

THE LANGUAGE OF WORK AND FRANCIZATION OF BUSINESS FIRMS

Summary

French is both the official language of Québec and the mother tongue of more than 80% of its population.

The Charter of the French language, enacted in 1977, gave legal status to the will of the majority in making French the normal and everyday language of work, commerce and business.

Where this Charter does not require the use of French exclusively, French and one or more other languages may be used together.

Where the Charter 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.

Language of work

(Charter of the French language, sections 41 to 50)

Section 41

Every employer shall draw up his written communications to his staff in French.

Section 42

Where an offer of employment regards employment in a firm of fifty persons or more in Québec, the employer publishing his 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.

Section 43

Collective agreements and the schedules to them must be drafted in French.

Section 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.

Section 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 French, unless the nature of the duties requires the knowledge of that other language.

The burden of proof that the knowledge of the other language is necessary is on the employer, at the demand of the person or the association of employees. A grievance arbitrator or the Commission des relations du travail (Québec labor code) have the power to decide any dispute.

Section 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.

Francization of business firms

(Charter of the French language, sections 135 to 154)

Francization process

Section 135

This chapter applies to all firms employing fifty persons or more in Québec, including public utility firms.

Section 139

A firm which employs fifty persons or more for a period of six months must register with the Office de la langue française within six months of the end of that period. For that purpose, the firm 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 firm.

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

Section 140

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

If, however, the Office considers that the use of French is no generalized at all levels of the firm, it shall notify the firm that it must adopt a francization programme. The programme shall be submitted to the Office for approval within six months of the date on which the notice is received.

Section 141

The francization programme is intended to generalize the use of French at all levels of the firm through

(1) The knowledge of French on the part of management, the members of the professional corporations and the other members of the personnel;

(2) an increase, where necessary, at all levels of the firm, 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 firm, especially in manuals and catalogues;

(5) the use of French in communications with the civil administration, clients, suppliers, the public and shareholders;

(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.

Section 142

A francization programme must take account of

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

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

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

(4) the particular situation of production units whose work is directly related to language content.

Section 143

After having approved the francization programme of a firm, the Office shall issue an attestation of implementation in respect of the programme.

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

In addition, the firm must submit reports on the implementation of its programme to the Office, every twenty-four months in the case of a firm employing fewer than one hundred persons and every twelve months in the case of a firm employing one hundred or more persons.

Section 145

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

Section 146

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

Section 147

The Office may refuse, suspend or cancel the attestation of implementation of a francization programme or the francization certificate of a firm 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 firm concerned.

Section 153

The Office may, for such period as it may determine, exempt a business firm 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 programme approved by the Office is in the process of being implemented in the firm.

Section 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.

Francization committee

Section 136

Firms employing one hundred or more persons must form a francization committee composed of six or more persons.

The francization committee shall analyse the language situation in the firm and make a report to the management of the firm for transmission to the Office. Where necessary, the committee shall devise a francization programme for the firm and supervise its implementation. Where a francization certificate is issued to the firm, the committee shall ensure that the use of French remains generalized at all levels of the firm 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.

Section 137

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

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 firm in the manner and on the conditions determined by the management of the firm.

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

Section 137.1

Worker's representatives on the francization committee may, without loss of pay, absent themselves from work for the time required to attend meetings of the committee and to perform any committee task.

Section 138

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

Special agreements

Section 144

The implementation of francization programmes 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.

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.

Firm employing less than fifty employees in Québec

Section 151

The Office may, with the approval of the Minister, and on condition of a notice in the *Gazette officielle du Québec*, require a business firm employing less than fifty persons to analyse its language situation and to prepare and implement a francization programme.

Where such a firm requires a period of time to comply with certain provisions of the Charter 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 firm from the application of any provision of this Act or of a regulation thereunder.