

The language of communication between public sector service providers and users under Bill 96

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Overview

- ♦ Bill 96: major reform of the Charter of the French Language, multiple domains
- ♦ Presentation: solely Bill 96 provisions on communication between public service providers and users
 - ♦ Entire public sector: civil service, health and social services network, schools, municipalities and numerous other public bodies (e.g., legal aid offices)
 - ♦ All communications, whether oral or written, direct or via a State-funded interpreter
- ♦ Next steps
 - ♦ National Assembly debate and adoption of Bill 96 by June 10
 - ♦ After Bill 96 is adopted, implementation process involving:
 - ♦ State language policy drafted by the Ministry of the French Language
 - ♦ Directives drafted by ministries and other public bodies
 - ♦ Will come into effect in May or June 2023

Exclusive use of French, subject to exceptions

- ♦ Québec public sector employees are forbidden to use languages other than French to communicate with individuals to whom they provide services, directly or through a State-funded interpreter, except where explicitly permitted by an exception set out in the law and detailed in the directives
- ♦ Main exceptions to the exclusive use of French are for services provided to:
 - ♦ People who attended school in English in Canada
 - ♦ People with whom a public sector body communicated in English before May 13, 2021, but only for ongoing communications with that body
 - ♦ 'Aboriginal' individuals
 - ♦ Newcomers during the first 6 months after arrival in Québec, but only for services linked to their initial settlement
 - ♦ "Where health, public safety or the principles of natural justice so require"
- ♦ Also: recognized bilingual institutions retain the right to provide services in English (as well as French)

Newcomers – communications with public sector service providers

♦ **First 6 months**

- ♦ Principle: exclusively in French from Day 1
- ♦ Permitted to use other languages during the first 6 months after arrival in Québec, but only for services related to initial settlement (e.g., applying for RAMQ, registering children in school, initial steps to find a job or an apartment)

♦ **After 6 months (and on arrival for services unrelated to initial settlement)**

- ♦ Communication only in French except:
 - Permitted to communicate in English in recognized bilingual institutions
 - Permitted to use languages other than French “where health, public safety or the principles of natural justice so require”

➤ What happens in the other cases when the person is not fluent in French?

- ♦ Minister Jolin-Barrette suggests:
 - ♦ Ask a family member or friend to act as an interpreter
 - ♦ Use a translation app
 - ♦ Use gestures
 - ♦ Last resort : professional interpreter, paid by the State

Recognized bilingual institutions

- ♦ Health institutions, municipalities, schools with a bilingual status recognized under the Charter of the French Language
- ♦ Health and social services sector
 - ♦ Includes the CIUSSS de l'Ouest de l'Île-de-Montréal, the CIUSSS du Centre-Ouest de l'Île-de-Montréal, the McGill University Health Centre, certain other institutions
- ♦ Retain the right to provide services in English to all English-speaking persons, including newcomers
- ♦ But not permitted to provide services in languages other than English and French, unless the person comes under an exception

Permitted to use languages other than French
'where health, public safety or the principles of natural justice so require'

- Not defined in Bill 96
- Will be defined in the State language policy and the ministerial directives

Health

- Best-case: All health and social services
- Worst-case: Only if communication errors could imperil the person's life or physical integrity

Public safety

- Police, firefighters, emergencies such as flooding, public health emergencies

Principles of natural justice

- Procedural fairness, e.g., right to a fair and impartial hearing

Non-employees: are they subject to these provisions?

- ♦ Bill 96 applies to public sector institutions and employees
- ♦ Physicians?
 - ♦ Usually not salaried employees – independent contractors, paid by RAMQ on a fee-for-service basis
 - ♦ Probably not subject to these provisions (but this is uncertain)
 - ♦ But: access to State-funded interpreters is permitted only in cases covered by an exception set out in Bill 96
- ♦ If a public institution provides services via contractual employees:
 - ♦ These individuals are probably subject to Bill 96 rules (but this is uncertain)

Probable impacts

- ◆ Barriers to accessibility and quality of public services for newcomers who are not fluent in French
 - ◆ Especially: refugees, asylum seekers, parents/grandparents sponsored by family members
- ◆ In practice: systemic discrimination
 - ◆ But: 'Notwithstanding' clauses bar the application of the Québec Charter of Rights and Freedoms and the Canadian Charter of Rights and Freedoms
- ◆ Heavier burden on community groups
- ◆ Shift toward bilingual health and social services institutions
 - ◆ Newcomers who speak English better than French
- ◆ Impedes inclusion of newcomers

Advocacy efforts to date (Collective Bill 96)

- Briefs
 - Public consultation (Oct. 2021)
 - Parliamentary Commission (Dec. 2021) – Minister and MNAs
- Open letters
 - Le Devoir – AQAADI, SHERPA, TCRI (Oct. 2021)
 - Open letter (by the Collective) asking that essential public services be exempted from Bill 96, signed by close to 1000 healthcare professionals, teachers, researchers, etc. – La Presse+ on Nov. 27, 2021
- Supporting other groups in sending letters to ministers and MNAs
- Petition : close to 2500 signatures
- Meetings with MNAs of the Québec Liberal Party and Québec Solidaire
- Media interviews
 - Le Devoir and CBC (Nov. 2021)
 - Radio-Canada and CBC (Feb. 2022)
- Online conference (Jan. 2022)
- Public presentations (Dec. 2021 to present)
- Website – SHERPA University Institute
- Facebook page: Bill 96 Collective – Access to quality public services for all

What can be done?

- ♦ Raise awareness
 - ♦ Public sector and community workers, professionals
 - ♦ Professional orders, associations, unions
 - ♦ General public
- ♦ National Assembly debate (before June 10)
- ♦ After the adoption of Bill 96, try to influence implementation
 - Contact decision-makers in each ministry or institution
 - But: the Minister of the French Language can modify directives if deemed inconsistent with (his view of) Bill 96 and the State language policy
- Consult the SHERPA University Institute webpage – the language of communication between individuals and the State in Québec
- Facebook: Collectif PL96 – des services publics de qualité pour tous.tes