

# The 7 Things Employers Must Do to Comply with Québec's Tough New French Languages Law



Bill 96 requires employers to put employment ads, HR policies, job offers and contracts into French.

Are you prepared to:

- Translate all of your current HR policies into French?
- Post employment ads in French?
- Make job offers and negotiate employment contracts in French?

These are just a few things you may need to do under a new Québec law that takes effect on June 2023. **Explanation:** Québec's *Charter of the French Language* and other laws make it mandatory to use French in the workplace and while conducting other employment activities in the province. Passed on June 1, 2022, *Bill 96, An Act respecting French, the official and common language of Québec*, significantly broadens those French language requirements. The really scary thing about Bill 96 is that you may have to comply with it even if you're not located in Québec. Here's a briefing on the law, what it requires and whom it affects.

## **Which Companies Does Bill 96 Cover?**

Companies must comply with Bill 96 if they're based in or operate in Québec, i.e., provide goods and services in the province. Employers with 25 or more employees in Québec must also take "francization" measures to ensure generalized use of French at all levels of the business, as we'll explain below.

## **What Must Companies Do to Comply with Bill 96?**

The employment provisions of Bill 96 require employers to do 7 things:

### **1. Communicate with Employees in French**

Employers must, without exception, provide the following to employees in French by June 1, 2022 (other than training documents, which don't have to be translated until June 1, 2023):

- Employment, transfer and promotion offers;
- HR policies and manuals and other documents relating to employment conditions;
- Group benefits information; and
- Training documents.

Employers must also provide written communications to employees in French, unless the employee requests that they be in a different language.

## **2. Put Employment Contracts in French**

Certain employment contracts must also be translated into French:

- **Contracts of adhesion**, e., those whose terms are dictated by the employer and not negotiated, must be provided in French, effective June 1, 2022;
- **Negotiated contracts** can be in a single language other than French if that's the express wish of both parties; and
- **Old contracts** entered into before June 1, 2022, don't have to be translated into French unless the employee requests such a translation by June 1, 2023.

## **3. Recruit in French**

Effective June 1, 2022, job posting must be in French in the same medium as the non-French version, with both advertised simultaneously and targeted to audiences of a proportionally comparable size. The posting must indicate when the position requires knowledge of English or another language other than French and justify the requirement. Job applications must also be in French. If applications are available in another language, the French version must be at least equally accessible and available as the non-French version.

## **4. Obey New Limits on Requiring Knowledge of Languages Other than French**

The Charter already banned employers from requiring specific knowledge of a language other than French, unless such knowledge is necessary to perform the duties of the position. Effective June 1, 2022, Bill 96 adds further restrictions by not letting employers impose non-French language requirements without first taking all reasonable steps to avoid doing so. Specifically, employers must:

- Perform an assessment to determine the language needs of the position's job duties;
- Ensure that the knowledge of another language already required from other employees was insufficient to perform those duties; and
- Restrict as much as possible the number of positions involving duties whose performance requires knowledge of a language other than French.

## **5. Refrain from Reprisals**

Employers can't take reprisals against employees for or to deter them from exercising their French language rights. Effective June 1, 2022, employees who think they've been victims of reprisals can file a complaint with CNEST within 45 days of the alleged reprisal action.

## **6. Protect Against Discrimination and Harassment**

Expressing what was previously implied under human rights laws, Bill 96 gives employees the right to work in an environment free of discrimination or harassment stemming from the use of French. It also requires employers to take reasonable steps to prevent such conduct, such as adopting a [language discrimination policy](#), and, if

such conduct is brought to their attention, to make it stop. There's also a new enforcement process giving employees 2 years to file French language discrimination and harassment complaints with CNESST.

## **7. Implement Francization**

Perhaps the most burdensome part of Bill 96 is the duty of employers with 25 or more employees in Québec (it used to be 50 or more) to "francisize," that is, generalize the use of French at all levels of the business. Companies will have to register and obtain a Francization certificate from the Office québécois de la langue française (OQLF) attesting that they comply by June 1, 2025: Compliance requires, among other things, establishing a francization committee that meets at least every 6 months if the company has 100 or more employees in Québec or if ordered to do so by the OQLF. Companies will also have to develop a francization program and distribute and report on its implementation to employees.

## **Stricter Enforcement & Higher Penalties**

In addition to giving Québec residents the right to sue for money damages, Bill 96 increases the maximum fines for violations from \$20,000 to \$30,000 for corporations and from \$6,000 to \$7,000 for individuals. Directors and officers are also subject to fines of \$1,400 to \$14,000 for violations committed by their corporations. Last but not least, the Bill dramatically expands the OQLF's inspection and enforcement powers, including authority to enter a business' premises to ensure it's complying with language requirements