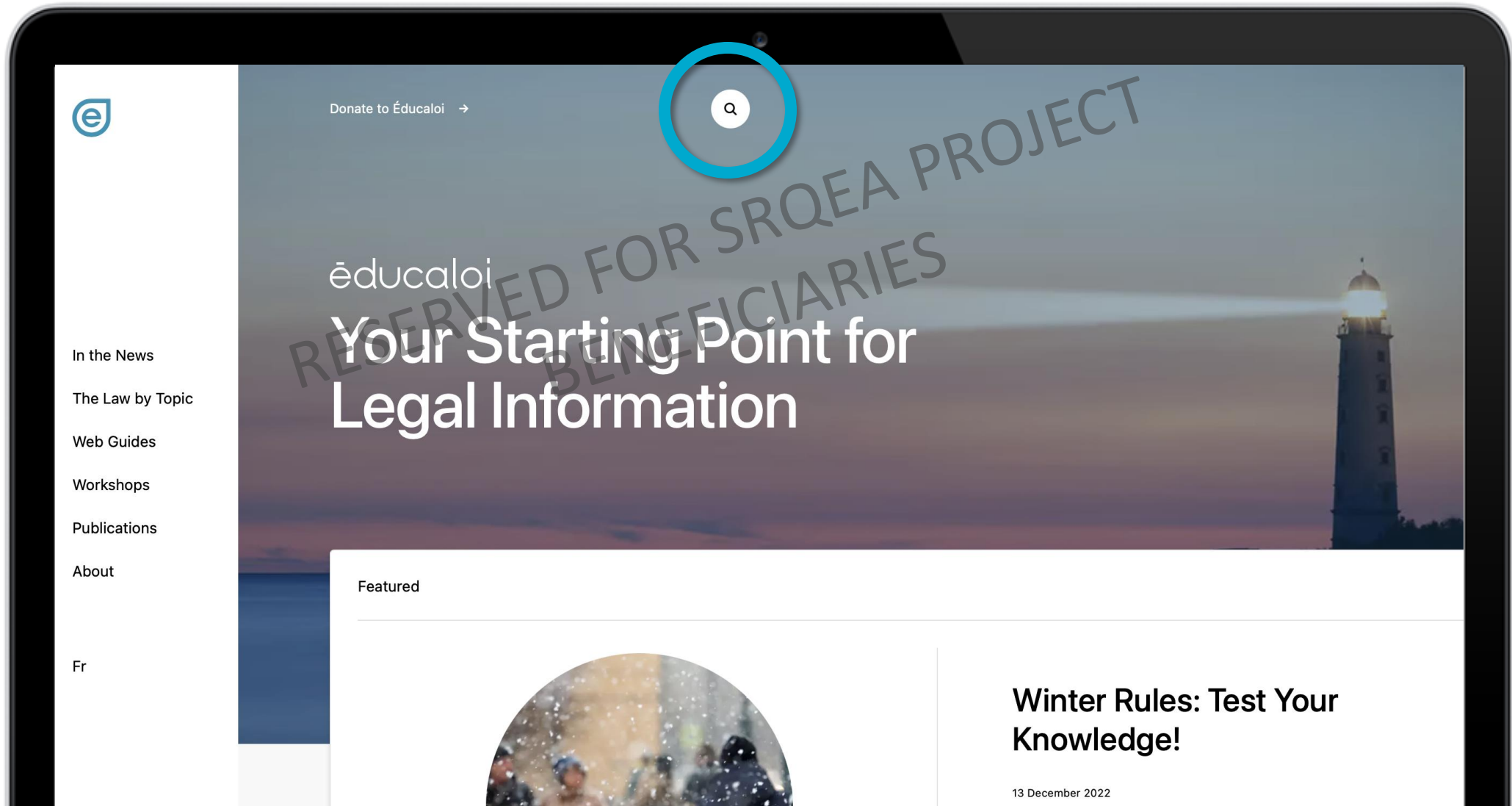


Bill 96 and NPOs: What You Need to Know

● November 13th, 2024



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Language Laws and Doing Business in Quebec

Access to English Schools in Quebec: The Certificate of Eligibility

What Language Can I Speak in Court in Quebec?

Language Used in the Workplace in Quebec

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A few instructions



Question periods

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Participate actively

Icebreaker

- Today, we're going to talk about the impact of Bill 96 on organizations. How do you expect your organization will use the information shared today?
- Write your answers in the chat or raise your virtual hand to speak up and share your thoughts!



Before we start...

NPO? Non-profit organization

**OQLF? Office québécois de la
langue française**

Learning goals

- What are your **responsibilities** towards:
 - employees,
 - the OQLF, and
 - the general public.
- What are the **consequences** of non-compliance.
- Where to find **information** and **resources** related to Bill 96.



Today's workshop

Introduction

- 1 Bill 96: In Short
- 2 Internal Operations and the OQLF
- 3 Recruitment
- 4 External Communications
- 5 Consequences or Non-Compliance and Recourses

Conclusion



Spot the mistakes

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Legal information workshop

Legal information

- ✓ General information about the law
- ✓ Explaining what the law says
- ✓ Presenting different options for what you can do

Legal advice

- X Interpreting how the law applies to your specific situation
- X Providing an opinion on the likely outcome of a certain course of action
- X Recommending what you should do

1

Bill 96: In Short

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 96
(2022, chapter 14)

**An Act respecting French, the official
and common language of Québec**

Introduced 13 May 2021
Passed in principle 4 November 2021
Passed 24 May 2022
Assented to 1 June 2022

Charter of the French Language and Bill 96

- **Individuals**

- Workers
- Consumers
- Professionals
- More!

- **Entities**

- Government
- Schools
- Employers
- Enterprises



Bill 96 does not mention NPOs or organizations, but many rules apply to enterprises.

Are NPOs enterprises?



Most NPOs are considered entreprises.

- Civil Code of Quebec: "...an organized economic activity, whether or not it is commercial in nature..."
- Other laws, OQLF: Registered with the Registraire des entreprises du Québec.
- No exemptions for NPOs who mainly serve "historic anglophones"

A Timeline of Bill 96

• Language for recruitment
• Language of internal communications
• Service in French if the consumer requires it
• Consequences of non-compliance

• Francization of enterprises with 25 and more workers
• Language of advertisements, external communications by enterprises

• Municipal rules are in French only
• Bilingualism is not a requirement to be a judge

• Caps to admissions in English CEGEP

June 1, 2022

Today

June 1, 2025



• Court documents filed by legal persons must be accompanied by a French translation



• Government services communicate in French with the public

• Language of documents sent to the government by legal persons and enterprises to obtain permits, subsidies...

• Additional French language courses in CEGEP

2

Employers: Internal Communications and the OQLF



False!

Bill 96 and the Charter of the French Language require that an employer have a French version of all written internal communication with employees.



In force: Written communications with employees

Rules apply to all NPOs

French required (English translation OK)	Exceptions when French isn't required
Documents relating to conditions of employment	N/A
Training documents produced for all employees	N/A
Offers of transfer or promotion	N/A
Collective and group agreements	N/A
Written communications* to employees	<p>If individual employee requests that communications be in another language.</p> <p>If communications are between employees.</p> <p>If communications are with volunteers or freelancers.</p>

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In force: Other internal documents

Rules apply
to all NPOs

Directors sitting on the Board of an NPO are not workers for the purposes of the Charter of the French language.

No rules in the Charter of the French language imposing the use of French for:

- Notices of meetings,
- Meeting agendas,
- Meeting minutes,
- Etc.

Francization:

Generalized use of French
within the organization.

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False!

Full-time employees, part-time employees, freelancers and volunteers all count towards the 50-person threshold for **francization** rules.



Who to count for francization?

Employees in all establishments:

- Salary or commissions
- Permanent/temporary, part-time/full-time, seasonal

Volunteers, students that are not paid, freelancers are not included in the count!

June 2025: Francization of enterprises (25+)

(Already applies to enterprises 50+)

- Register with the OQLF
- Analyse the linguistic situation in the organization
- If required by the OQLF:
 - Francization program
 - Francization committee

Rules apply to
some NPOs,
**depending on
size**

3

Employers: Recruitment



True

Bill 96's rules on recruitment apply to employees, but not to volunteers.



In force: Recruitment rules



Before recruitment (job offers)

Take **reasonable means** to avoid requiring knowledge of a language other than French:

1. Nature of the duties require such knowledge,
2. Restrict as much as possible the positions and duties requiring such knowledge,
3. Current employees do not have the required knowledge to perform the duties or cannot take on the additional workload.

Job offer must include reasons for requirement.

Language of the job offer and application form: French AND another language

Rules apply
to all NPOs

In force: Recruitment rules

Rules apply to all NPOs

At recruitment (employment contracts)

Employment contract: Can be exclusively in a language other than French if both parties agree to it in writing in the contract.

Individual employment contracts that can't really be negotiated must be provided and read in French first.

English version can be provided afterwards if requested.





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Questions?

4

Service Providers: External Communications



Do individuals who use the services of NPOs qualify as “consumers”?

Are NPOs’ promotional content considered “commercial advertisement”?

True

You can still serve customers in English if that's what they want.



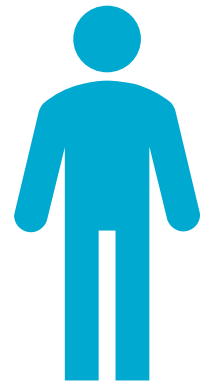
In force: Written communications, goods and services

Rules apply to all NPOs

- **Services to individuals:** Right to be served and informed in French in Quebec.
- **Service to other enterprises:** A similar rule?

Exception: If the registered non-profit has less than 5 employees, there are no consequences for failing to serve a customer in French.

- **Contracts with customers that can't really be negotiated:** French first, English if requested.
 - What's an **external clause**? Physically separate from the main contract.



In force: Written communications, goods and services

Rules apply to all NPOs

- **Goods and services** provided to the **government**: French
- **Written communication** with the **government** exclusively in French:
 - Contracts,
 - Authorizations (permits),
 - Financial assistance (subsidies).

Québec 

In force: Written communications, goods and services

Rules apply to all NPOs

Products and inscriptions exclusively in English (no French translation required) if:

- Customer outside Quebec
- Cultural or educational product

Otherwise, a French version of comparable quality must be available.

What about **activities** such as workshops and conferences?



In force: Public signs and commercial advertisement

Rules apply to
all NPOs

- General rule: French or bilingual (French clearly predominant)
 - Takes up twice as much space,
 - At least as visible and legible

**Le français doit figurer sur
l'affiche ou la publicité de façon
nettement prédominante.**

In force: Public signs and commercial advertisement

Rules apply to all NPOs

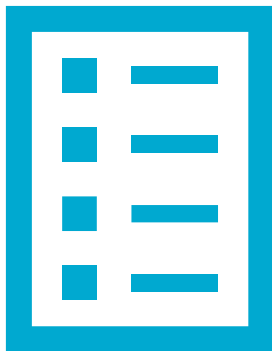
- Exceptions (English only, not bilingual):
 - Message published in English news media;
 - Message is not for profit AND of a religious, political, ideological or humanitarian nature;
 - Message concerns cultural or educational products or activities.



In force: Commercial publications

Rules apply to all NPOs

- "Commercial publications" (print or online): French version must exist if English version exists, unless:
 - Message concerns cultural or educational products or activities;
 - Message concerns conventions, conferences, other events intended for a specialized or limited public;
 - Sent to people of the same ethnic group;
 - Sent to individuals who have requested such documents in English.



Websites

Social media accounts

In force: Names and trademarks

Rules
apply to
all NPOs

- Name:
 - French plus a version in another language
 - Exception:
 - NPOs devoted exclusively to the cultural development or to the defense of specific interests of a particular ethnic group who can have a name in the language of the group plus a French version.
- Trademarks on public signs and commercial ads:
 - Recognized trademarks, if no French version registered in Canada
 - Publicly displayed: sufficient presence of French (slogan, generic term, descriptor of product or services offered)

TM

June 2025: Names and trademarks

Rules
apply to
all NPOs

- Trademarks on public signs and commercial ads:
 - Recognized trademarks, if no French version registered in Canada
Registered
 - Publicly displayed: ~~sufficient presence of French~~ (slogan, generic term, descriptor of product or services offered)
French markedly predominant

Spot the mistakes

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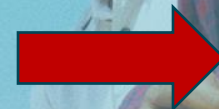
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BEING BILINGUAL
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language courses.

Should be accompanied by markedly predominant presence of French. Ex. École de langues ERicka Language School



5

Consequences of Non-Compliance and Recourses



What consequences of non-compliance do you know of?

- Write your answers in the chat or raise your virtual hand to speak up and share your thoughts!



In force: Consequences of non-compliance

Non-compliance with obligations as an employer:

- The employee can make a complaint with the CNESST.
- If no solution is found: Tribunal administratif du travail

❖ Francization: List of non-compliant enterprises

Rules
apply to
all NPOs



Non-compliance with obligations as a service-provider:

Civil and administrative sanctions:

- OQLF can order to comply and take measures
- Contracts, decisions, acts could be declared null.

And: Fines per day if non-compliance with OQLF order:

- Individuals:
 - \$700 - \$7,000, serious offences: \$20,000
 - doubled amount for directors and officers of NPOs
- Enterprises:
 - \$3,000 - \$30,000, serious offences: \$250 000

Compliance: The good news

- Very few companies are actually prosecuted and fined in Quebec each year.
- For example, in 2023, only 10 companies received a fine.
- All were private businesses.
- No non-profit organizations have been fined in recent years.

According to an OQLF spokesperson (translation):

“Our objective is not to seek many fines. There’s nothing to be gained by that. On the contrary, our main objective is to accompany enterprises so that they can comply with the Charter.”



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Useful resources



QCGN.ca

Office québécois
de la langue
française



OQLF.gouv.qc.ca



Conseil québécois
du commerce de détail

CQCD.org

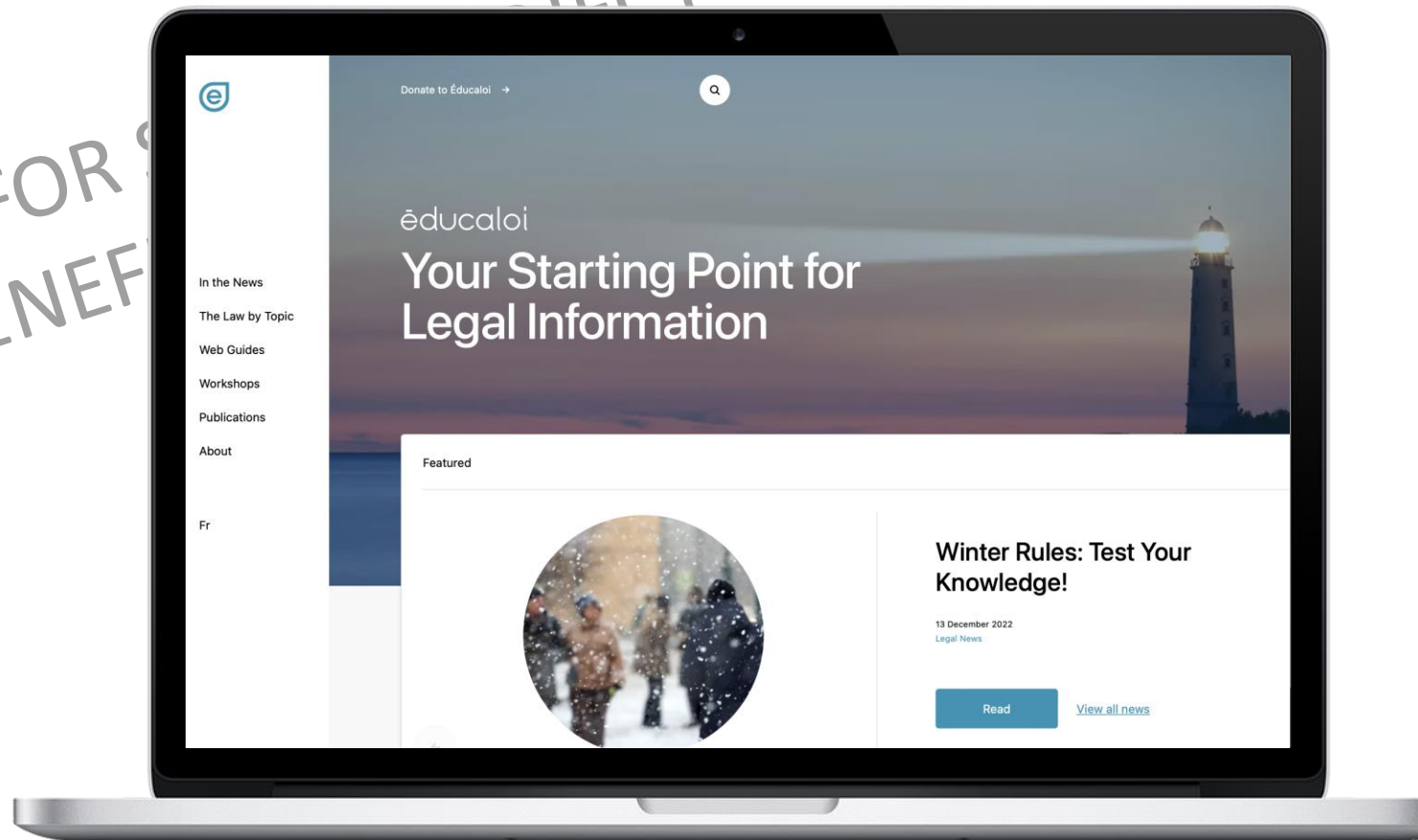
Useful resources



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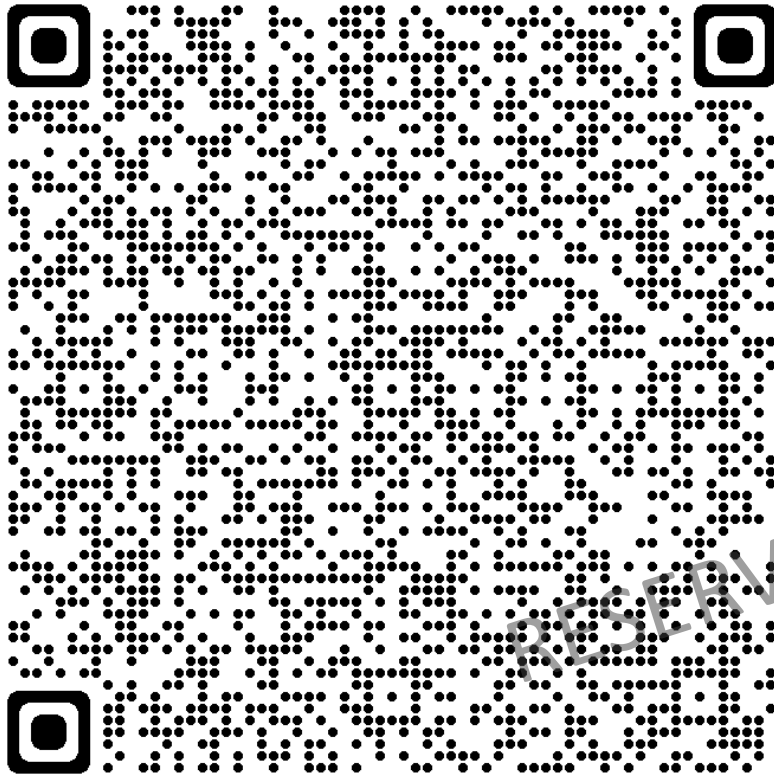


Regarding the impacts of Bill 96 on NPOs' rights and obligations, I...

Thank you!

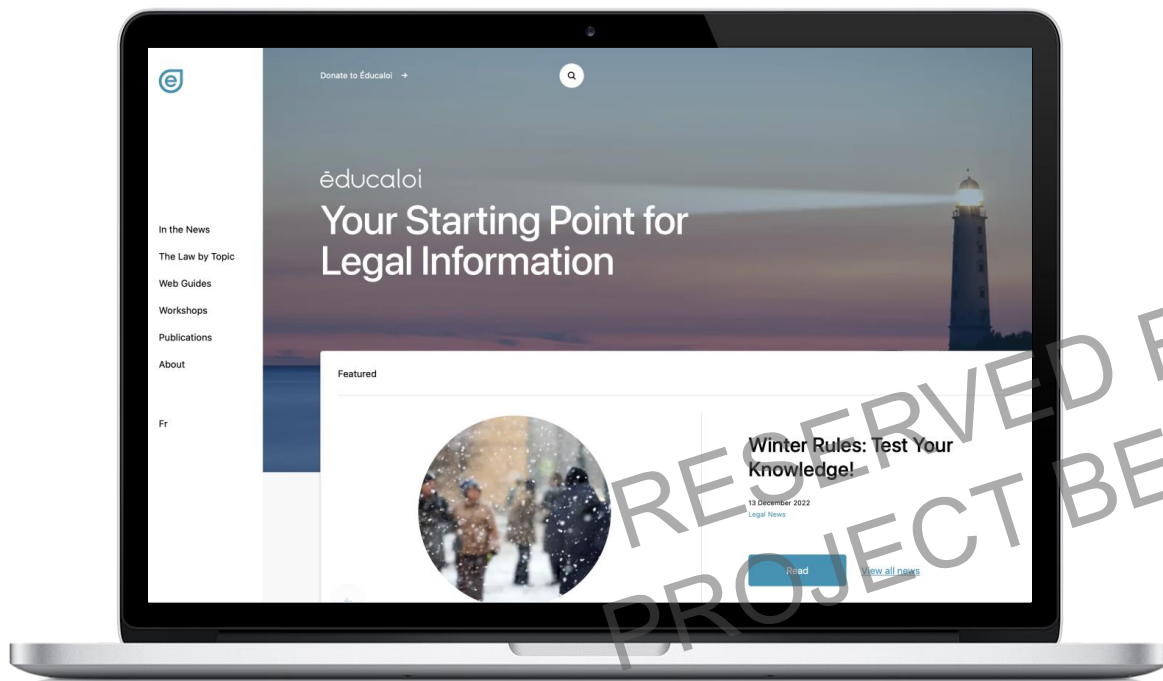
Please scan the QR code to fill out our workshop evaluation form.

We also have print copies of the form for those who prefer doing the evaluation by hand.



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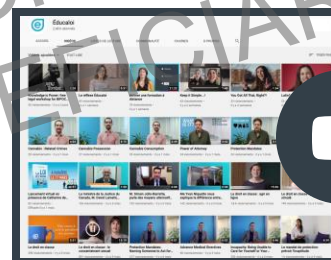
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This document is meant as information, not advice. If you need advice on a specific situation, consult a lawyer or notary.

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