



**Brief presented to the Committee on Culture and Education  
of the National Assembly, on the Occasion of its Consideration of Bill 14,  
by the Regional Association of West Quebecers**

This brief concerning Bill 14, which is before the Committee on Culture and Education, has been prepared by the Regional Association of West Quebecers, a non-profit association which concerns itself with the interests of the English-speaking population of the Outaouais Region. This region, as defined by Statistics Canada, comprises the City of Gatineau, and the Regional County Municipalities of Pontiac, Les-Collines-de-l'Outaouais, La-Vallée-de-la-Gatineau and Papineau.

The English-speaking community of the Outaouais, according to the Census of 2011, numbers 62,640, representing 17% of the total population. While there has been an influx of newcomers in recent years the fact remains that, taken as a whole, the percentage of English-speakers is almost stable.

Statistics Canada has expressed reservations about the possibility of making exact comparisons with the Census of 2006, but it can be noted that the figures in that Census indicate a proportion of 16% for the English-speaking population.

It may be added here that the origins of this English-speaking community go back to the first years of the nineteenth century and are closely associated with the founding of the cities of Hull, Aylmer and Buckingham, which are now combined with the former cities of Gatineau and Masson-Angers to form the present City of Gatineau. It is this English-speaking population which our Association seeks to serve and which would be significantly affected if Bill 14 were to pass. We have therefore considered it appropriate to submit this brief to you.

With a view to ensuring the role of the French language as

a strong vector for social cohesion in a diversified society, conducive to developing that society

and maintaining harmonious relations among its various components

the proposals in the Bill include, among others,

A fundamental revision of the Quebec Charter of Rights and Freedoms;

Significantly increased powers for the Minister responsible for the Charter of the French Language;

A marked reduction in the powers of the municipalities;

New burdens for smaller-sized businesses;

French-language skills which would be required of students in schools and CEGEPs.

### The Charter of Human Rights and Freedoms

The Bill amends the Charter of Human Rights and Freedoms by inserting the following provisions in the Preamble:

“Whereas French is the official language of Quebec and is a fundamental factor of its social cohesion;”;

“Whereas rights and freedoms must be exercised in keeping with public order, the general well-being and the values of Quebec society, including its attachment to democratic principles, the importance of its common language and the right to live and work in French;”.

It is also noted that the reference to the “common well-being” disappears from the paragraph which reads:

Whereas the rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being

and that a new subsection is added to section 3 which reads:

“3.1. Every person has a right to live and work in French in Quebec to the extent provided for in the Charter of the French language (chapter C-11). Every person who settles in Quebec has a right to learn French and to benefit from reasonable measures to welcome him and to facilitate his integration into life in Quebec.”

The functions of the Charter of Rights and Freedoms have become mixed: the Charter has become an instrument for the protection of French instead of the protection of the fundamental rights and freedoms recognized elsewhere in the text.

Considering the significantly broader powers which the Bill grants to the Minister, these amendments could be interpreted as removing any legal remedy against action taken in virtue of the Charter of the French Language and viewed as discriminatory or excessive by the aggrieved party.

### The Broad Powers of the Minister

Bill 14 proposes that the obligation to implement all the provisions of the Charter of the French Language, both existing and new, will fall on the Minister responsible for the Charter. This Minister is responsible for advising the government on language matters and developing measures for implementing language policy. The Bill grants the Minister very wide powers for this purpose, and the consequences of those powers could be reinforced by the new clauses, mentioned previously, which would amend the Charter of Human Rights and Freedoms. If the Bill passes, the Québec French Language Office will undoubtedly continue to play an important role in the administration of the Charter. But in the end it will be the Minister who formulates language policy and will have wide powers to act with respect to businesses, municipalities and schools.

### Reduced Powers of Municipalities

The proposed sections affecting municipalities would give the government a supervisory power which could take away from a municipality the possibility of exercising its own judgement. The Minister may require a municipality to draft a language policy ensuring the generalized use of French within its administration and in its relations with the public. From the new sections 156.1-8, regarding the associations of municipalities, it appears that the government could use these bodies to establish a uniform language policy which each municipality would have to follow. It is true that the Bill does provide for some room to manoeuvre: municipalities termed « recognized » would retain their right to function in both languages so long as they maintained a proportion of 50% of their populations whose mother tongue was English. They would, however, be obliged to take account of the language policy referred to above, and as soon as it was found that the above-mentioned proportion had fallen below 50% the right to function in both languages would be removed.

We are of the view that these provisions do not take account of local situations. Minority populations need access to municipal services and information which will enable them to understand what they must do to obtain such services. A person may have a command of French sufficient for day-to-day purposes but be unable to cope with the notices and regulations of the city or township. And it should be remembered that minority populations include seniors who have never learned French and would be quite unable to learn it at their advanced age. These are realities which must be taken into account in any consideration of language questions. Municipalities, which are the level of government closest to the ordinary citizen, are also the governmental bodies best fitted to develop suitable policies.

We may add here that the Bill lays it down that a language policy must be designed to prevent « widespread institutional bilingualism ». There is no definition of this expression in the Bill, and so, in view of the amendments proposed for the Charter of Human Rights and Freedoms, the door is open to an interpretation of the legislation which would disregard needs of the minority population.

#### New Burdens for Smaller-Sized Businesses

The sections dealing with business include new requirements to be imposed on undertakings employing 26-49 persons. For all practical purposes they will be obliged to set up francization programs, for a business in this category will have to examine its language situation and report on it to the Office québécois de la langue française. If the situation is judged to be unsatisfactory the business will have to prepare a program for generalizing the use of French in its internal operations and its external relations, and the program will have to be implemented in two years. We should bear in mind that we are speaking of small-scale enterprises. It can be appropriately asked what proportion of their resources – including their precious time – they will have to devote to the preparation, drafting, presentation and revision of such a program: the question can become particularly critical for a business going through start-up.

We should also note that Bill 14, by the new section 46, obliges all business managers, regardless of the number of persons they employ, to evaluate, for any position they wish to fill with a person capable of handling a language other than French, “the actual linguistic needs relating to the position”, The

sections dealing with complaints and francization programs open up the way to processes of justification which would delay the launching of new businesses or new activities and would be especially burdensome for small and medium-sized enterprises.

Considering the widened powers of the Minister, a business can easily find itself subject to troublesome inspections.

The Minister will be empowered to initiate inquiries and appoint inspectors. The powers of the inspectors are so defined that they will be able to visit business premises outside normal hours and to copy, or take possession of, a whole range of office supplies. If the authorities, after studying the inspector's report, decide that the business has committed a breach of the Charter they will not issue a notice setting a time within which the situation must be rectified, but will send a report immediately to the Director of Criminal and Penal Prosecutions. To sum up, these provisions would be discouraging, to say the least of it, for persons who are seeking to establish small-sized businesses and thereby contribute to the growth of Québec's economy.

### The French language skills which would be required from students in educational institutions

Under this heading we restrict ourselves to the requirements for English-speaking students.

With regard to the skills required from students in educational institutions the provisions of Bill 14 include the following:

88.0.2. No secondary school diploma may be issued to a student who does not have the knowledge of spoken and written French required by the programs of the Minister of Education, Recreation and Sports.

88.0.3. No diploma of college studies may be issued to a student domiciled in Québec who does not have the knowledge of spoken and written French required by the programs of the Minister of Higher Education, Research, Science and Technology.

The Bill goes on to state that the policies on the teaching of French must be developed in consultation with the teaching staff and the students, and must be submitted for approval to the ministers responsible for the educational systems. Following approval they must be transmitted to the Minister

responsible for the Charter of the French Language, and will be included in that Minister's annual report.

Subsection 88.0.4 seems to be intended to preserve the quality of the teaching of English in English-language institutions, but the Bill contains no precise statement of the level of French-language skill which will be required for the award of a diploma. Subsection 88.0.1 says that students in French-language and English-language institutions must receive

training designed to make them sufficiently proficient in French upon completing their education to interact and flourish in Québec society, and participate in its development.

It is pertinent to ask what will be the level of French-language skill required from students in English-language institutions.

It should be remembered, in this connection, that English-language institutions concern themselves seriously with the quality of their teaching of French, and that French immersion is already established in them and requested by parents.

It should also be remembered that the government of Québec has just imposed drastic cuts on school boards teaching in either language and that it is in this context that the Bill's authors are talking about raising the quality of French.

Finally, let it be said that a high frequency of bilingualism has been observed in anglophones of the younger generation, and that the use of French is increasing among allophones.

It would be easy to single out other aspects of this bill which are questionable. We believe, however, that the foregoing observations demonstrate sufficiently that its passage will cause inconveniences and intrusions into the life of citizens which are neither useful nor necessary.

We would add that the Regional Association of West Quebecers unreservedly supports the resolution opposing Bill 14, adopted on January 30, 2013 by the Board of Directors of the Quebec Community Groups Network, an organization of which our Association is a full member.

We respectfully ask the National Assembly to reject this Bill.