

# 10 things you need to know regarding changes to Québec's Charter of the French Language

June 15, 2022

Québec has passed and enacted Bill 96, also known as *An Act respecting French, the official and common language of Québec*, a major reform to its *Charter of the French Language*.

## **Here are 10 reasons why you should be aware of the changes to come, which will impose substantial obligations on businesses:**

1. Starting June 1, 2025, businesses employing more than 25 individuals (currently, the threshold is 50) for at least six months will be required to comply with various obligations regarding "francization<sup>1</sup>." Enterprises employing between 25 and 99 employees can also be compelled to form a francization committee by the *Office québécois de la langue française* ("OQLF").<sup>2</sup> Moreover, upon request by the OQLF, a francization program could be required to be provided for review within three months.
2. As of June 1, 2025, only registered trademarks in a language other than French (and for which no French version has been filed or registered) will be accepted as an exception to the general principle that trademarks must be translated into French. Unregistered non-French trademarks will need to be accompanied by their French equivalent.

On products and their labelling or wrapping, the rule remains the same i.e. every inscription must be drafted in French. French text may be accompanied by one or more translations, but no entry written in another language shall prevail over the one written in French or be accessible under more favorable conditions. However, as of June 1, 2025, generic or descriptive terms included in a non-French registered trademark (for which no French version has been filed or registered) will have to be translated into French.

Also, as of June 1, 2025, on public signage visible from outside the premises, it will be required (i) that French appear in a markedly predominant manner (as opposed to French being sufficiently present) and (ii) that non-French trademark (for which no French version has been filed or registered) be a registered trademark.

3. Starting June 1, 2022, businesses that offer goods or services to the public must respect the consumer's right to be informed and served in French. Customers who are subjected to a breach of this obligation will be allowed to file a complaint with the OQLF or apply for injunctive relief unless the business has less than 5 employees. In addition, any legal person or enterprise providing services to the civil administration will be required to provide these services in French, including when the services are intended for the public.
4. Since June 1, 2022, subject to certain criteria provided for in the Bill, employers will be required to draft the following written documents in French: individual employment contracts<sup>3</sup>, communications addressed to a particular worker or worker association, and communications following an employee's termination. In addition, other documents such as application forms, documents relating to conditions of employment and training documents will have to be made available in French<sup>4</sup>.
5. Since June 1, 2022, employers who wish to require that employees be proficient in a language other than French to access a position will have to demonstrate that such a requirement is necessary for the performance of the specific

tasks associated with the position, that it is impossible to proceed otherwise by using internal resources, and that they have made an effort to restrict as much as possible the number of positions in their business requiring the knowledge of a language other than French.

6. Starting June 1, 2023, parties to a consumer contract and, subject to various exceptions<sup>5</sup>, parties to an adhesion contract that is not a consumer contract, that wish to enter into such a contract in a language other than French will need to have received a French version of same before agreeing to it. Otherwise, a party may demand that the contract be nullified without having to prove damages.
7. Starting June 1, 2023, the civil administration will not be allowed to enter into a contract with nor grant a subsidy to an enterprise that fails to comply with the following French language requirements: obtaining a certificate of registration, providing the OQLF with an analysis of the enterprise's language situation in due time or obtaining an attestation of implementation of a francization program or francization certificate, as the case may be.
8. Starting June 1, 2023, all contracts or agreements entered into by the civil administration, as well as all written documents sent to an agency of the civil administration by a legal person or by a business to obtain a permit, an authorization, a subsidy, or another form of financial assistance, will be required to be drawn up exclusively in French.
9. Starting September 1, 2022, a certified French translation will need to be attached to motions and similar legal documents drawn up in English by a business or other legal person who is a party to a legal proceeding in Québec, at its own costs.
10. Starting September 1, 2022, registrations at the Register of Personal and Movable Real Rights and the Land Registry Office, which include registrations of security interests, deeds of sale, leases and various other rights and interests, will be required to be made in French. Please note that declarations of co-ownership must be filed at the Land Registry in French since June 1, 2022.

Lavery Lawyers are familiar with Quebec language legislation and can help you understand the impact of Bill 96 on your business, as well as assist you in navigating these new requirements. Feel free to contact one of the Lavery team members listed in this article for assistance.

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1. "Francization" refers to a process put in place by the Charter of the French Language to ensure the generalized use of French in businesses.
  2. The OQLF is the regulator charged with the enforcement of the Charter of the French Language.
  3. If an employee signed an individual employment contract prior to June 1, 2022, he or she will have until June 1, 2023, to request that their employer provide a French translation if the employee wishes to be provided with one. If the individual employment contract is a fixed-term contract which will expire before June 1, 2024, the employer does not have the obligation to translate it to French upon the request of the employee.
  4. Employers will have until June 1, 2023, to translate application forms, documents relating to conditions of employment and training documents to French if these are not already available to employees in French.
  5. Some of these exceptions include employment contracts, contracts for loans and contracts "used in relations outside Québec."