

<sup>11</sup> This section is subject to renumbering.

**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.

### TITLE III

#### THE OFFICE QUÉBÉCOIS DE LA LANGUE FRANÇAISE

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1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 25.

#### CHAPTER I

##### ESTABLISHMENT

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1997, c. 24, s. 17; 2002, c. 28, s. 26.

**157.** A body is hereby established under the name of “Office québécois de la langue française”.

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1977, c. 5, s. 157; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

**158.** The head office of the Office shall be located in Québec or Montréal, at the place determined by the Government.

The address of the head office, as well as notice of any change thereof, shall be published in the *Gazette officielle du Québec*.

The Office shall have an office in Québec and another in Montréal and may have offices elsewhere in Québec.

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1977, c. 5, s. 158; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

#### CHAPTER II

##### MISSION AND POWERS

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2002, c. 28, s. 26.

**159.** The Office is responsible for defining and conducting Québec policy on linguistic officialization, 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 ~~and the francization of the civil administration and enterprises.~~

The Office is also responsible for ensuring compliance with this Act, ~~subject to the powers conferred on the Minister or the Commissioner.~~

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1977, c. 5, s. 159; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.



**160.** The Office shall monitor the linguistic situation in Québec and shall report thereon to the Minister at least every five years, especially as regards the use and status of the French language and the behaviour and attitudes of the various linguistic groups.

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To monitor the progression of the language situation in Quebec, 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 88.0.4 and 88.0.5 and the quotas determined under sections 88.0.8.1 and 88.0.8.2;
- (6) francization class attendance, including registrations, levels of French attained and success rates;
- (7) the 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.

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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.

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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.

1977, c. 5, s. 160, s. 14; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

**161.** The Office shall see to it that French is the normal and everyday language of work, communication, commerce and business in ~~the civil administration and in~~ enterprises. The Office may, among other things, take any appropriate measure to promote French.

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.

~~The Office shall help define and develop the francization programs provided for in this Act and monitor their application.~~



1977, c. 5, s. 161; 1978, c. 15, s. 140; 1983, c. 56, s. 43; 1983, c. 55, s. 161; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

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**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.

**162.** The Office may assist and inform the civil administration, semipublic agencies, enterprises, associations and natural persons as regards the correction and enrichment of spoken and written French in Québec.

The Office may also receive observations and suggestions from such parties regarding the quality of the French language or problems encountered in the application of this Act, and report thereon to the Minister.

1977, c. 5, s. 162; 1978, c. 15, s. 133, s. 140; 1983, c. 56, s. 43; 1983, c. 55, s. 161; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

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**163.** The Office, in collaboration with the French Language Commissioner, shall establish the research programs on language rights, language policies and linguistic demography as well as on the other matters the knowledge of which is necessary needed for the application of this Act. It may carry out or commission the studies provided for in the research programs.

1977, c. 5, s. 163, s. 14; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

**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.

**164.** The Office may make agreements or take part in joint projects with any person or agency.

The Office may, in accordance with the applicable legislative provisions, make an agreement with a government other than that of Québec, a department or agency of such a government, an international organization or an agency of such an organization.

1977, c. 5, s. 164; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

## CHAPTER II.1

### ORGANIZATION

2002, c. 28, s. 26.



## DIVISION I

### GENERAL PROVISIONS

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2002, c. 28, s. 26.

**165.** The Office shall be composed of eight members.

The members of the Office shall be appointed by the Government as follows:

- (1) a president and director general, for a term not exceeding five years; and
- (2) six persons, for a term not exceeding five years.

The **Deputy Minister of the French Language** ~~associate deputy minister responsible for the implementation of language policy~~ shall be a permanent non-voting member of the Office; the associate deputy minister may appoint a substitute.

At the expiry of their terms, non-permanent members shall remain in office until they are replaced or reappointed.

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1977, c. 5, s. 165, s. 14; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

**165.1.** The quorum at meetings of the Office is the majority of the members.

Meetings shall be presided over by the president and director general, who shall have a casting vote in the event of a tie.

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2002, c. 28, s. 26.

**165.2.** The Office may hold meetings anywhere in Québec.

The members of the Office may participate in a meeting by means of telephone or other communications equipment enabling all participants to hear one another.

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2002, c. 28, s. 26.

**165.3.** The president and director general is responsible for the management and administration of the Office within the scope of its internal by-laws and policies.

The powers and functions conferred on the Office by the first paragraph of section 38 and sections 40, ~~128.6 to 134.6, 139, 143, 146.1, 146.2, 149 and 151~~ as well as by the provisions of Title III.1 ~~131 to 133, 139, 143 and 151~~ are exercised by the president and director general, who shall report periodically to the Office.

The Office may delegate any other power or function to the president and director general.

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2002, c. 28, s. 26.

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**165.4.** If the president and director general is absent or unable to act, another member of the Office designated by the Minister shall act as a substitute.

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2002, c. 28, s. 26.

**165.5.** The office of president and director general shall be exercised on a full-time basis. The Government shall determine the remuneration, employment benefits and other conditions of employment of the president and director general.

The other members of the Office shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

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2002, c. 28, s. 26.

**165.6.** The staff of the Office shall be appointed pursuant to the Public Service Act (chapter F-3.1.1).

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2002, c. 28, s. 26.

**165.7.** Neither the Office nor its members, its staff or the members of its committees may be prosecuted by reason of official acts performed in good faith in the exercise of their powers and functions.

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2002, c. 28, s. 26.

**165.8.** The Office may make internal by-laws.

The Office may in particular establish permanent or temporary committees, define their powers and duties and determine their mode of constitution and operation.

The committees may, with the authorization of the Minister, be composed in whole or in part of persons who are not members of the Office.

Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

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~~The Office may also generally authorize a member or staff member of the Office to act as a mediator to facilitate an agreement between the parties in accordance with section 47.~~

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2002, c. 28, s. 26.

**165.9.** The minutes of the meetings of the Office, approved by the Office, and documents and copies emanating from the Office or forming part of its records are authentic if signed or certified by the president and director general or by a staff member so authorized by the latter.



2002, c. 28, s. 26.

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**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.

~~Not later than 31 August each year, the Office shall submit a report to the Minister on its activities for the preceding fiscal year.~~

~~The Minister shall lay the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.~~

2002, c. 28, s. 26.

## DIVISION II

### COMITÉ D’OFFICIALIZATION LINGUISTIQUE AND COMITÉ DE SUIVI DE LA SITUATION LINGUISTIQUE

2002, c. 28, s. 26.

**165.11.** Committees are hereby established within the Office under the names of “Comité d’officialisation linguistique” and “Comité de suivi de la situation linguistique”.

On request or on its own initiative, each of the committees shall, in its designated field, advise and submit proposals to the Office.

2002, c. 28, s. 26.

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**165.12.** Each of the committees shall be composed of a committee chair, designated by the Government from among the members of the Office appointed by the Government, and of four ~~five~~ members appointed by the Office as follows:

~~(1) a committee chair, chosen from among the members of the Office, for the unexpired portion of his or her term as a member of the Office; (repealed)~~

(2) a secretary, chosen from among the staff of the Office, for a term not exceeding four years; and

(3) three persons who are neither members nor staff members of the Office, for a term not exceeding four years.

The Comité d’officialisation linguistique shall include at least two French linguistics specialists and the Comité de suivi de la situation linguistique shall include at least two demography or sociolinguistics specialists.



At the expiry of their terms, committee members shall remain in office until they are replaced or reappointed.

2002, c. 28, s. 26.

**165.13.** Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

2002, c. 28, s. 26.

**165.14.** The committees shall operate under rules determined by the internal by-laws of the Office.

2002, c. 28, s. 26.

**TITLE III.1**

**COMPLAINTS, DISCLOSURES, PROTECTION MEASURES, INSPECTIONS, INVESTIGATIONS AND REMEDIAL MEASURES**  
~~INSPECTIONS AND INQUIRIES~~

1997, c. 24, s. 17; 2002, c. 28, s. 27.

**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

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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.

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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.

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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

**166.** The Office may, for the purposes of this Charter, make inspections and inquiries. 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.

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1977, c. 5, s. 166; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

**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.

~~The Office shall act on its own initiative or following the filing of a complaint.~~

~~Where a complaint has been filed, the president and director general may exercise, alone, the powers of the Office.~~

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1977, c. 5, s. 167; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 28, s. 33.

**168.** *(Replaced.)*

~~Every complaint must be filed in writing; it must set out the grounds on which it is based and state the identity of the complainant. The Office shall provide assistance to complainants in drawing up their complaints.~~

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~~1977, c. 5, s. 168; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.~~

**169.** *(Replaced.)*

~~The Office shall refuse to act if the complaint is manifestly unfounded or in bad faith.~~

~~The Office may refuse to act if an appropriate recourse is available to the complainant or if it considers that the circumstances do not justify its intervention.~~

~~Where it refuses to act, the Office shall inform the complainant of its decision, giving the reasons on which it is based. The Office shall inform the complainant of the recourses available, if any.~~

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~~1977, c. 5, s. 169; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.~~

**170.** *(Repealed.)*

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1977, c. 5, s. 170; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 1999, c. 40, s. 45; 2002, c. 28, s. 29.

**171.** The Office may designate, generally or specially, any person to make an inquiry or an inspection.



1977, c. 5, s. 171; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

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**172.** In an investigation other than an investigation relating to an offence under this Act, the Office has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Where necessary, the Office may confer such powers and immunity on any person it designates.

1977, c. 5, s. 172; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

**173.** No proceedings may be instituted against a person making an inspection or an inquiry by reason of any act or omission done in good faith in the exercise of his functions.

1977, c. 5, s. 173; 1993, c. 40, s. 54; 1997, c. 24, s. 17.

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**174.** 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.

~~A person making an inspection for the purposes of this Act may, during business hours, provided it is at a reasonable time, enter any place open to the public. In the course of the inspection, the person may, in particular, examine any product or document, make copies, and require any relevant information.~~

The person must, at the request of any interested person, identify himself and produce the certificate attesting his capacity.

1977, c. 5, s. 174; 1993, c. 40, s. 54; 1997, c. 24, s. 17.

**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. ~~The Office may, for the~~

~~purposes of this chapter, require a person to forward any relevant document or information within the time it fixes.~~

1977, c. 5, s. 175; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

**176.** No person may hinder, in any way, the actions of the Office or of a person designated by the Office when acting in the exercise of their functions, mislead the Office or the person by withholding information or making false statements, or refuse to provide any information or document the Office or the person is entitled to obtain.

1977, c. 5, s. 176; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

## 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, rents, offers for sale or rental or otherwise markets, for consideration or free of charge, or possesses 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.

~~Where the Office is of the opinion that this Charter or a regulation thereunder has been contravened, it shall give the alleged offender formal notice to comply therewith within the time indicated. If the alleged offender fails to comply, the Office shall refer the matter to the Director of Criminal and Penal Prosecutions so that he may, where required, institute appropriate penal proceedings.~~

~~In the case of a contravention of section 78.1, 78.2, 78.3 or 176, the Office shall refer the matter directly to the Director of Criminal and Penal Prosecutions, without giving prior formal notice.~~

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1977, c. 5, s. 177; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33; 2005, c. 34, s. 85; 2010, c. 23, s. 8.

#### CHAPTER IV

~~Repealed, 2002, c. 28, s. 30.~~

~~1997, c. 24, s. 17; 2002, c. 28, s. 30.~~

**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

~~(Repealed).~~

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1977, c. 5, s. 178; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 30.

**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.

~~(Repealed).~~

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1977, c. 5, s. 179; 1983, c. 56, s. 42; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 30.

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

*(Repealed).*

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1977, c. 5, s. 180; 1983, c. 56, s. 43; 1993, c. 40, s. 54.

**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.

*(Repealed).*

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1977, c. 5, s. 181; 1993, c. 40, s. 54.

**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,<sup>12</sup> 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.

*(Repealed).*

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1977, c. 5, s. 182; 1986, c. 46, s. 9; 1993, c. 40, s. 54.

## **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.

*(Repealed).*

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<sup>12</sup> This relates to the francization of enterprises.



1977, c. 5, s. 183; 1983, c. 56, s. 43; 1993, c. 40, s. 54.

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**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.

~~(Repealed).~~

1977, c. 5, s. 184; 1983, c. 56, s. 43; 1993, c. 40, s. 54.

#### TITLE IV

#### FRENCH LANGUAGE COMMISSIONER ~~THE CONSEIL SUPÉRIEUR DE LA LANGUE FRANÇAISE~~

2002, c. 28, s. 31.

#### 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.

~~A council is hereby established under the name Conseil supérieur de la langue française”.~~

1977, c. 5, s. 185; 2002, c. 28, s. 31.

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

~~The head office of the Conseil shall be located in Québec, at the place determined by the Government.~~

~~The address of the head office, as well as notice of any change thereof, shall be published in the Gazette officielle du Québec.~~

1977, c. 5, s. 186; 2002, c. 28, s. 31.



**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.

~~The mission of the Conseil is to advise the Minister responsible for the administration of this Act on any matter relating to the French language in Québec.~~

~~In that capacity, the Conseil shall~~

~~(1) advise the Minister on any matter the Minister submits to it;~~

~~(2) bring to the Minister's attention any matter which, in its opinion, requires the attention of the Government.~~

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1977, c. 5, s. 187, s. 14; 2002, c. 28, s. 31.

**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.

~~In carrying out its mission, the Conseil may~~

~~(1) receive and hear observations from individuals or groups;~~

~~(2) conduct or commission such studies and research as it considers necessary.~~

~~The Conseil may also inform the public on any matter relating to the French language in Québec.~~

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1977, c. 5, s. 188, s. 14; 1993, c. 40, s. 55; 2002, c. 28, s. 31.

## 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.

~~The Conseil shall be composed of eight members.~~

~~The members of the Conseil shall be appointed by the Government as follows:~~

~~(1) a chair, for a term not exceeding five years; and~~

~~(2) seven persons, chosen after consultation with the bodies which the Government considers representative of consumers, educational circles, cultural communities, unions and management, for a term not exceeding five years.~~

~~At the expiry of their terms, members shall remain in office until they are replaced or reappointed.~~



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1977, c. 5, s. 189, s. 14; 1993, c. 40, s. 56; 1999, c. 40, s. 45; 2002, c. 28, s. 31.

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**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 88.13.

~~The quorum at meetings of the Conseil 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.~~

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1977, c. 5, s. 190; 1997, c. 24, s. 18; 2002, c. 28, s. 31.

**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 204.18 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.

~~The Conseil may hold meetings anywhere in Québec.~~

~~The members of the Conseil may participate in a meeting by means of telephone or other communications equipment enabling all participants to hear one another.~~

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1977, c. 5, s. 191; 2002, c. 28, s. 31.

**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.

~~The chair is responsible for the management and administration of the Conseil.~~

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1977, c. 5, s. 192, s. 14; 2002, c. 28, s. 31.

**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.

~~If the chair is absent or unable to act, another member of the Conseil designated by the Minister shall act as a substitute.~~

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1977, c. 5, s. 193; 2002, c. 28, s. 31.

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

~~The office of chair shall be exercised on a full-time basis. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chair.~~

~~The other members of the Conseil shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.~~

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1977, c. 5, s. 194; 1997, c. 24, s. 19; 2002, c. 28, s. 31.

**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 29.14 or 29.15 with the provisions of section 29.14;
  - (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.

~~The staff of the Conseil shall be appointed pursuant to the Public Service Act (chapter F-3.1.1).~~

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1977, c. 5, s. 195, s. 14; 2002, c. 28, s. 31.

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

~~The Conseil may provide for its internal management.~~

~~The Conseil may establish committees to assist it in the exercise of its powers and duties.~~

~~The committees may, with the authorization of the Minister, be composed, in whole or in part, by persons who are not members of the Conseil.~~

~~Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.~~

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1977, c. 5, s. 196, s. 14; 2002, c. 28, s. 31.

**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 88.0.4 and 88.0.5, on the quotas determined under sections 88.0.8.1 and 88.0.8.2, 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.

~~The minutes of the meetings of the Conseil, approved by the Conseil, and documents and copies emanating from the Conseil or forming part of its records are authentic if signed or certified by the chair or by a staff member so authorized by the latter.~~

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1977, c. 5, s. 197; 1978, c. 15, s. 133, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2002, c. 28, s. 31.

**197.1.** 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.

~~(Replaced).~~

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1997, c. 24, s. 20; 2002, c. 28, s. 31.

**198.** The Commissioner may, at any time, produce a report on any matter under his authority.

~~Not later than 31 August each year, the Conseil shall submit a report to the Minister on its activities for the preceding fiscal year.~~

~~The Minister shall lay the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.~~

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1977, c. 5, s. 198, s. 14; 1993, c. 40, s. 57; 2002, c. 28, s. 31.

**199.** 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.

~~(Replaced).~~

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1977, c. 5, s. 199; 1993, c. 40, s. 58; 2002, c. 28, s. 31.

**200.** 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.

*(Replaced).*

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1977, c. 5, s. 200, s. 14; 1996, c. 2, s. 115; 2000, c. 56, s. 220; 2002, c. 28, s. 31.

**201.** The agencies referred to in section 200 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.

*(Replaced).*

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1977, c. 5, s. 201; 2002, c. 28, s. 31.

**202.** 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 198, 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).

*(Replaced).*

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1977, c. 5, s. 202; 1999, c. 40, s. 45; 2002, c. 28, s. 31.

**203.** 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.

*(Replaced).*

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1977, c. 5, s. 203; 2002, c. 28, s. 31.

**204.** 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.

~~(Replaced)-~~

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1977, c. 5, s. 204; 2002, c. 28, s. 31.

**204.1.** The Commissioner, the Commissioner's employees or an expert mandated under section 200 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.

**204.2.** 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.

**204.3.** 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.

**204.4.** 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 200 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.

**204.5.** 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

**204.6.** 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.

**204.7.** 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.

**204.8.** The Commissioner shall determine the duties and powers of the Deputy Commissioner.

**204.9.** 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.

**204.10.** The members of the Commissioner's staff shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

**204.11.** 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.

**204.12.** 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.

**204.13.** 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.

**204.14.** 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*.





## TITLE V

### PENAL PROVISIONS AND OTHER SANCTIONS

1986, c. 46, s. 10; 1992, c. 61, s. 100.

#### CHAPTER I

##### CIVIL SANCTIONS

**204.15.** 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.

**204.16.** 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.

**204.17.** 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 cause 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 has no foreign element.

**204.18.** 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.

**204.19.** A party to a contract that may apply for its annulment under the first paragraph of section 204.17 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.

**204.20.** 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.

**204.21.** A court seized of an application under any of sections 204.17 to 204.20 may, in addition, make any order it sees fit.

**204.22.** 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.

**204.23.** Sections 204.17, 204.18, 204.21 and 204.22 do not affect the acquired rights of workers and their associations or groups referred to in Chapter VI of Title I.

**204.24.** 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.

**204.25.** 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.

**204.26.** 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 PENALTY AND DISCIPLINARY MEASURES

**204.27.** 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.

**204.28.** 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.

**204.29.** The decision referred to in section 204.27 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.

**204.29.1.** 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.

**204.30.** 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 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 204.30.

**205.1.** 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.

**206.** 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 205.1, 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.

**207.** 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.** If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

~~205. Every person who contravenes a provision of this Act or the regulations adopted by the Government thereunder commits an offence and is liable~~

~~(a) to a fine of \$600 to \$6,000 in the case of a natural person;~~

~~(b) to a fine of \$1,500 to \$20,000 in the case of a legal person.~~

~~The fines are doubled for a subsequent offence.~~

~~In determining the amount of a fine, the judge takes into account, among other things, the revenues and other benefits the offender derived from the offence and any damages and socio-economic consequences that resulted from the offence.~~

~~Moreover, if a person is convicted of an offence under this Act, a judge may, on an application made by the prosecutor and submitted with the statement of offence, impose on the offender, in addition to any other penalty, a further fine equal to the financial gain the offender realized or derived from the offence, even if the maximum fine has also been imposed.~~

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~~1977, c. 5, s. 205, s. 14; 1986, c. 58, s. 15; 1990, c. 4, s. 128; 1991, c. 33, s. 18; 1993, c. 40, s. 59; 1997, c. 24, s. 21; 2010, c. 23, s. 9.~~

~~205.1. Every person who contravenes any of the provisions of sections 51 to 54 by distributing, selling by retail sale, renting, offering for sale or rental or otherwise marketing, for consideration or free of charge, or by possessing 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 not in conformity with the provisions of this Charter,~~

~~(2) computer software, including game software and operating systems, or a game or toy that is not in conformity with the provisions of this Charter, or~~

~~(3) a publication that is not in conformity with the provisions of this Charter,~~

~~commits an offence and is liable to the fines provided for in section 205.~~

~~The operator of an establishment where menus or wine lists that are not in conformity with the provisions of section 51 are presented to the public also commits an offence and is liable to the fines provided for in section 205.~~

~~The burden of proof concerning the exceptions provided for in sections 52.1 and 54, or pursuant to section 54.1, lies with the person who invokes the exceptions.~~

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~~1997, c. 24, s. 22.~~

~~206. (Repealed).~~

~~1977, c. 5, s. 206; 1986, c. 58, s. 16; 1990, c. 4, s. 129; 1991, c. 33, s. 19; 1993, c. 40, s. 60.~~

~~207. The Attorney General, the Director of Criminal and Penal Prosecutions or a person either of them has authorized shall institute penal prosecutions under this Act. The Attorney General shall bring all other proceedings necessary for the enforcement of this Act.~~

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~~1977, c. 5, s. 207; 1990, c. 4, s. 130; 2005, c. 34, s. 41.~~

~~208. Any court of civil jurisdiction, on application by the Attorney General, may order the removal or destruction at the expense of the defendant, within eight days of the judgment, of any poster, sign, advertisement, bill-board or illuminated sign not in conformity with this Act.~~

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

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~~1977, c. 5, s. 208; I.N. 2016-01-01 (NCCP).~~

**208.1.** Every person who is convicted of contravening section 78.1 or 78.2 is disqualified for office as a member of a school service centre's board of directors or as a school board commissioner.

The disqualification period is five years from the date on which the judgment of guilty becomes *res judicata*.

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1986, c. 46, s. 11; 1988, c. 84, s. 549; 1990, c. 4, s. 131; 2010, c. 23, s. 10; 2020, c. 1, s. 174.

**208.2.** Where a judgment of guilty become *res judicata* has been rendered against a person in the employ of a school body who has been convicted of contravening section 78.1 or 78.2, the Director of Criminal and Penal Prosecutions shall notify the school body in writing.

On receiving the notice, the school body shall suspend that person without pay for six months.

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1986, c. 46, s. 11; 1990, c. 4, s. 132; 2005, c. 34, s. 85; 2010, c. 23, s. 10.

**208.3.** Whoever does or omits to do something in order to assist a person to commit an offence under this Act or the regulations, or advises, encourages or incites a person to commit such an offence, is also guilty of the offence.



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2010, c. 23, s. 11.

**208.4.** In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all the necessary precautions to ensure compliance with this Act and the regulations.

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2010, c. 23, s. 11.

**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.

**208.5.** Penal proceedings for an offence under this Act or the regulations are prescribed two years from the date on which the offence was committed.

Despite the first paragraph, penal proceedings for an offence under section 78.1 or 78.2 are prescribed one year from the date on which the prosecutor became aware that the offence had been committed. However, no proceedings may be instituted if more than five years have elapsed from the date the offence was committed.

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2010, c. 23, s. 11.

## 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.

## TITLE VI

### TRANSITIONAL AND MISCELLANEOUS PROVISIONS

**209.** Section 11 shall come into force on 3 January 1979 and shall not affect cases pending on that date.

Section 13 shall come into force on 3 January 1980 and shall not affect cases pending on that date.

Section 34, 58 and 208 shall come into force on 3 July 1978, subject to section 211.

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1977, c. 5, s. 209.

**210.** Owners of bill-boards or illuminated signs erected before 31 July 1974 must comply with section 58 from its coming into force.

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1977, c. 5, s. 210.

211. Every person who has complied with the requirements of section 35 of the Official Language Act (1974, chapter 6) in respect of bilingual public signs shall have until 1 September 1981 to make the required changes, in particular to change his bill-boards and illuminated signs, in order to comply with this Act.

1977, c. 5, s. 211.

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.

~~The Government shall entrust a minister with the application of this Act. Such minister shall exercise in regard to the staff of the Office québécois de la langue française and the staff of the Conseil supérieur de la langue française the powers of the incumbent minister of a department.~~

1977, c. 5, s. 230, s. 14; 1978, c. 15, s. 140; 1983, c. 56, s. 43; 1993, c. 40, s. 61; 1997, c. 24, s. 23; 2002, c. 28, s. 32.

#### Note from the Quebec Official Publisher

*The Minister responsible for the French Language is entrusted with the application of this Act. Order in Council 657-2020 dated 22 June 2020, (2020) 152 G.O. 2 (French), 2935.*

213. This Act applies to the Government.

1977, c. 5, s. 231, s. 14.

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).

~~(This section ceased to have effect on 17 April 1987).~~

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

#### 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 administrators;
- (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:



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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 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.

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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.

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**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 fulfill 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.

**SCHEDULE**

*A. The civil administration*

~~1. The Government and the Government departments.~~

~~2. The Government agencies:~~

~~Agencies to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund except, however, health services and social services, general and vocational colleges and the Université du Québec.~~

~~2.1 (Paragraph repealed).~~

~~3. The municipal and school bodies:~~

~~(a) the metropolitan communities and transit authorities:~~

~~The Communauté métropolitaine de Québec and the Communauté métropolitaine de Montréal, the Société de transport de Québec, the Société de transport de Montréal, the Société de transport de l'Outaouais, the Société de transport de Laval and the Société de transport de Longueuil;~~

~~(b) the municipalities, municipal boroughs being regarded as municipalities;~~

~~(b.1) the bodies under the authority of a municipality and taking part in the administration of its territory;~~

~~(c) the school bodies:~~

~~The school service centres, the school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal.~~

~~4. The health services and the social services:~~

~~Institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5).~~

~~B. Semipublic agencies~~

~~1. Public utility enterprises:~~

~~If they are not already Government agencies, the telephone, telegraph and cable-delivery enterprises, the air, ship, bus and rail transport enterprises, the enterprises which produce, transport, distribute or sell gas, water or electricity, and enterprises holding authorizations from the Commission des transports.~~

~~2. Professional orders:~~

~~The professional orders listed in Schedule I to the Professional Code (chapter C-26), or established in accordance with that Code.~~

~~1977, c. 5, Schedule; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 1984, c. 42, s. 137; 1985, c. 31, s. 44; 1985, c. 32, s. 159; 1988, c. 84, s. 550; 1990, c. 85, s. 115; 1992, c. 21, s. 119, s. 375; 1993, c. 36, s. 8; 1993, c. 40, s. 62; 1993, c. 67, s. 108; 1994, c. 40, s. 457; 1994, c. 23, s. 23; 1996, c. 2, s. 116; 1997, c. 44, s. 98; 1999, c. 40, s. 45; 2000, c. 8, s. 242; 2000, c. 56, s. 103; 2000, c. 57, s. 11; 2001, c. 23, s. 246; 2002, c. 75, s. 33; 2020, c. 1, s. 309.~~

## REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 5 of the statutes of 1977, in force on 31 December 1977, is repealed, except sections 224 to 229 and 232, effective from the coming into force of chapter C-11 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 11, 34, 58 and 208 of chapter 5 of the statutes of 1977, in force on 1 June 1979, are repealed effective from the coming into force of the updating to 1 June 1979 of chapter C-11 of the Revised Statutes.