

Resolution on Bill 96

October 4, 2021

WHEREAS when the Charter of the French Language (“Charter”) was adopted by the Quebec National Assembly in 1977, it specifically included a preamble which states that the Charter be adopted “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 Government of Quebec has introduced a bill in the National Assembly of Quebec entitled “An Act respecting French, the official and common language of Québec”, known as Bill 96;

WHEREAS the Council of the City of Côte Saint-Luc represents a community where residents preferring to use either the French language or the English language have lived together in peace and harmony;

WHEREAS the City of Côte Saint-Luc provides services in French or English based on the language preferred by the resident or the user of our services;

WHEREAS language in Quebec is a very complex issue and in order to amend long-standing legislation like the Charter of the French Language, there needs to be proper and meaningful consultation with the minority language community;

WHEREAS the proposed amendments in Bill 96 include a shift in several clauses from the requirement of French for written communication to specifying that French must be exclusively used for both written and oral communication with no other language allowed for any members of an agency of the civil administration, and limits availability of written communications in English to those with eligibility to English schools, which will make it more difficult for municipalities to serve people in English and more difficult for many Quebecers to obtain services in the language of their choice;

WHEREAS the organizations representing Quebec’s English-speaking community are profoundly disturbed by Bill 96;

WHEREAS the Council of the City of Côte Saint-Luc and many of our residents are equally alarmed by provisions of Bill 96;

WHEREAS Demographer Jean-Pierre Corbeil—co-author of the 2021 Office québécois de la langue française study on which the government has cited as justification for Bill 96—argued in Le Devoir newspaper in June 2021 that the traditional indicators measuring French as the

common language should be re-thought in order to take into account other metrics such as that 70 % of people who immigrated to Quebec since 2001 have orientated themselves towards French in the public sphere, in other words at workplaces and at school, even if they continue to speak their first language at home, and that this indicator presents a more realistic and accurate snapshot of the strength and vitality of French;

WHEREAS groups like the Barreau du Québec have pointed out the potential conflict of Bill 96 with provisions of the Canadian constitution designed to protect minority language communities such as Section 133 of the Constitution Act 1867;

WHEREAS groups like the Conseil du patronat du Québec have pointed out the significant problems that Bill 96 poses for the business community that has already suffered financially during the COVID-19 pandemic;

WHEREAS Bill 96 would require an agency of the civil administration to file an annual report to state the number of positions that require knowledge of a language other than French and make directives specifying the nature of the situations in which it intends to use a language other than French;

WHEREAS by making it illegal for two Quebec government or municipal employees to speak to each other in English, even if they are both English-speaking, it will further discourage English-speaking Quebecers from applying or working for the Quebec government. According to the 2016 census, English is the first official language spoken by 13.7% of the Quebec population, yet only 1% of Quebec's civil service are English-speaking;

WHEREAS the Association of Suburban Municipalities of which the City of Côte Saint-Luc is part has expressed its concerns with the provision of Bill 96 dealing with the bilingual status of municipalities such as Côte Saint-Luc;

WHEREAS the number of students enrolled in the English-language public and private schools declined by 61.3% from 256,251 in the 1971-1972 school year to 99,042 in 2019-2020;

WHEREAS Bill 96 will have a further detrimental effect on the number of children being able to attend English schools;

WHEREAS Bill 96 will serve as an indirect way to ensure that English-language CEGEPs will be in a perpetual decline. This is accomplished by setting a cap on the percentage of spaces available at English-language CEGEPs, and then setting up a system that will inevitably lower that cap year after year.;

WHEREAS Bill 96 will impact on rights, liberties, freedoms and obligations of the residents of the City of Côte Saint-Luc in respect of their ability to use the language of their choice in the public sphere;

WHEREAS language legislation should not cause the minority community to feel fear and that its rights are being diminished without its consent and this feeling is clear today amongst English-speaking Quebecers;

IT WAS PROPOSED BY Councillor Steven Erdelyi

SECONDED BY Councillor Berku

AND RESOLVED:

THAT The City Council of Côte Saint-Luc hereby calls on the Government of Quebec to remove Bill 96 from the order paper and meaningfully consult with the English-speaking community of Quebec and associations such as the QCGN that represent the community before putting forward any legislation that would serve to amend the Charter of the French Language;

THAT The City Council of Côte Saint-Luc further expresses its view that many of the amendments contained in Bill 96 are in clear contravention of the spirit of fairness and open-mindedness, and are not respectful of the English-speaking community of Quebec, as per the preamble and spirit of the existing Charter of the French Language;

THAT the City Council of Côte Saint-Luc calls on the Government of Quebec to consult with the Barreau du Québec and constitutional experts prior to bringing forward new legislation in order to ensure that rights granted to residents of Quebec under the Quebec Charter of Human Rights and Freedoms, the Canadian Charter of Rights and Freedoms, and the Canadian constitution are not abridged by any modifications to the Charter of the French Language;

THAT the City of Côte Saint-Luc calls on the Government of Quebec to commit to not preemptively use the notwithstanding clause in this legislation and to commit that the Charter of the French Language remains subject to the Quebec Charter of Human Rights and Freedoms;

THAT The City of Côte Saint-Luc directs its City Clerk to send copies of this resolution to all of members of the National Assembly of Quebec including the Member of the National Assembly for D'Arcy McGee, to all other municipalities in the Montreal Metropolitan Community, to the Member of Parliament for Mount Royal, to the federal Minister of Official Languages, to the Commissioner of Official Languages of Canada, to the Union des municipalités du Québec (UMQ), to the Fédération québécoise des municipalités (FQM) and to the Federation of Canadian Municipalities (FCM).