

## Federally regulated businesses and the new Official Languages landscape

In Quebec, language rights are provided to most workers under the Charter of the French Language. This differs for people who are employed by a [federal institution](#), a [Canadian Crown Corporation](#), or Air Canada. Their language rights are defined under the Official Languages Act (OLA). However, the language rights of about 135,000 employees at an estimated 1,760 federally regulated private businesses in Quebec are not currently subject either the OLA or the Quebec Charter. This represents about 4.4 per cent of the province's workforce.

So there is a 'mischief' in the law.

Ottawa recently unveiled plans to grant the right to work in French to employees of federally regulated private businesses in Quebec and in other regions with a strong Francophone presence. What exactly does this mean? What is a federally regulated business? What would it mean to English-speaking Quebec if French employees are granted such language protection?

Last week's blog laid out the division of powers between the provinces and the federal government. In a nutshell, a federally regulated business is an enterprise whose main operations are conducted within an area of federal jurisdiction. This includes: international and interprovincial transportation; banks; and telecommunication companies. The core business of these enterprises – including labour relations – is not subject to provincial laws. They are, instead, regulated by the federal government, through laws like the Canada Labour Code.

Is there a practical issue at stake?

The idea of extending the Charter of the French Language to include federally regulated businesses operating in Quebec is not a new proposal. Although rejected in the past because such a plan would infringe on Ottawa's jurisdiction, new life was breathed into the idea late last year by federal opposition parties.

In 2013, Industry Canada (as it was then known) conducted a study titled [Language of Work in Federally Regulated Private Businesses in Quebec not subject to the Official Languages Act](#). It concluded that "employees of federally regulated private-sector businesses in Quebec (not subject to the OLA) seem generally able to work in French in their workplaces."

The Government of Canada's recently brought forward a series of measures to modernize its approach to official languages. The document is [English and French: Towards a substantive equality of official languages in Canada](#). One of its central proposals: "Specify a power to encourage federally regulated private businesses to promote the equal status of the official languages in order to increase the use of French (active offer) as a language of service and work everywhere in the country." Note the purpose of the proposal and a marked absence of any mention regarding the rights of the English-speaking Quebec community, whether consumers or workers.

Already in Quebec, a significant proportion of federally regulated businesses voluntarily comply with the Charter of the French Language. This means that the concrete effect of the proposed changes would be to officially extend these rights to a very limited group, 1.7 per cent of the work force.

A Committee of Experts is to be convened to report on how to implement this proposal. English-speaking Quebec is to be represented on this panel.

We await their report.