

chapter C-11

CHARTER OF THE FRENCH LANGUAGE

PREAMBLE

WHEREAS the French language, the distinctive language of a people that is in the majority French-speaking, is the instrument by which that people has articulated its identity;

Whereas the National Assembly of Québec recognizes that Quebecers wish to see the quality and influence of the French language assured, and is resolved therefore to make of French the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

Whereas the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities, whose valuable contribution to the development of Québec it readily acknowledges;

Whereas the National Assembly of Québec recognizes the right of the Amerinds and the Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture;

Whereas these observations and intentions are in keeping with a new perception of the worth of national cultures in all parts of the earth, and of the obligation of every people to contribute in its special way to the international community;

Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows:

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TITLE I

STATUS OF THE FRENCH LANGUAGE

CHAPTER I

THE OFFICIAL LANGUAGE OF QUÉBEC

1. French is the official language of Québec.

1977, c. 5, s. 1.

CHAPTER II

FUNDAMENTAL LANGUAGE RIGHTS

2. Every person has a right to have the civil administration, the health services and social services, the public utility enterprises, the professional orders, the associations of employees and all enterprises doing business in Québec communicate with him in French.

1977, c. 5, s. 2; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

3. In deliberative assembly, every person has a right to speak in French.

1977, c. 5, s. 3.

4. Workers have a right to carry on their activities in French.

1977, c. 5, s. 4.

5. Consumers of goods and services have a right to be informed and served in French.

1977, c. 5, s. 5.

6. Every person eligible for instruction in Québec has a right to receive that instruction in French.

1977, c. 5, s. 6.

CHAPTER III

THE LANGUAGE OF THE LEGISLATURE AND THE COURTS

7. French is the language of the legislature and the courts in Québec, subject to the following:

(1) legislative bills shall be printed, published, passed and assented to in French and in English, and the statutes shall be printed and published in both languages;

(2) the regulations and other similar acts to which section 133 of the Constitution Act, 1867 applies shall be made, passed or issued, and printed and published in French and in English;

(3) the French and English versions of the texts referred to in paragraphs 1 and 2 are equally authoritative;

(4) either French or English may be used by any person in, or in any pleading in or process issuing from, any court of Québec.

1977, c. 5, s. 7; 1993, c. 40, s. 1.

8. Where an English version exists of a regulation or other similar act to which section 133 of the Constitution Act, 1867 does not apply, the French text shall prevail in case of discrepancy.

1977, c. 5, s. 8; 1993, c. 40, s. 1.

9. Every judgment rendered by a court of justice and every decision rendered by a body discharging quasi-judicial functions shall, at the request of one of the parties, be translated into French or English, as the case may be, by the civil administration bound to bear the cost of operating such court or body.

1977, c. 5, s. 9; 1993, c. 40, s. 1.

10. *(Replaced).*

1977, c. 5, s. 10; 1993, c. 40, s. 1.

11. *(Replaced).*

1977, c. 5, s. 11; 1993, c. 40, s. 1.

12. *(Replaced).*

1977, c. 5, s. 12; 1993, c. 40, s. 1.

13. *(Replaced).*

1977, c. 5, s. 13; 1993, c. 40, s. 1.

CHAPTER IV

THE LANGUAGE OF THE CIVIL ADMINISTRATION

14. The Government, the government departments, the other agencies of the civil administration and the services thereof shall be designated by their French names alone.

1977, c. 5, s. 14.

15. The civil administration shall draw up and publish its texts and documents in the official language.

This section does not apply to relations with persons outside Québec, to publicity and communiqués carried by news media that publish in a language other than French or to correspondence between the civil administration and natural persons when the latter address it in a language other than French.

1977, c. 5, s. 15.

16. The civil administration shall use the official language in its written communications with other governments and with legal persons established in Québec.

1977, c. 5, s. 16; 1993, c. 40, s. 2.

17. The Government, the government departments and the other agencies of the civil administration shall use only the official language in their written communications with each other.

1977, c. 5, s. 17, s. 14.

18. French is the language of written internal communications in the Government, the government departments, and the other agencies of the civil administration.

1977, c. 5, s. 18, s. 14.

19. The notices of meeting, agendas and minutes of all deliberative assemblies in the civil administration shall be drawn up in the official language.

1977, c. 5, s. 19.

20. In order to be appointed, transferred or promoted to an office in the civil administration, a knowledge of the official language appropriate to the office applied for is required.

For the application of the preceding paragraph, each agency of the civil administration shall establish criteria and procedures of verification and submit them to the Office québécois de la langue française for approval, failing which the Office may establish them itself. If the Office considers the criteria and procedures unsatisfactory, it may either request the agency concerned to modify them or establish them itself.

This section does not apply to bodies or institutions recognized under section 29.1 which implement the measures approved by the Office according to the third paragraph of section 23.

1977, c. 5, s. 20; 1983, c. 56, s. 2; 1993, c. 40, s. 3; 2000, c. 57, s. 1; 2002, c. 28, s. 34.

21. Contracts entered into by the civil administration, including the related sub-contracts, shall be drawn up in the official language. Such contracts and the related documents may be drawn up in another language when the civil administration enters into a contract with a party outside Québec.

1977, c. 5, s. 21.

22. The civil administration shall use only French in signs and posters, except where reasons of health or public safety require the use of another language as well.

In the case of traffic signs, the French inscription may be complemented or replaced by symbols or pictographs, and another language may be used where no symbol or pictograph exists that satisfies the requirements of health or public safety.

The Government may, however, determine by regulation the cases, conditions or circumstances in which the civil administration may use French and another language in signs and posters.

1977, c. 5, s. 22; 1993, c. 40, s. 4.

22.1. In the territory of a municipality, a specific term other than a French term may be used in conjunction with a generic French term to designate a thoroughfare if the term is sanctioned by usage or if its use has unquestionable merit owing to its cultural or historical interest.

1983, c. 56, s. 3; 1996, c. 2, s. 112.

23. The bodies and institutions recognized under section 29.1 must ensure that their services to the public are available in the official language.

They must draw up their notices, communications and printed matter intended for the public in the official language.

They must devise the necessary measures to make their services to the public available in the official language, and criteria and procedures for verifying knowledge of the official language for the purposes of application of this section. These measures, criteria and procedures are subject to approval by the Office.

1977, c. 5, s. 23; 1983, c. 56, s. 4; 1993, c. 40, s. 5; 2000, c. 57, s. 2.

24. The bodies and institutions recognized under of section 29.1 may erect signs and posters in both French and another language, the French text predominating.

1977, c. 5, s. 24; 1993, c. 40, s. 6; 2000, c. 57, s. 3.

25. *(Repealed).*

1977, c. 5, s. 25; 1983, c. 56, s. 5.

26. The bodies and institutions recognized under section 29.1 may use both the official language and another language in their names, their internal communications and their communications with each other.

In the recognized bodies and institutions, two persons may use what language they choose in written communications to one another. However, a body or institution shall, at the request of a person required to consult such a communication in the course of his duties, prepare a French version of it.

1977, c. 5, s. 26; 1983, c. 56, s. 6; 1993, c. 40, s. 7; 2000, c. 57, s. 4.

27. In the health services and the social services, the documents filed in the clinical records shall be drafted in French or in English, as the person drafting them sees fit. However, each health service or social service may require such documents to be drafted in French alone. Resumés of clinical records must be furnished in French on demand to any person authorized to obtain them.

1977, c. 5, s. 27.

28. Notwithstanding sections 23 and 26, school bodies recognized under section 29.1 may use the language of instruction in their communications connected with teaching without having to use the official language at the same time.

1977, c. 5, s. 28; 1983, c. 56, s. 7; 1993, c. 40, s. 8; 2000, c. 57, s. 5.

29. *(Repealed).*

1977, c. 5, s. 29; 1993, c. 40, s. 9.

29.1. English language school boards and the Commission scolaire du Littoral are recognized school bodies.

The Office shall recognize, at the request of the municipality, body or institution,

- (1) a municipality of which more than half the residents have English as their mother tongue;
- (2) a body under the authority of one or more municipalities that participates in the administration of their territory, where each such municipality is a recognized municipality; or
- (3) a health and social services institution listed in the Schedule, where it provides services to persons who, in the majority, speak a language other than French.

The Government may, at the request of a body or institution that no longer satisfies the condition which enabled it to obtain the recognition of the Office, withdraw such recognition if it considers it appropriate in the circumstances and after having consulted the Office. Such a request shall be made to the Office, which shall transmit it to the Government with a copy of the record. The Government shall inform the Office and the body or institution of its decision.

1993, c. 40, s. 10; 2000, c. 57, s. 6; 2002, c. 28, s. 2.

CHAPTER V

THE LANGUAGE OF THE SEMIPUBLIC AGENCIES

30. The public utility enterprises, the professional orders and the members of the professional orders must arrange to make their services available in the official language.

They must draw up their notices, communications and printed matter intended for the public, including public transportation tickets, in the official language.

1977, c. 5, s. 30; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

30.1. The members of the professional orders must, where a person who calls upon their services so requests, provide a French copy of any notice, opinion, report, expertise or other document they draw up concerning that person, without requiring a charge for translation. The request may be made at any time.

1983, c. 56, s. 8; 1997, c. 24, s. 1.

31. The public utility enterprises and the professional orders shall use the official language in their written communications with the civil administration and with legal persons.

1977, c. 5, s. 31; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

32. The professional orders shall use the official language in their written communications with their general membership.

They may, however, in communicating with an individual member, reply in his language.

1977, c. 5, s. 32; 1994, c. 40, s. 457.

33. Sections 30 and 31 do not apply to communiqués or publicity intended for news media that publish in a language other than French.

1977, c. 5, s. 33.

34. The professional orders shall be designated by their French names alone.

1977, c. 5, s. 34; 1994, c. 40, s. 457.

35. The professional orders shall not issue permits except to persons whose knowledge of the official language is appropriate to the practice of their profession.

A person is deemed to have the appropriate knowledge if

- (1) he has received, full time, no less than three years of secondary or post-secondary instruction provided in French;
- (2) he has passed the fourth or fifth year secondary level examinations in French as the first language;
- (3) from and after the school year 1985-86, he obtains a secondary school certificate in Québec.

In all other cases, a person must obtain a certificate issued by the Office québécois de la langue française or hold a certificate defined as equivalent by regulation of the Government.

The Government, by regulation, may determine the procedures and conditions of issue of certificates by the Office, establish the rules governing composition of an examining committee to be formed by the Office, provide for the mode of operation of that committee, and determine criteria for evaluating the appropriate knowledge of French for the practice of a profession or a category of professions and a mode of evaluating such knowledge.

1977, c. 5, s. 35; 1983, c. 56, s. 9; 1993, c. 40, s. 11; 1994, c. 40, s. 457; 2002, c. 28, s. 34.

36. Within the last two years before obtaining a qualifying diploma for a permit to practise, every person enrolled in an educational institution that issues such diploma may give proof that his knowledge of the official language meets the requirements of section 35.

1977, c. 5, s. 36.

37. The professional orders may issue temporary permits valid for not more than one year to persons from outside Québec who are declared qualified to practise their profession but whose knowledge of the official language does not meet the requirements of section 35.

1977, c. 5, s. 37; 1994, c. 40, s. 457.

38. The permits envisaged in section 37 may be renewed, only three times, with the authorization of the Office québécois de la langue française and if the public interest warrants it. For each renewal, the persons concerned must sit for examinations held according to the regulations of the Government.

In its annual report of activities, the Office shall indicate the number of permits for which it has given authorization for renewal pursuant to this section.

1977, c. 5, s. 38; 1993, c. 40, s. 12; 2002, c. 28, s. 34.

39. Persons having obtained, in Québec, a diploma referred to in section 36 may, until the end of 1980, avail themselves of sections 37 and 38.

1977, c. 5, s. 39.

40. Where it is in the public interest, a professional order, with the prior authorization of the Office québécois de la langue française, may issue a restricted permit to a person already authorized under the laws of another province or another country to practise his profession. This restricted permit authorizes its holder to practise his profession for the exclusive account of a single employer, in a position that does not involve his dealing with the public.

In the case of this section, a permit may be issued to the spouse as well.

1977, c. 5, s. 40; 1983, c. 56, s. 10; 1994, c. 40, s. 457; 2002, c. 28, s. 34.

CHAPTER VI

THE LANGUAGE OF LABOUR RELATIONS

41. Every employer shall draw up his written communications to his staff in the official language. He shall draw up and publish his offers of employment or promotion in French.

1977, c. 5, s. 41.

42. Where an offer of employment regards employment in the civil administration, a semipublic agency or an enterprise required to establish a francization committee, have an attestation of implementation of a francization program or hold a francization certificate, as the case may be, the employer publishing this offer of employment in a daily newspaper published in a language other than French must publish it simultaneously in a daily newspaper published in French, with at least equivalent display.

1977, c. 5, s. 42; 1993, c. 40, s. 13; 1999, c. 40, s. 45.

43. Collective agreements and the schedules to them must be drafted in the official language, including those which must be filed pursuant to section 72 of the Labour Code (chapter C-27).

1977, c. 5, s. 43.

44. An arbitration award made following arbitration of a grievance or dispute regarding the negotiation, renewal or review of a collective agreement shall, at the request of one of the parties, be translated into French or English, as the case may be, at the parties' expense.

1977, c. 5, s. 44; 1977, c. 41, s. 1; 1993, c. 40, s. 14.

45. An employer is prohibited from dismissing, laying off, demoting or transferring a member of his staff for the sole reason that he is exclusively French-speaking or that he has insufficient knowledge of a particular language other than French, or because he has demanded that a right arising from the provisions of this chapter be respected.

A staff member not subject to a collective agreement who believes he has been aggrieved by an action that is prohibited by the first paragraph may exercise a remedy before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Labour Code (chapter C-27) apply, with the necessary modifications.

A staff member subject to a collective agreement who believes he has been so aggrieved may submit the grievance for arbitration if the association representing the staff member fails to do so. Section 17 of the Labour Code applies to the arbitration of the grievance, with the necessary modifications.

1977, c. 5, s. 45; 1997, c. 24, s. 2; 2000, c. 57, s. 7; 2001, c. 26, s. 83; 2015, c. 15, s. 237; I.N. 2016-12-01.

46. An employer is prohibited from making the obtaining of an employment or office dependent upon the knowledge or a specific level of knowledge of a language other than the official language, unless the nature of the duties requires such knowledge.

A person, whether or not in an employment relationship with the employer, who believes he has been aggrieved by a contravention of the first paragraph and who is not subject to a collective agreement may exercise a remedy before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.

A person who is subject to a collective agreement and who believes he has been so aggrieved may submit the grievance for arbitration if the association representing the person fails to do so.

The remedy is brought before the Tribunal within 30 days after the date on which the employer informed the complainant of the linguistic requirements of the employment or position or, failing that, from the last act of the employer which was invoked to support the allegation of contravention of the first paragraph of this section.

It is incumbent upon the employer to prove to the Tribunal or the arbitrator that the performance of the work requires knowledge or a specific level of knowledge of a language other than French.

If the Tribunal or the arbitrator finds the complaint to be justified, the Tribunal or the arbitrator may issue any order the Tribunal or the arbitrator considers fair and reasonable in the circumstances, in particular an order to cease the act complained of, to perform an act, such as the renewal of the staffing process for the employment or position, or to pay compensation or punitive damages to the complainant.

1977, c. 5, s. 46; 2000, c. 57, s. 8; 2001, c. 26, s. 84; 2015, c. 15, s. 237.

47. A person who believes he has been aggrieved by a contravention of the first paragraph of section 46 may, before exercising the remedy provided for in that section, apply in writing to the Office québécois de la langue française for the matter to be submitted to a mediator to allow an exchange of views between the person and the employer and to foster a speedy resolution of the matter by way of a written agreement.

The parties are required to take part in all meetings to which they are called by the mediator; the mediator and the parties may use telephone or other communications equipment by which they may hear one another. The complainant may be represented by the complainant's association of employees.

Mediation may not extend beyond 30 days after the date it was applied for. Mediation may be terminated before that time if, in the mediator's opinion, his intervention is not expedient or desirable in view of the circumstances. The mediator shall notify the parties in writing.

The time for bringing the matter before the Administrative Labour Tribunal or an arbitrator is suspended during mediation. The time begins to run again on receipt by the complainant of a notice terminating the mediation or not later than 30 days after mediation is applied for.

1977, c. 5, s. 47; 1977, c. 41, s. 1; 2000, c. 57, s. 9; 2002, c. 28, s. 34; 2001, c. 26, s. 85; 2015, c. 15, s. 237.

47.1. Unless the parties consent thereto, nothing that is said or written in the course of mediation may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

2000, c. 57, s. 9.

47.2. A mediator may not be compelled to disclose anything revealed to or learned by him in the exercise of his functions or produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to a document contained in the mediation record.

2000, c. 57, s. 9.

48. Except as they regard the vested rights of employees and their associations, juridical acts, decisions and other documents not in conformity to this chapter are null. The use of a language other than that prescribed in this chapter shall not be considered a defect of form within the meaning of section 151 of the Labour Code (chapter C-27).

1977, c. 5, s. 48.

49. Every association of employees shall use the official language in written communications with its members. It may use the language of an individual member in its correspondence with him.

1977, c. 5, s. 49.

50. Sections 41 to 49 of this Act are deemed an integral part of every collective agreement. Any stipulation in the agreement contrary to any provision of this Act is absolutely null.

1977, c. 5, s. 50; 1999, c. 40, s. 45.

CHAPTER VII

THE LANGUAGE OF COMMERCE AND BUSINESS

51. Every inscription on a product, on its container or on its wrapping, or on a document or object supplied with it, including the directions for use and the warranty certificates, must be drafted in French. This rule applies also to menus and wine lists.

The French inscription may be accompanied with a translation or translations, but no inscription in another language may be given greater prominence than that in French.

1977, c. 5, s. 51; 1997, c. 24, s. 24.

52. Catalogues, brochures, folders, commercial directories and any similar publications must be drawn up in French.

1977, c. 5, s. 52; 1983, c. 56, s. 11; 1993, c. 40, s. 15.

52.1. All computer software, including game software and operating systems, whether installed or uninstalled, must be available in French unless no French version exists.

Software can also be available in languages other than French, provided that the French version can be obtained on terms, except price where it reflects higher production or distribution costs, that are no less favourable and that it has technical characteristics that are at least equivalent.

1997, c. 24, s. 3.

53. *(Repealed).*

1977, c. 5, s. 53; 1983, c. 56, s. 11; 1993, c. 40, s. 16; 1997, c. 24, s. 4.

54. Toys and games, except those referred to in section 52.1, which require the use of a non-French vocabulary for their operation are prohibited on the Québec market, unless a French version of the toy or game is available on the Québec market on no less favourable terms.

1977, c. 5, s. 54; 1993, c. 40, s. 17; 1997, c. 24, s. 5.

54.1. The Government may, by regulation and on the conditions it fixes, provide for exceptions to the application of sections 51 to 54.

1997, c. 24, s. 6.

55. Contracts pre-determined by one party, contracts containing printed standard clauses, and the related documents, must be drawn up in French. They may be drawn up in another language as well at the express wish of the parties.

1977, c. 5, s. 55.

56. If the documents referred to in section 51 are required by any Act, order in council or government regulation, they may be excepted from the rule enunciated in that section, provided that the languages in which they are drafted are the subject of a federal-provincial, interprovincial or international agreement.

1977, c. 5, s. 56.

57. Application forms for employment, order forms, invoices, receipts and quittances shall be drawn up in French.

1977, c. 5, s. 57.

58. Public signs and posters and commercial advertising must be in French.

They may also be both in French and in another language provided that French is markedly predominant.

However, the Government may determine, by regulation, the places, cases, conditions or circumstances where public signs and posters and commercial advertising must be in French only, where French need not be predominant or where such signs, posters and advertising may be in another language only.

1977, c. 5, s. 58; 1983, c. 56, s. 12; 1988, c. 54, s. 1; 1993, c. 40, s. 18.

58.1. *(Replaced).*

1988, c. 54, s. 1; 1993, c. 40, s. 18.

58.2. *(Replaced).*

1988, c. 54, s. 1; 1993, c. 40, s. 18.

59. Section 58 does not apply to advertising carried in news media that publish in a language other than French, or to messages of a religious, political, ideological or humanitarian nature if not for a profit motive.

1977, c. 5, s. 59; 1988, c. 54, s. 2; 1993, c. 40, s. 19.

60. *(Repealed).*

1977, c. 5, s. 60; 1988, c. 54, s. 3.

61. *(Repealed).*

1977, c. 5, s. 61; 1988, c. 54, s. 4; 1993, c. 40, s. 20.

62. *(Repealed).*

1977, c. 5, s. 62; 1983, c. 56, s. 13; 1988, c. 54, s. 5; 1993, c. 40, s. 20.

63. The name of an enterprise must be in French.

1977, c. 5, s. 63; 1999, c. 40, s. 45.

64. To obtain juridical personality, it is necessary to have a name in French.

1977, c. 5, s. 64.

65. Every name that is not in French must be changed before 31 December 1980, unless the Act under which the enterprise is incorporated does not allow it.

1977, c. 5, s. 65; 1999, c. 40, s. 45.

66. Sections 63, 64 and 65 also apply to names entered by way of declaration in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1).

1977, c. 5, s. 66; 1993, c. 48, s. 197; 2010, c. 7, s. 282.

67. Family names, place names, expressions formed by the artificial combination of letters, syllables or figures, and expressions taken from other languages may appear in the names of enterprises to specify them, in accordance with the other Acts and with the regulations of the Government.

1977, c. 5, s. 67; 1993, c. 40, s. 21; 1999, c. 40, s. 45.

68. The name of an enterprise may be accompanied with a version in a language other than French provided that, when it is used, the French version of the name appears at least as prominently.

However, in public signs and posters and commercial advertising, the use of a version of a name in a language other than French is permitted to the extent that the other language may be used in such signs and posters or in such advertising pursuant to section 58 and the regulations enacted under that section.

In addition, in texts or documents drafted only in a language other than French, a name may appear in the other language only.

1977, c. 5, s. 68; 1983, c. 56, s. 14; 1988, c. 54, s. 6; 1993, c. 40, s. 22; 1999, c. 40, s. 45.

69. *(Repealed).*

1977, c. 5, s. 69; 1988, c. 54, s. 7.

70. Health services and social services the names of which, adopted before 26 August 1977, are in a language other than French may continue to use such names provided they add a French version.

1977, c. 5, s. 70.

71. A non-profit organization devoted exclusively to the cultural development or to the defense of the peculiar interests of a particular ethnic group may adopt a name in the language of the group, provided that it adds a French version.

1977, c. 5, s. 71.

CHAPTER VIII

THE LANGUAGE OF INSTRUCTION

72. Instruction in the kindergarten classes and in the elementary and secondary schools shall be in French, except where this chapter allows otherwise.

This rule obtains in school bodies within the meaning of the Schedule and in private educational institutions accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1) with respect to the educational services covered by an accreditation.

Nothing in this section shall preclude instruction in English to foster the learning thereof, in accordance with the formalities and on the conditions prescribed in the basic school regulations established by the Government under section 447 of the Education Act (chapter I-13.3).

1977, c. 5, s. 72; 1992, c. 68, s. 138; 1993, c. 40, s. 23.

73. The following children, at the request of one of their parents, may receive instruction in English:

(1) a child whose father or mother is a Canadian citizen and received elementary instruction in English in Canada, provided that that instruction constitutes the major part of the elementary instruction he or she received in Canada;

(2) a child whose father or mother is a Canadian citizen and who has received or is receiving elementary or secondary instruction in English in Canada, and the brothers and sisters of that child, provided that that instruction constitutes the major part of the elementary or secondary instruction received by the child in Canada;

(3) *(subparagraph repealed);*

(4) *(subparagraph repealed);*

(5) (*subparagraph repealed*).

1977, c. 5, s. 73; 1983, c. 56, s. 15; 1993, c. 40, s. 24; 2002, c. 28, s. 3; 2010, c. 23, s. 1.

73.1. The Government may determine by regulation the analytical framework that a person designated under section 75 must use in assessing the major part of the instruction received, invoked in support of an eligibility request under section 73. The analytical framework may, among other things, establish rules, assessment criteria, a weighting system, a cutoff or a passing score and interpretive principles.

The regulation may specify the cases and conditions in which a child is presumed or deemed to have satisfied the requirement of having received the major part of his instruction in English within the meaning of section 73.

The regulation is adopted by the Government on the joint recommendation of the Minister of Education, Recreation and Sports and the Minister responsible for the administration of this Act.

2010, c. 23, s. 2.

74. The parent who may make the requests provided for in this chapter must be the holder of parental authority. However, the person who has *de facto* custody of the child and who is not the holder of parental authority may also make such a request provided the holder of parental authority does not object.

A person designated by the Minister may temporarily suspend consideration of a request submitted by one parent if the other parent objects in writing to the request's being considered.

1977, c. 5, s. 74; 1993, c. 40, s. 25; 2010, c. 23, s. 3.

75. The Minister of Education, Recreation and Sports may empower such persons as he may designate to verify and decide on children's eligibility for instruction in English under any of sections 73, 81, 85 and 86.1.

In addition to the documents and information required by regulation, a person designated by the Minister may require a person to send the designated person, within a set time, any document or information relevant to the verification of a request made under this chapter. The designated person may also require that the documents or information be accompanied by an affidavit of their veracity.

1977, c. 5, s. 75; 1993, c. 40, s. 26; 2005, c. 28, s. 195; 2010, c. 23, s. 4; I.N. 2016-01-01 (NCCP).

76. The persons designated by the Minister of Education, Recreation and Sports under section 75 may verify the eligibility of children to receive their instruction in English even if they are already receiving or are about to receive their instruction in French.

Such persons may also declare a child eligible to receive instruction in English where his father or mother attended school after 26 August 1977 and would have been eligible to receive such instruction under section 73, even if he or she did not receive such instruction. However, where the father or mother attended school before 17 April 1982, his or her eligibility shall be determined in accordance with section 73 as it read before that date, by adding, at the end of paragraphs *a* and *b* of that section, the words "provided that that instruction constitutes the major part of the elementary instruction he or she received in Québec".

1977, c. 5, s. 76; 1993, c. 40, s. 27; 2002, c. 28, s. 4; 2005, c. 28, s. 195.

76.1. The persons declared eligible to receive instruction in English under any of sections 73, 76 and 86.1 are deemed to have received or be receiving instruction in English for the purposes of section 73.

1993, c. 40, s. 28; 2002, c. 28, s. 5.

77. A certificate of eligibility obtained fraudulently or on the basis of a false representation is absolutely null.

1977, c. 5, s. 77; 1999, c. 40, s. 45.

78. The Minister of Education, Recreation and Sports may revoke a certificate of eligibility issued in error.

1977, c. 5, s. 78; 2005, c. 28, s. 195.

78.1. No person may permit or tolerate a child's receiving instruction in English if he is ineligible therefor.

1986, c. 46, s. 7.

78.2. No person may set up or operate a private educational institution or change how instruction is organized, priced or dispensed in order to circumvent section 72 or other provisions of this chapter governing eligibility to receive instruction in English.

It is prohibited, in particular, to operate a private educational institution principally for the purpose of making children eligible for instruction in English who would otherwise not be admitted to a school of an English school board or to a private English-language educational institution accredited for the purposes of subsidies under the Act respecting private education (chapter E-9.1).

2010, c. 23, s. 5.

78.3. No person may make a false or misleading statement to the Minister or a designated person, or refuse to provide them with the information or documents they are entitled to obtain.

2010, c. 23, s. 5.

79. A school body not already giving instruction in English in its schools is not required to introduce it and shall not introduce it without express and prior authorization of the Minister of Education, Recreation and Sports.

However, every school body shall, where necessary, avail itself of section 213 of the Education Act (chapter I-13.3) to arrange for the instruction in English of any child declared eligible therefor.

The Minister of Education, Recreation and Sports shall grant the authorization referred to in the first paragraph if, in his opinion, it is warranted by the number of pupils in the jurisdiction of the school body who are eligible for instruction in English under this chapter.

1977, c. 5, s. 79; 1988, c. 84, s. 547; 1993, c. 40, s. 29; 2005, c. 28, s. 195.

80. The Government may determine by regulation the procedure for submitting requests for eligibility under section 73 or 86.1.

The regulation may include measures concerning

- (1) the role of a school body in submitting requests;
- (2) the fees that may be charged by a school body or the Minister respectively to open a file or examine a request;
- (3) the time granted for submitting a request; and
- (4) the information and documents that must accompany a request.

Regulatory provisions may vary according to, among other things, the nature of the request and the characteristics of the educational institution attended.

1977, c. 5, s. 80, s. 14; 1993, c. 40, s. 30; 2010, c. 23, s. 6.

81. Children having serious learning disabilities may, at the request of one of their parents, receive instruction in English if required to facilitate the learning process. The brothers and sisters of children thus exempted from the application of the first paragraph of section 72 may also be exempted.

The Government, by regulation, may define the classes of children envisaged in the preceding paragraph and determine the procedure to be followed in view of obtaining such an exemption.

1977, c. 5, s. 81, s. 14; 1983, c. 56, s. 16; 1993, c. 40, s. 31; 2002, c. 28, s. 6.

82. *(Repealed).*

1977, c. 5, s. 82; 1983, c. 56, s. 17; 1993, c. 40, s. 32; 1997, c. 43, s. 146; 2002, c. 28, s. 7.

83. *(Repealed).*

1977, c. 5, s. 83, s. 14; 1983, c. 56, s. 18; 1997, c. 24, s. 7; 1997, c. 43, s. 147; 2002, c. 28, s. 7.

83.1. *(Repealed).*

1983, c. 56, s. 18; 1997, c. 43, s. 148.

83.2. *(Repealed).*

1983, c. 56, s. 18; 1997, c. 43, s. 148.

83.3. *(Repealed).*

1983, c. 56, s. 18; 1997, c. 43, s. 149; 2002, c. 28, s. 7.

83.4. Any decision concerning a child's eligibility for instruction in English made pursuant to section 73, 76, 81, 85 or 86.1 may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec. The same is true of any decision made pursuant to section 77 or 78.

1997, c. 43, s. 150; 2002, c. 28, s. 8; 2010, c. 23, s. 7.

84. No secondary school leaving certificate may be issued to a student who does not have the speaking and writing knowledge of French required by the curricula of the Ministère de l'Éducation, du Loisir et du Sport.

1977, c. 5, s. 84; 2005, c. 28, s. 195.

85. Children staying in Québec temporarily may, at the request of one of their parents, be exempted from the application of the first paragraph of section 72 and receive instruction in English in the cases or circumstances and on the conditions determined by regulation of the Government. The regulation shall also prescribe the period for which such an exemption may be granted and the procedure to be followed in order to obtain or renew it.

1977, c. 5, s. 85, s. 14; 1983, c. 56, s. 19; 1993, c. 40, s. 33.

85.1. Where warranted by a serious family or humanitarian situation, the Minister of Education, Recreation and Sports may, upon a reasoned request and on the recommendation of the examining committee, declare eligible for instruction in English a child who has been declared non-eligible by a person designated by the Minister.

The request must be filed within 30 days of notification of the unfavourable decision.

The request shall be submitted to an examining committee composed of three members designated by the Minister. The committee shall report its observations and recommendation to the Minister.

The Minister shall specify, in the report referred to in section 4 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15), the number of children declared eligible for instruction in English under this section and the grounds on which they were declared eligible.

1986, c. 46, s. 8; 1997, c. 43, s. 151; 2002, c. 28, s. 9; 2005, c. 28, s. 195.

86. The Government may make regulations extending the scope of section 73 to include such persons as may be contemplated in any reciprocity agreement that may be concluded between the Gouvernement du Québec and another province.

1977, c. 5, s. 86, s. 14; 1993, c. 40, s. 34.

86.1. In addition to the cases provided for in section 73, the Government, by order, may, at the request of one of the parents, authorize generally the following children to receive their instruction in English:

(a) a child whose father or mother received the greater part of his or her elementary instruction in English elsewhere in Canada and, before establishing domicile in Québec, was domiciled in a province or territory that it indicates in the order and where it considers that the services of instruction in French offered to French-speaking persons are comparable to those offered in English to English-speaking persons in Québec;

(b) a child whose father or mother establishes domicile in Québec and who, during his last school year or from the beginning of the current school year, has received primary or secondary instruction in English in the province or territory indicated in the order;

(c) the younger brothers and sisters of children described in subparagraphs *a* and *b*.

Sections 76 to 79 apply to the persons contemplated in this section.

1983, c. 56, s. 20; 1993, c. 40, s. 35.

87. Nothing in this Act prevents the use of an Amerindic language in providing instruction to the Amerinds, or of Inuktitut in providing instruction to the Inuit.

1977, c. 5, s. 87; 1983, c. 56, s. 21.

88. Notwithstanding sections 72 to 86, in the schools under the jurisdiction of the Cree School Board or the Kativik School Board, according to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), the languages of instruction shall be Cree and Inuktitut, respectively, and the other languages of instruction in use in the Cree and Inuit communities in Québec on the date of the signing of the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), namely, 11 November 1975.

The Cree School Board and the Kativik School Board shall pursue as an objective the use of French as a language of instruction so that pupils graduating from their schools will in future be capable of continuing their studies in a French school, college or university elsewhere in Québec, if they so desire.

After consultation with the school committees, in the case of the Crees, and with the parents' committees, in the case of the Inuit, the commissioners shall determine the rate of introduction of French and English as languages of instruction.

With the assistance of the Ministère de l'Éducation, du Loisir et du Sport, the Cree School Board and the Kativik School Board shall take the necessary measures to have sections 72 to 86 apply to children whose parents are not Crees or Inuit. For the purposes of the second paragraph of section 79, a reference to the Education Act is a reference to section 450 of the Education Act for Cree, Inuit and Naskapi Native Persons.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

1977, c. 5, s. 88; 1983, c. 56, s. 22, s. 51; 1988, c. 84, s. 548; 2005, c. 28, s. 195.

CHAPTER VIII.1

POLICIES OF COLLEGE OR UNIVERSITY-LEVEL INSTITUTIONS REGARDING THE USE AND QUALITY OF THE FRENCH LANGUAGE

2002, c. 28, s. 10.

88.1. Before 1 October 2004, every institution that provides college instruction, other than a private institution not accredited for the purposes of subsidies, must adopt a policy applicable to college-level instruction regarding the use and quality of the French language. The same applies to the university-level institutions listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

Any institution to which the first paragraph applies that is founded or accredited after 1 October 2002 must adopt such a policy within two years after it is founded or receives accreditation.

2002, c. 28, s. 10.

88.2. In the case of an institution that provides college or university instruction in French to the majority of its students, the language policy must pertain to

(1) the language of instruction, including the language of manuals and other instructional tools, and the language of learning assessment instruments;

(2) the language of communication used by the administration of the institution in its official texts and documents as well as in any other form of communication;

(3) the quality of French and the command of the French language among the students, the teaching staff, especially upon hiring, and other staff members;

(4) the language of work; and

(5) the implementation of the policy and the monitoring of its application.

In the case of an institution that provides college or university instruction in English to the majority of its students, the language policy must pertain to the teaching of French as a second language, the language used by the administration of the institution in its written communications with the civil administration and legal persons established in Québec, and the implementation of the policy and the monitoring of its application.

2002, c. 28, s. 10.

88.3. The language policy of an educational institution must be transmitted to the Minister of Higher Education, Research, Science and Technology as soon as it is determined. The same applies to any amendment to the policy.

Upon request, an educational institution must transmit a report on the application of its policy to the Minister.

2002, c. 28, s. 10; 2005, c. 28, s. 195; 2013, c. 28, s. 201.

CHAPTER IX

MISCELLANEOUS

89. Where this Act does not require the use of the official language exclusively, the official language and another language may be used together.

1977, c. 5, s. 89.

90. Subject to section 7, anything that, by prescription of an Act of Québec or an Act of the British Parliament having application to Québec in a field of provincial jurisdiction, or of a regulation or an order in council, must be published in French and English may be published in French alone.

Similarly, anything that, by prescription of an Act, a regulation or an order in council, must be published in a French newspaper and in an English newspaper, may be published in a French newspaper alone.

1977, c. 5, s. 90; 1993, c. 40, s. 36.

91. Where this Act authorizes the drafting of texts or documents both in French and in one or more other languages, the French version must be displayed at least as prominently as every other language.

1977, c. 5, s. 91.

92. Nothing prevents the use of a language in derogation of this Act by international organizations designated by the Government or where international usage requires it.

1977, c. 5, s. 92, s. 14.

93. In addition to its other regulation-making powers under this Act, the Government may make regulations to facilitate the administration of the Act, including regulations defining the terms and expressions used in the Act or defining their scope.

1977, c. 5, s. 93, s. 14; 1993, c. 40, s. 37.

94. (*Repealed*).

1977, c. 5, s. 94, s. 14; 1993, c. 40, s. 38.

95. The following persons and bodies have the right to use Cree and Inuktitut and are exempt from the application of this Act, except sections 87, 88 and 96:

(a) persons qualified for benefit under the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), in the territories envisaged by the said Agreement;

(b) bodies to be created under the said Agreement, within the territories envisaged by the Agreement;

(c) bodies of which the members are in the majority persons referred to in subparagraph *a*, within the territories envisaged by the Agreement.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

1977, c. 5, s. 95; 1983, c. 56, s. 51.

96. The bodies envisaged in section 95 must introduce the use of French into their administration, both to communicate in French with the rest of Québec and with those persons under their administration who are not contemplated in subparagraph *a* of that section, and to provide their services in French to those persons.

During a transitional period of such duration as the Government may fix after consultation with the persons concerned, sections 16 and 17 of this Act do not apply to communications of the civil administration with the bodies envisaged in section 95.

This section, with the necessary modifications, applies to the Naskapi of Schefferville.

1977, c. 5, s. 96, s. 14.

97. The Indian reserves are not subject to this Act.

The Government, by regulation, shall determine the cases, conditions and circumstances where or whereunder an agency or body contemplated in the Schedule is authorized to make an exception to the application of one or several provisions of this Act in respect of a person who resides or has resided on a reserve, a settlement in which a native community lives or on Category I and Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

1977, c. 5, s. 97; 1983, c. 56, s. 23; 1993, c. 40, s. 39.

98. The various agencies of the civil administration, and the health services and social services, the public utility enterprises and the professional orders referred to in this Act are listed in the Schedule.

1977, c. 5, s. 98; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

TITLE II

LINGUISTIC OFFICIALIZATION, TOPONYMY AND FRANCIZATION

2002, c. 28, s. 11.

CHAPTER I

Repealed, 2002, c. 28, s. 12.

2002, c. 28, s. 12.

99. *(Repealed).*

1977, c. 5, s. 99; 2002, c. 28, s. 12.

CHAPTER II

LINGUISTIC OFFICIALIZATION

2002, c. 28, s. 13.

100. *(Repealed).*

1977, c. 5, s. 100; 1993, c. 40, s. 40; 1997, c. 24, s. 8; 1999, c. 40, s. 45; 2002, c. 28, s. 14.

101. *(Repealed).*

1977, c. 5, s. 101, s. 14; 1997, c. 24, s. 9; 2002, c. 28, s. 14.

102. *(Repealed).*

1977, c. 5, s. 102; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2002, c. 28, s. 14.

103. *(Repealed).*

1977, c. 5, s. 103; 1978, c. 15, s. 133, s. 140; 1983, c. 55, s. 161; 2002, c. 28, s. 14.

104. *(Repealed).*

1977, c. 5, s. 104, s. 14; 2002, c. 28, s. 14.

105. *(Repealed).*

1977, c. 5, s. 105; 1997, c. 24, s. 10.

106. *(Repealed).*

1977, c. 5, s. 106, s. 14; 1999, c. 40, s. 45; 2002, c. 28, s. 14.

106.1. *(Repealed).*

1997, c. 24, s. 11; 2002, c. 28, s. 14.

107. *(Repealed).*

1977, c. 5, s. 107; 2002, c. 28, s. 14.

108. *(Repealed).*

1977, c. 5, s. 108; 2002, c. 28, s. 14.

109. *(Repealed).*

1977, c. 5, s. 109; 2002, c. 28, s. 14.

110. *(Repealed).*

1977, c. 5, s. 110, s. 14; 1996, c. 2, s. 113; 2002, c. 28, s. 14.

111. *(Repealed).*

1977, c. 5, s. 111; 2002, c. 28, s. 14.

112. *(Repealed).*

1977, c. 5, s. 112; 1993, c. 40, s. 41; 1997, c. 24, s. 12; 2002, c. 28, s. 14.

113. *(Repealed).*

1977, c. 5, s. 113; 1993, c. 40, s. 42; 2002, c. 28, s. 14.

114. *(Repealed).*

1977, c. 5, s. 114, s. 14; 1985, c. 30, s. 24; 1993, c. 40, s. 43; 1997, c. 24, s. 13; 1999, c. 40, s. 45; 2000, c. 57, s. 10; 2002, c. 28, s. 14.

115. *(Repealed).*

1977, c. 5, s. 115, s. 14; 2002, c. 28, s. 14.

116. The departments and agencies of the civil administration may establish linguistic committees and determine their composition and operation.

The committees shall identify terminological deficiencies and problematical terms and expressions in their designated field. They shall submit the terms and expressions they favour to the Comité d'officialisation linguistique. The Comité may in turn submit them to the Office québécois de la langue française for standardization or recommendation.

If a department or agency does not establish a linguistic committee, the Office may, on the proposal of the Comité d'officialisation linguistique, make an official request that it do so.

1977, c. 5, s. 116; 1997, c. 24, s. 14; 2002, c. 28, s. 15.

116.1. The Office québécois de la langue française may, on the proposal of the Comité d'officialisation linguistique, recommend or standardize terms and expressions. The Office shall disseminate standardized terms and expressions, in particular through publication in the *Gazette officielle du Québec*.

2002, c. 28, s. 16.

117. *(Replaced).*

1977, c. 5, s. 117; 1997, c. 24, s. 14.

118. Upon publication in the *Gazette officielle du Québec* of the terms and expressions standardized by the Office, their use becomes obligatory in texts, documents, signs and posters emanating from the civil administration and in contracts to which it is a party, and in teaching manuals and educational and research works published in French in Québec and approved by the Minister of Education, Recreation and Sports.

1977, c. 5, s. 118; 1983, c. 56, s. 24; 1985, c. 21, s. 20; 1988, c. 41, s. 88; 1993, c. 51, s. 18; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

118.1. *(Repealed).*

1993, c. 40, s. 44; 1997, c. 24, s. 15.

118.2. *(Repealed).*

1993, c. 40, s. 44; 1997, c. 24, s. 15.

118.3. *(Repealed).*

1993, c. 40, s. 44; 1997, c. 24, s. 15.

118.4. *(Repealed).*

1993, c. 40, s. 44; 1997, c. 24, s. 15.

118.5. *(Repealed).*

1993, c. 40, s. 44; 1997, c. 24, s. 15.

119. *(Repealed).*

1977, c. 5, s. 119; 2002, c. 28, s. 17.

120. *(Repealed).*

1977, c. 5, s. 120; 2002, c. 28, s. 17.

121. *(Repealed).*

1977, c. 5, s. 121; 2002, c. 28, s. 17.

CHAPTER III

THE COMMISSION DE TOPONYMIE

122. A Commission de toponymie is established at the Office québécois de la langue française and is incorporated into it for administrative purposes.

1977, c. 5, s. 122; 2002, c. 28, s. 34.

123. The Commission is composed of seven members, including the chairman, appointed by the Government for not more than five years.

The Government shall fix the remuneration and determine the fringe benefits and other conditions of employment of the members of the Commission.

1977, c. 5, s. 123, s. 14; 1983, c. 56, s. 25; 1993, c. 40, s. 45.

123.1. The members of the Commission remain in office notwithstanding the expiry of their term until they are reappointed or replaced.

1983, c. 56, s. 25.

124. The Commission has jurisdiction to propose to the Government the criteria of selection and rules of spelling of all place names and to make the final decision on the assignment of names to places not already named and to approve any change of place names.

The Government may establish, by regulation, the criteria for the choice of place names, the rules of spelling to be followed in matters relating to toponymy and the method to be followed in choosing and obtaining approval for place names.

1977, c. 5, s. 124; 1993, c. 40, s. 46; 1999, c. 40, s. 45.

125. The Commission shall:

- (a) propose to the Government the standards and rules of spelling to be followed in place names;
- (b) catalogue and preserve place names;
- (c) establish and standardize geographical terminology, in cooperation with the Office;
- (d) officialize place names;
- (e) publicize the official geographical nomenclature of Québec;
- (f) advise the Government on any question submitted by it to the Commission relating to toponymy.

1977, c. 5, s. 125, s. 14; 1993, c. 40, s. 47.

126. The Commission may:

(a) advise the Government and other agencies of the civil administration on any question relating to toponymy;

(b) *(subparagraph repealed)*;

(c) in unorganized territories, name geographical places or change their names;

(d) with the consent of the agency of the civil administration having concurrent jurisdiction over the place name, determine or change the name of any place in a local municipal territory.

1977, c. 5, s. 126, s. 14; 1993, c. 40, s. 48; 1996, c. 2, s. 114.

127. The names approved by the Commission during the year must be published at least once a year in the *Gazette officielle du Québec*.

1977, c. 5, s. 127.

128. Upon the publication in the *Gazette officielle du Québec* of the names chosen or approved by the Commission, the use of such names becomes obligatory in texts and documents of the civil administration and the semipublic agencies, in traffic signs, in public signs and posters and in teaching manuals and educational and research works published in Québec and approved by the Minister of Education, Recreation and Sports.

1977, c. 5, s. 128; 1985, c. 21, s. 21; 1988, c. 41, s. 88; 1993, c. 51, s. 19; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

CHAPTER IV

FRANCIZATION OF THE CIVIL ADMINISTRATION

129. Every agency of the civil administration requiring time to comply with certain provisions of this Act or to ensure the generalized use of French in its domain must as soon as possible adopt a francization program under the authority and with the assistance of the Office.

1977, c. 5, s. 129; 1999, c. 40, s. 45.

130. The francization programs must take into account the situation of persons nearing retirement or having a long record of service with the civil administration.

1977, c. 5, s. 130.

131. Every agency of the civil administration must, not later than 180 days after the beginning of its activities, submit to the Office a report including an analysis of the language situation in that agency and an account of the measures it has adopted and those it intends to adopt in view of complying with this Act.

The Office shall determine the form of such report and the information it must furnish.

1977, c. 5, s. 131; 1983, c. 56, s. 26.

132. If the Office considers the adopted or envisaged measures insufficient, it shall give the persons concerned the opportunity to present observations and have the documents and information it considers essential forwarded to it.

It shall prescribe appropriate correctives, if needed.

Any agency refusing to implement such correctives is guilty of an offence.

1977, c. 5, s. 132; 1997, c. 43, s. 152.

133. For a period of not more than one year, the Office may exempt from the application of any provision of this Act any service or agency of the civil administration that requests it, if it is satisfied with the measures taken by that service or agency towards the objectives set by this Act and the regulations.

1977, c. 5, s. 133.

134. *(Repealed).*

1977, c. 5, s. 134; 1983, c. 56, s. 27; 1992, c. 61, s. 99.

CHAPTER V

FRANCIZATION OF ENTERPRISES

1999, c. 40, s. 45.

135. This chapter applies to all enterprises, including public utility enterprises.

1977, c. 5, s. 135; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

136. Enterprises employing 100 or more persons must form a francization committee composed of six or more persons.

The francization committee shall analyze the language situation in the enterprise and make a report to the management of the enterprise for transmission to the Office. Where necessary, the committee shall devise a francization program for the enterprise and supervise its implementation. Where a francization certificate is issued to the enterprise, the committee shall ensure that the use of French remains generalized at all levels of the enterprise according to the terms of section 141.

The francization committee may establish subcommittees to assist it in the carrying out of its tasks.

The francization committee shall meet not less than once every six months.

1977, c. 5, s. 136; 1983, c. 56, s. 28; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

137. At least half of the members of the francization committee and of every subcommittee shall be representatives of the workers of the enterprise.

Such representatives shall be designated by the association of employees representing the majority of the workers or, where several associations of employees together represent the majority of the workers, such associations shall designate the representatives by agreement. In the absence of an agreement, or in all other cases, such representatives shall be elected by the whole body of the workers of the enterprise in the manner and on the conditions determined by the management of the enterprise.

The workers' representatives are designated for a period of not more than two years. However, their term as representatives may be renewed.

1977, c. 5, s. 137; 1983, c. 56, s. 29; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 18.

137.1. Workers' representatives on the francization committee or a subcommittee may, without loss of pay, absent themselves from work for the time required to attend meetings of the committee or subcommittee and to perform any committee or subcommittee task. They shall be deemed to be working and shall be remunerated at the normal rate during that time.

In no case may an employer not remunerate or dismiss, lay off, demote or transfer a worker for the sole reason that the worker took part in committee or subcommittee meetings or tasks.

Any worker who feels aggrieved by an action that is prohibited by the second paragraph may exercise the rights set out in the second or third paragraph of section 45, as the case may be.

2002, c. 28, s. 19.

138. The enterprise shall provide the Office with a list of the members of the francization committee and every subcommittee, and any changes to such list.

1977, c. 5, s. 138; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

138.1. *(Replaced).*

1983, c. 56, s. 30; 1993, c. 40, s. 49.

139. An enterprise which employs 50 persons or more for a period of six months must register with the Office within six months of the end of that period. For that purpose, the enterprise shall inform the Office of the number of persons it employs and provide it with general information on its legal status and its functional structure and on the nature of its activities.

The Office shall issue a certificate of registration to the enterprise.

Within six months of the date on which the certificate of registration is issued, the enterprise shall transmit an analysis of its linguistic situation to the Office.

1977, c. 5, s. 139; 1983, c. 56, s. 31; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 20.

140. If the Office considers, after examining the analysis of the enterprise's linguistic situation, that the use of French is generalized at all levels of the enterprise according to the terms of section 141, it shall issue a francization certificate.

If, however, the Office considers that the use of French is not generalized at all levels of the enterprise, it shall notify the enterprise that it must adopt a francization program. In the case of an enterprise to which section 139 applies, the Office may, in addition, order the establishment of a francization committee of four or six members; in that case, sections 136 to 138 are applicable with the necessary modifications.

The francization program shall be submitted to the Office within six months of the date on which the notice is received. The program requires the approval of the Office.

1977, c. 5, s. 140; 1983, c. 56, s. 32; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 21.

141. The francization program is intended to generalize the use of French at all levels of the enterprise through

(1) the knowledge of the official language on the part of management, the members of the professional orders and the other members of the personnel;

(2) an increase, where necessary, at all levels of the enterprise, including the board of directors, in the number of persons having a good knowledge of the French language so as to generalize its use;

(3) the use of French as the language of work and as the language of internal communication;

(4) the use of French in the working documents of the enterprise, especially in manuals and catalogues;

(5) the use of French in communications with the civil administration, clients, suppliers, the public and shareholders except, in the latter case, if the enterprise is a closed company within the meaning of the Securities Act (chapter V-1.1);

(6) the use of French terminology;

(7) the use of French in public signs and posters and commercial advertising;

(8) appropriate policies for hiring, promotion and transfer;

(9) the use of French in information technologies.

1977, c. 5, s. 141; 1993, c. 40, s. 49; 1994, c. 40, s. 457; 1999, c. 40, s. 45.

142. A francization program must take account of

(1) the situation of persons who are near retirement or of persons who have long records of service with the enterprise;

(2) the relations of the enterprise with the exterior;

(3) the particular case of head offices and research centres established in Québec by enterprises whose activities extend outside Québec;

(4) in enterprises producing cultural goods having a language content, the particular situation of production units whose work is directly related to such language content;

(5) the line of business of the enterprise.

1977, c. 5, s. 142; 1993, c. 40, s. 49; 1999, c. 40, s. 45; 2002, c. 28, s. 22.

143. After having approved the francization program of an enterprise, the Office shall issue an attestation of implementation in respect of the program.

The enterprise must comply with the elements and stages of its program and keep its personnel informed of the implementation thereof.

In addition, the enterprise must submit reports on the implementation of its program to the Office, every 24 months in the case of an enterprise employing fewer than 100 persons and every 12 months in the case of an enterprise employing 100 or more persons.

1977, c. 5, s. 143; 1983, c. 56, s. 33; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

144. The implementation of francization programs in head offices and in research centres may be the subject of special agreements with the Office to allow the use of a language other than French as the language of operation. Such agreements are valid for a renewable period of not more than five years.

The Government shall determine, by regulation, in what cases, on what conditions and according to what terms a head office or research centre may be a party to such an agreement. The regulation may prescribe matters which must be dealt with under certain provisions of such an agreement.

While such an agreement remains in force, the head office or research centre is deemed to be complying with the provisions of this chapter.

1977, c. 5, s. 144; 1983, c. 56, s. 34; 1993, c. 40, s. 49; 2002, c. 28, s. 23.

144.1. *(Replaced).*

1983, c. 56, s. 34; 1993, c. 40, s. 49.

145. Where an enterprise has completed the implementation of its francization program and the Office considers that the use of French is generalized at all levels of the enterprise according to the terms of section 141, the Office shall issue a francization certificate.

1977, c. 5, s. 145; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

146. Every enterprise holding a francization certificate issued by the Office is required to ensure that the use of French remains generalized at all levels according to the terms of section 141.

The enterprise shall submit to the Office, every three years, a report on the progression of the use of French in the enterprise.

1977, c. 5, s. 146; 1983, c. 56, s. 35; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

147. The Office may refuse, suspend or cancel the attestation of implementation of a francization program or the francization certificate of an enterprise which is not or is no longer complying with its obligations under this Act or the regulations thereunder.

Before making a decision, the Office may hear the views of any interested person on the situation of the enterprise concerned.

1977, c. 5, s. 147; 1983, c. 56, s. 36; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

148. The Government shall determine, by regulation, the procedure relating to the issue, suspension or cancellation of an attestation of implementation of a francization program or a francization certificate. Such procedure may vary according to the classes of enterprises established by the Government.

The Government shall also determine, by regulation, the procedure by which an interested person makes his views known under the second paragraph of section 147.

1977, c. 5, s. 148; 1983, c. 56, s. 37; 1993, c. 40, s. 49; 1999, c. 40, s. 45.

149. *(Replaced).*

1977, c. 5, s. 149; 1993, c. 40, s. 49.

150. *(Replaced).*

1977, c. 5, s. 150; 1983, c. 56, s. 38; 1993, c. 40, s. 49.

151. The Office may, with the approval of the Minister responsible for the administration of this Act, and on condition of a notice in the *Gazette officielle du Québec*, require an enterprise employing less than 50 persons to analyze its language situation and to prepare and implement a francization program.

Where such an enterprise requires a period of time to comply with certain provisions of this Act or of a regulation thereunder, it may request the assistance of the Office and enter into a special agreement with the latter. Within the scope of such an agreement, the Office may, for the period it determines, exempt the enterprise from the application of any provision of this Act or of a regulation thereunder.

The Office shall, every year, make a report to the Minister of the measures taken by the enterprises and the exemptions granted.

1977, c. 5, s. 151; 1993, c. 40, s. 50; 1999, c. 40, s. 45; 2002, c. 28, s. 24.

151.1. Every enterprise that fails to comply with the obligations imposed by sections 136 to 146 and 151 with regard to the francization process applicable to it commits an offence and is liable to the penalties provided for in section 205.

1997, c. 24, s. 16; 1999, c. 40, s. 45.

152. *(Repealed).*

1977, c. 5, s. 152; 1993, c. 40, s. 51.

153. The Office may, for such period as it may determine, exempt an enterprise from the application of any provision of this Act or of the regulations

(a) where it issues a certificate of registration or a francization certificate, or

(b) where a francization program approved by the Office is in the process of being implemented in the enterprise.

The Office shall notify the Minister of any exemption thus granted.

1977, c. 5, s. 153; 1983, c. 56, s. 39; 1993, c. 40, s. 52; 1999, c. 40, s. 45.

154. The general information, the analysis of the linguistic situation and the reports provided for in this chapter must be submitted on the forms and questionnaires furnished by the Office.

1977, c. 5, s. 154; 1983, c. 56, s. 40; 1993, c. 40, s. 53.

154.1. *(Replaced).*

1983, c. 56, s. 40; 1993, c. 40, s. 53.

155. *(Replaced).*

1977, c. 5, s. 155, s. 14; 1978, c. 18, s. 24; 1978, c. 15, s. 140; 1983, c. 56, s. 41; 1983, c. 55, s. 161; 1993, c. 40, s. 53.

155.1. *(Replaced).*

1983, c. 56, s. 41; 1993, c. 40, s. 53.

155.2. *(Replaced).*

1983, c. 56, s. 41; 1993, c. 40, s. 53.

155.3. *(Replaced).*

1983, c. 56, s. 41; 1993, c. 40, s. 53.

155.4. *(Replaced).*

1983, c. 56, s. 41; 1993, c. 40, s. 53.

156. *(Replaced).*

1977, c. 5, s. 156; 1993, c. 40, s. 53.

TITLE III

THE OFFICE QUÉBÉCOIS DE LA LANGUE FRANÇAISE

1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 25.

CHAPTER I

ESTABLISHMENT

1997, c. 24, s. 17; 2002, c. 28, s. 26.

157. A body is hereby established under the name of “Office québécois de la langue française”.

1977, c. 5, s. 157; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

158. The head office of the Office shall be located in Québec or Montréal, at the place determined by the Government.

The address of the head office, as well as notice of any change thereof, shall be published in the *Gazette officielle du Québec*.

The Office shall have an office in Québec and another in Montréal and may have offices elsewhere in Québec.

1977, c. 5, s. 158; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

CHAPTER II

MISSION AND POWERS

2002, c. 28, s. 26.

159. The Office is responsible for defining and conducting Québec policy on linguistic officialization, terminology and the francization of the civil administration and enterprises.

The Office is also responsible for ensuring compliance with this Act.

1977, c. 5, s. 159; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

160. The Office shall monitor the linguistic situation in Québec and shall report thereon to the Minister at least every five years, especially as regards the use and status of the French language and the behaviour and attitudes of the various linguistic groups.

1977, c. 5, s. 160, s. 14; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

161. The Office shall see to it that French is the normal and everyday language of work, communication, commerce and business in the civil administration and in enterprises. The Office may, among other things, take any appropriate measure to promote French.

The Office shall help define and develop the francization programs provided for in this Act and monitor their application.

1977, c. 5, s. 161; 1978, c. 15, s. 140; 1983, c. 56, s. 43; 1983, c. 55, s. 161; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

162. The Office may assist and inform the civil administration, semipublic agencies, enterprises, associations and natural persons as regards the correction and enrichment of spoken and written French in Québec.

The Office may also receive observations and suggestions from such parties regarding the quality of the French language or problems encountered in the application of this Act, and report thereon to the Minister.

1977, c. 5, s. 162; 1978, c. 15, s. 133, s. 140; 1983, c. 56, s. 43; 1983, c. 55, s. 161; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

163. The Office shall establish the research programs needed for the application of this Act. It may carry out or commission the studies provided for in the research programs.

1977, c. 5, s. 163, s. 14; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

164. The Office may make agreements or take part in joint projects with any person or agency.

The Office may, in accordance with the applicable legislative provisions, make an agreement with a government other than that of Québec, a department or agency of such a government, an international organization or an agency of such an organization.

1977, c. 5, s. 164; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

CHAPTER II.1

ORGANIZATION

2002, c. 28, s. 26.

DIVISION I

GENERAL PROVISIONS

2002, c. 28, s. 26.

165. The Office shall be composed of eight members.

The members of the Office shall be appointed by the Government as follows:

- (1) a president and director general, for a term not exceeding five years; and
- (2) six persons, for a term not exceeding five years.

The associate deputy minister responsible for the implementation of language policy shall be a permanent non-voting member of the Office; the associate deputy minister may appoint a substitute.

At the expiry of their terms, non-permanent members shall remain in office until they are replaced or reappointed.

1977, c. 5, s. 165, s. 14; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 26.

165.1. The quorum at meetings of the Office is the majority of the members.

Meetings shall be presided over by the president and director general, who shall have a casting vote in the event of a tie.

2002, c. 28, s. 26.

165.2. The Office may hold meetings anywhere in Québec.

The members of the Office may participate in a meeting by means of telephone or other communications equipment enabling all participants to hear one another.

2002, c. 28, s. 26.

165.3. The president and director general is responsible for the management and administration of the Office within the scope of its internal by-laws and policies.

The powers and functions conferred on the Office by the first paragraph of section 38 and sections 40, 131 to 133, 139, 143 and 151 are exercised by the president and director general, who shall report periodically to the Office.

The Office may delegate any other power or function to the president and director general.

2002, c. 28, s. 26.

165.4. If the president and director general is absent or unable to act, another member of the Office designated by the Minister shall act as a substitute.

2002, c. 28, s. 26.

165.5. The office of president and director general shall be exercised on a full-time basis. The Government shall determine the remuneration, employment benefits and other conditions of employment of the president and director general.

The other members of the Office shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

2002, c. 28, s. 26.

165.6. The staff of the Office shall be appointed pursuant to the Public Service Act (chapter F-3.1.1).

2002, c. 28, s. 26.

165.7. Neither the Office nor its members, its staff or the members of its committees may be prosecuted by reason of official acts performed in good faith in the exercise of their powers and functions.

2002, c. 28, s. 26.

165.8. The Office may make internal by-laws.

The Office may in particular establish permanent or temporary committees, define their powers and duties and determine their mode of constitution and operation.

The committees may, with the authorization of the Minister, be composed in whole or in part of persons who are not members of the Office.

Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

The Office may also generally authorize a member or staff member of the Office to act as a mediator to facilitate an agreement between the parties in accordance with section 47.

2002, c. 28, s. 26.

165.9. The minutes of the meetings of the Office, approved by the Office, and documents and copies emanating from the Office or forming part of its records are authentic if signed or certified by the president and director general or by a staff member so authorized by the latter.

2002, c. 28, s. 26.

165.10. Not later than 31 August each year, the Office shall submit a report to the Minister on its activities for the preceding fiscal year.

The Minister shall lay the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

2002, c. 28, s. 26.

DIVISION II

COMITÉ D'OFFICIALIZATION LINGUISTIQUE AND COMITÉ DE SUIVI DE LA SITUATION LINGUISTIQUE

2002, c. 28, s. 26.

165.11. Committees are hereby established within the Office under the names of “Comité d’officialisation linguistique” and “Comité de suivi de la situation linguistique”.

On request or on its own initiative, each of the committees shall, in its designated field, advise and submit proposals to the Office.

2002, c. 28, s. 26.

165.12. Each of the committees shall be composed of five members appointed by the Office as follows:

(1) a committee chair, chosen from among the members of the Office, for the unexpired portion of his or her term as a member of the Office;

(2) a secretary, chosen from among the staff of the Office, for a term not exceeding four years ; and

(3) three persons who are neither members nor staff members of the Office, for a term not exceeding four years.

The Comité d’officialisation linguistique shall include at least two French linguistics specialists and the Comité de suivi de la situation linguistique shall include at least two demography or sociolinguistics specialists.

At the expiry of their terms, committee members shall remain in office until they are replaced or reappointed.

2002, c. 28, s. 26.

165.13. Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

2002, c. 28, s. 26.

165.14. The committees shall operate under rules determined by the internal by-laws of the Office.

2002, c. 28, s. 26.

TITLE III.1

INSPECTIONS AND INQUIRIES

1997, c. 24, s. 17; 2002, c. 28, s. 27.

166. The Office may, for the purposes of this Charter, make inspections and inquiries.

1977, c. 5, s. 166; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

167. The Office shall act on its own initiative or following the filing of a complaint.

Where a complaint has been filed, the president and director general may exercise, alone, the powers of the Office.

1977, c. 5, s. 167; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 28, s. 33.

168. Every complaint must be filed in writing; it must set out the grounds on which it is based and state the identity of the complainant. The Office shall provide assistance to complainants in drawing up their complaints.

1977, c. 5, s. 168; 1983, c. 56, s. 43; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

169. The Office shall refuse to act if the complaint is manifestly unfounded or in bad faith.

The Office may refuse to act if an appropriate recourse is available to the complainant or if it considers that the circumstances do not justify its intervention.

Where it refuses to act, the Office shall inform the complainant of its decision, giving the reasons on which it is based. The Office shall inform the complainant of the recourses available, if any.

1977, c. 5, s. 169; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

170. (*Repealed*).

1977, c. 5, s. 170; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 1999, c. 40, s. 45; 2002, c. 28, s. 29.

171. The Office may designate, generally or specially, any person to make an inquiry or an inspection.

1977, c. 5, s. 171; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

172. The Office has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Where necessary, the Office may confer such powers and immunity on any person it designates.

1977, c. 5, s. 172; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

173. No proceedings may be instituted against a person making an inspection or an inquiry by reason of any act or omission done in good faith in the exercise of his functions.

1977, c. 5, s. 173; 1993, c. 40, s. 54; 1997, c. 24, s. 17.

174. A person making an inspection for the purposes of this Act may, during business hours, provided it is at a reasonable time, enter any place open to the public. In the course of the inspection, the person may, in particular, examine any product or document, make copies, and require any relevant information.

The person must, at the request of any interested person, identify himself and produce the certificate attesting his capacity.

1977, c. 5, s. 174; 1993, c. 40, s. 54; 1997, c. 24, s. 17.

175. The Office may, for the purposes of this chapter, require a person to forward any relevant document or information within the time it fixes.

1977, c. 5, s. 175; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

176. No person may hinder, in any way, the actions of the Office or of a person designated by the Office when acting in the exercise of their functions, mislead the Office or the person by withholding information or making false statements, or refuse to provide any information or document the Office or the person is entitled to obtain.

1977, c. 5, s. 176; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33.

177. Where the Office is of the opinion that this Charter or a regulation thereunder has been contravened, it shall give the alleged offender formal notice to comply therewith within the time indicated. If the alleged offender fails to comply, the Office shall refer the matter to the Director of Criminal and Penal Prosecutions so that he may, where required, institute appropriate penal proceedings.

In the case of a contravention of section 78.1, 78.2, 78.3 or 176, the Office shall refer the matter directly to the Director of Criminal and Penal Prosecutions, without giving prior formal notice.

1977, c. 5, s. 177; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 33; 2005, c. 34, s. 85; 2010, c. 23, s. 8.

CHAPTER IV

Repealed, 2002, c. 28, s. 30.

1997, c. 24, s. 17; 2002, c. 28, s. 30.

178. *(Repealed).*

1977, c. 5, s. 178; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 30.

179. *(Repealed).*

1977, c. 5, s. 179; 1983, c. 56, s. 42; 1993, c. 40, s. 54; 1997, c. 24, s. 17; 2002, c. 28, s. 30.

180. *(Repealed).*

1977, c. 5, s. 180; 1983, c. 56, s. 43; 1993, c. 40, s. 54.

181. *(Repealed).*

1977, c. 5, s. 181; 1993, c. 40, s. 54.

182. *(Repealed).*

1977, c. 5, s. 182; 1986, c. 46, s. 9; 1993, c. 40, s. 54.

183. *(Repealed).*

1977, c. 5, s. 183; 1983, c. 56, s. 43; 1993, c. 40, s. 54.

184. *(Repealed).*

1977, c. 5, s. 184; 1983, c. 56, s. 43; 1993, c. 40, s. 54.

TITLE IV

THE CONSEIL SUPÉRIEUR DE LA LANGUE FRANÇAISE

2002, c. 28, s. 31.

185. A council is hereby established under the name “Conseil supérieur de la langue française”.

1977, c. 5, s. 185; 2002, c. 28, s. 31.

186. The head office of the Conseil shall be located in Québec, at the place determined by the Government.

The address of the head office, as well as notice of any change thereof, shall be published in the *Gazette officielle du Québec*.

1977, c. 5, s. 186; 2002, c. 28, s. 31.

187. The mission of the Conseil is to advise the Minister responsible for the administration of this Act on any matter relating to the French language in Québec.

In that capacity, the Conseil shall

(1) advise the Minister on any matter the Minister submits to it;

(2) bring to the Minister’s attention any matter which, in its opinion, requires the attention of the Government.

1977, c. 5, s. 187, s. 14; 2002, c. 28, s. 31.

188. In carrying out its mission, the Conseil may

(1) receive and hear observations from individuals or groups;

(2) conduct or commission such studies and research as it considers necessary.

The Conseil may also inform the public on any matter relating to the French language in Québec.

1977, c. 5, s. 188, s. 14; 1993, c. 40, s. 55; 2002, c. 28, s. 31.

189. The Conseil shall be composed of eight members.

The members of the Conseil shall be appointed by the Government as follows:

(1) a chair, for a term not exceeding five years; and

(2) seven persons, chosen after consultation with the bodies which the Government considers representative of consumers, educational circles, cultural communities, unions and management, for a term not exceeding five years.

At the expiry of their terms, members shall remain in office until they are replaced or reappointed.

1977, c. 5, s. 189, s. 14; 1993, c. 40, s. 56; 1999, c. 40, s. 45; 2002, c. 28, s. 31.

190. The quorum at meetings of the Conseil is the majority of the members.

Meetings shall be presided over by the chair, who shall have a casting vote in the event of a tie.

1977, c. 5, s. 190; 1997, c. 24, s. 18; 2002, c. 28, s. 31.

191. The Conseil may hold meetings anywhere in Québec.

The members of the Conseil may participate in a meeting by means of telephone or other communications equipment enabling all participants to hear one another.

1977, c. 5, s. 191; 2002, c. 28, s. 31.

192. The chair is responsible for the management and administration of the Conseil.

1977, c. 5, s. 192, s. 14; 2002, c. 28, s. 31.

193. If the chair is absent or unable to act, another member of the Conseil designated by the Minister shall act as a substitute.

1977, c. 5, s. 193; 2002, c. 28, s. 31.

194. The office of chair shall be exercised on a full-time basis. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chair.

The other members of the Conseil shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

1977, c. 5, s. 194; 1997, c. 24, s. 19; 2002, c. 28, s. 31.

195. The staff of the Conseil shall be appointed pursuant to the Public Service Act (chapter F-3.1.1).

1977, c. 5, s. 195, s. 14; 2002, c. 28, s. 31.

196. The Conseil may provide for its internal management.

The Conseil may establish committees to assist it in the exercise of its powers and duties.

The committees may, with the authorization of the Minister, be composed, in whole or in part, by persons who are not members of the Conseil.

Committee members shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of reasonable expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

1977, c. 5, s. 196, s. 14; 2002, c. 28, s. 31.

197. The minutes of the meetings of the Conseil, approved by the Conseil, and documents and copies emanating from the Conseil or forming part of its records are authentic if signed or certified by the chair or by a staff member so authorized by the latter.

1977, c. 5, s. 197; 1978, c. 15, s. 133, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2002, c. 28, s. 31.

197.1. *(Replaced).*

1997, c. 24, s. 20; 2002, c. 28, s. 31.

198. Not later than 31 August each year, the Conseil shall submit a report to the Minister on its activities for the preceding fiscal year.

The Minister shall lay the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

1977, c. 5, s. 198, s. 14; 1993, c. 40, s. 57; 2002, c. 28, s. 31.

199. *(Replaced).*

1977, c. 5, s. 199; 1993, c. 40, s. 58; 2002, c. 28, s. 31.

200. *(Replaced).*

1977, c. 5, s. 200, s. 14; 1996, c. 2, s. 115; 2000, c. 56, s. 220; 2002, c. 28, s. 31.

201. *(Replaced).*

1977, c. 5, s. 201; 2002, c. 28, s. 31.

202. *(Replaced).*

1977, c. 5, s. 202; 1999, c. 40, s. 45; 2002, c. 28, s. 31.

203. *(Replaced).*

1977, c. 5, s. 203; 2002, c. 28, s. 31.

204. *(Replaced).*

1977, c. 5, s. 204; 2002, c. 28, s. 31.

TITLE V

PENAL PROVISIONS AND OTHER SANCTIONS

1986, c. 46, s. 10; 1992, c. 61, s. 100.

205. Every person who contravenes a provision of this Act or the regulations adopted by the Government thereunder commits an offence and is liable

- (a) to a fine of \$600 to \$6,000 in the case of a natural person;
- (b) to a fine of \$1,500 to \$20,000 in the case of a legal person.

The fines are doubled for a subsequent offence.

In determining the amount of a fine, the judge takes into account, among other things, the revenues and other benefits the offender derived from the offence and any damages and socio-economic consequences that resulted from the offence.

Moreover, if a person is convicted of an offence under this Act, a judge may, on an application made by the prosecutor and submitted with the statement of offence, impose on the offender, in addition to any other

penalty, a further fine equal to the financial gain the offender realized or derived from the offence, even if the maximum fine has also been imposed.

1977, c. 5, s. 205, s. 14; 1986, c. 58, s. 15; 1990, c. 4, s. 128; 1991, c. 33, s. 18; 1993, c. 40, s. 59; 1997, c. 24, s. 21; 2010, c. 23, s. 9.

205.1. Every person who contravenes any of the provisions of sections 51 to 54 by distributing, selling by retail sale, renting, offering for sale or rental or otherwise marketing, for consideration or free of charge, or by possessing for such purposes,

(1) a product, if the inscriptions on the product, on its container or wrapping, or on a document or object supplied with it, including the directions for use and the warranty certificates, are not in conformity with the provisions of this Charter,

(2) computer software, including game software and operating systems, or a game or toy that is not in conformity with the provisions of this Charter, or

(3) a publication that is not in conformity with the provisions of this Charter,

commits an offence and is liable to the fines provided for in section 205.

The operator of an establishment where menus or wine lists that are not in conformity with the provisions of section 51 are presented to the public also commits an offence and is liable to the fines provided for in section 205.

The burden of proof concerning the exceptions provided for in sections 52.1 and 54, or pursuant to section 54.1, lies with the person who invokes the exceptions.

1997, c. 24, s. 22.

206. (*Repealed*).

1977, c. 5, s. 206; 1986, c. 58, s. 16; 1990, c. 4, s. 129; 1991, c. 33, s. 19; 1993, c. 40, s. 60.

207. The Attorney General, the Director of Criminal and Penal Prosecutions or a person either of them has authorized shall institute penal prosecutions under this Act. The Attorney General shall bring all other proceedings necessary for the enforcement of this Act.

1977, c. 5, s. 207; 1990, c. 4, s. 130; 2005, c. 34, s. 41.

208. Any court of civil jurisdiction, on application by the Attorney General, may order the removal or destruction at the expense of the defendant, within eight days of the judgment, of any poster, sign, advertisement, bill-board or illuminated sign not in conformity with this Act.

The application may be directed against the owner of the advertising equipment or against whoever placed the poster, sign, advertisement, bill-board or illuminated sign or had it placed.

1977, c. 5, s. 208; I.N. 2016-01-01 (NCCP).

208.1. Every person who is convicted of contravening section 78.1 or 78.2 is disqualified for office as a school board commissioner.

The disqualification period is five years from the date on which the judgment of guilty becomes *res judicata*.

1986, c. 46, s. 11; 1988, c. 84, s. 549; 1990, c. 4, s. 131; 2010, c. 23, s. 10.

208.2. Where a judgment of guilty become *res judicata* has been rendered against a person in the employ of a school body who has been convicted of contravening section 78.1 or 78.2, the Director of Criminal and Penal Prosecutions shall notify the school body in writing.

On receiving the notice, the school body shall suspend that person without pay for six months.

1986, c. 46, s. 11; 1990, c. 4, s. 132; 2005, c. 34, s. 85; 2010, c. 23, s. 10.

208.3. Whoever does or omits to do something in order to assist a person to commit an offence under this Act or the regulations, or advises, encourages or incites a person to commit such an offence, is also guilty of the offence.

2010, c. 23, s. 11.

208.4. In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all the necessary precautions to ensure compliance with this Act and the regulations.

2010, c. 23, s. 11.

208.5. Penal proceedings for an offence under this Act or the regulations are prescribed two years from the date on which the offence was committed.

Despite the first paragraph, penal proceedings for an offence under section 78.1 or 78.2 are prescribed one year from the date on which the prosecutor became aware that the offence had been committed. However, no proceedings may be instituted if more than five years have elapsed from the date the offence was committed.

2010, c. 23, s. 11.

TITLE VI

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

209. Section 11 shall come into force on 3 January 1979 and shall not affect cases pending on that date.

Section 13 shall come into force on 3 January 1980 and shall not affect cases pending on that date.

Section 34, 58 and 208 shall come into force on 3 July 1978, subject to section 211.

1977, c. 5, s. 209.

210. Owners of bill-boards or illuminated signs erected before 31 July 1974 must comply with section 58 from its coming into force.

1977, c. 5, s. 210.

211. Every person who has complied with the requirements of section 35 of the Official Language Act (1974, chapter 6) in respect of bilingual public signs shall have until 1 September 1981 to make the required changes, in particular to change his bill-boards and illuminated signs, in order to comply with this Act.

1977, c. 5, s. 211.

212. The Government shall entrust a minister with the application of this Act. Such minister shall exercise in regard to the staff of the Office québécois de la langue française and the staff of the Conseil supérieur de la langue française the powers of the incumbent minister of a department.

1977, c. 5, s. 230, s. 14; 1978, c. 15, s. 140; 1983, c. 56, s. 43; 1993, c. 40, s. 61; 1997, c. 24, s. 23; 2002, c. 28, s. 32.



The Minister responsible for the Protection and Promotion of the French Language is entrusted with the application of this Act. Order in Council 106-2016 dated 22 February 2016, (2016) 148 G.O. 2 (French), 1581.

213. This Act applies to the Government.

1977, c. 5, s. 231, s. 14.

214. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE

A. *The civil administration*

1. The Government and the Government departments.

2. The Government agencies:

Agencies to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund except, however, health services and social services, general and vocational colleges and the Université du Québec.

2.1 (*Paragraph repealed*).

3. The municipal and school bodies:

(a) the metropolitan communities and transit authorities:

The Communauté métropolitaine de Québec and the Communauté métropolitaine de Montréal, the Société de transport de Québec, the Société de transport de Montréal, the Société de transport de l'Outaouais, the Société de transport de Laval and the Société de transport de Longueuil;

(b) the municipalities, municipal boroughs being regarded as municipalities;

(b.1) the bodies under the authority of a municipality and taking part in the administration of its territory;

(c) the school bodies:

The school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal.

4. The health services and the social services:

Institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5).

B. *Semipublic agencies*

1. Public utility enterprises:

If they are not already Government agencies, the telephone, telegraph and cable-delivery enterprises, the air, ship, bus and rail transport enterprises, the enterprises which produce, transport, distribute or sell gas, water or electricity, and enterprises holding authorizations from the Commission des transports.

2. Professional orders:

The professional orders listed in Schedule I to the Professional Code (chapter C-26), or established in accordance with that Code.

1977, c. 5, Schedule; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 1984, c. 42, s. 137; 1985, c. 31, s. 44; 1985, c. 32, s. 159; 1988, c. 84, s. 550; 1990, c. 85, s. 115; 1992, c. 21, s. 119, s. 375; 1993, c. 36, s. 8; 1993, c. 40, s. 62; 1993, c. 67, s. 108; 1994, c. 40, s. 457; 1994, c. 23, s. 23; 1996, c. 2, s. 116; 1997, c. 44, s. 98; 1999, c. 40, s. 45; 2000, c. 8, s. 242; 2000, c. 56, s. 103; 2000, c. 57, s. 11; 2001, c. 23, s. 246; 2002, c. 75, s. 33.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 5 of the statutes of 1977, in force on 31 December 1977, is repealed, except sections 224 to 229 and 232, effective from the coming into force of chapter C-11 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 11, 34, 58 and 208 of chapter 5 of the statutes of 1977, in force on 1 June 1979, are repealed effective from the coming into force of the updating to 1 June 1979 of chapter C-11 of the Revised Statutes.

