Adoption Of Bill 96: What Employers Need To Know



On May 24, 2022, the National Assembly adopted by a majority Bill 96, *An Act respecting French, the official and common language of Québec*. As this law brings important changes on several levels, a series of related articles will be published in the next few days.

This Bill makes substantial changes to the *Charter of the French language* (Bill 101) by adding, among other things, several new obligations that must be respected by companies doing business in Quebec.

HERE ARE SOME EXAMPLES OF THESE NEW OBLIGATIONS:

- Companies with more than 25 employees will have to adopt and implement a francization program and the Office Québécois de la langue française will have the power to order the creation of a francization committee in any company with less than 100 employees. With these measures in place, companies will have increased obligations about the generalization of the French language in the company and that they will be subject to State control in this regard;
- Public signage visible from outside an establishment must use predominance French language;
- Knowledge of a language other than French for employment purposes may only be required if the performance of the duty or position requires such knowledge;
- In addition, an employer must take all reasonable means to avoid imposing such a requirement of knowledge of a language other than French;
- New appeals to the Administrative Labor Tribunal are introduced;
- Most written and verbal communications between an employer and its employees must be in French, with some exceptions;
- Any offer of employment, transfer or promotion must be drafted in French. Regarding employment contracts, these may be written in a language other than French only when the Employee has been provided with a French version of the contract;
- Companies will have to communicate in French with the Government of Quebec, except for rare exceptions;
- Companies will be subject to the interventions of a new organization called Francisation Québec. Thus, employers retaining immigrant workers will most likely be in contact with this new organization. Insofar, this body determines that the company is failing in its obligations in terms of francization, this company may find itself on a list of ineligibility for public contracts. Please

note that the Office Québécois de la langue française will continue to exist with its current mandate.

Several organizations have already announced in the last few days their intention to challenge this Bill before the Superior Court. However, given that the Bill contains a clause derogating from sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms* as well as the *Quebec Charter of Human Rights and Freedoms*, these legal challenges promise to be difficult.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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