

## Policy Matters – Bill 96 Blog #5

### COMMITTEE EXAMINES OBLIGATIONS OF PROFESSIONALS TO PROVIDE DOCUMENTATION IN FRENCH

**February 11, 2022** – The Committee on Culture and Education continued its clause-by-clause analysis of Bill 96, An Act respecting French, the Official and Common Language of Québec. The committee continued its revision of Art. 19 of the bill, which adds Art. 29.2 to 29.23 to the Charter of the French Language.

The committee yesterday studied Art. 29.16 to 29.23. Articles 29.16 through 29.21 were adopted with little debate. Minimal amendments were proposed by the government, for concordance purposes.

The committee then moved on to Art. 29.22, which proved to be controversial (notably, Liberal MNA Hélène David called it a “bomb”). Through this article, the Minister of the French Language would be empowered to enact a regulation to restrict the exceptions that allow government agencies to communicate with users in a language other than French.

The Liberals told the committee that this power would unduly restrict an organization’s ability to provide services in a language other than French. They said this would render inapplicable previous sections of the bill which provide for such exceptions. They proposed an amendment that would limit the power to restrict these exceptions as a last resort and reasonable measure, notably after measures under Art. 29.13 have been taken. (Those provisions empower the Minister of the French Language to impose measures on organizations within the governmental administration to ensure that they conform to the obligation to use French in an exemplary manner). The government agreed to this amendment. It was adopted.

The committee then moved to consider Art. 29.23. This allows exempt organizations (such as bilingual municipalities, English school boards, and certain health and social services institutions) to be further exempted from the subsection under consideration given that the nature of these organizations require that they use a language other than French. This article was not amended. The committee then adopted Art. 19 of the bill.

Committee members then began their study of Art. 20, which expands the right of users to receive documentation in French from recognized professionals.

The Liberals pointed to testimony from the Barreau du Québec, the Chambre des notaires du Québec, and the Quebec section of the Canadian Bar Association. These professional bodies have stated that this article would be onerous on professionals because they would be required to translate documentation for anyone who is allowed to receive this documentation and requests it (as opposed to only for their client).

This discussion was cut short by time. The committee will return to this article at its next sitting, on Tuesday, Feb. 15.