



e2r Alert!

Quebec Passes New Bill

Quebec has recently passed a controversial bill that has left many employers operating in the province wondering how this will affect them.

Bill 96 – *An Act respecting French, the official and common language of Quebec* - will mean the following for Quebec businesses (this is a summary of major changes):

- Businesses will be required to use the French language in their written communications to their employees – unless an employee explicitly requests that the employer communicate in another language
- Contracts of adhesion (contracts that are not open to negotiation) must be drawn up in French – if they are not any non-French clause will be unenforceable (this could affect 'standard' intellectual property agreements or other restrictive agreements offered outside of the hiring process)
- The Office Quebecois de la langue française will now be authorized to order businesses employing between 25 and 49 employees to create a francization committee (in addition to having secured a francization certificate for those businesses which will be required three years after the date of assent) if it deems the use of French is not sufficiently widespread at all levels of the business
- The *Office Quebecois de la langue française* will be able to offer French language services to businesses that have between 5 and 24 employees to increase the knowledge of French in a workplace; while not mandatory, refusal will result in disqualification to enter into a contract with the civil administration or receive a government subsidy
- All paperwork related to the hiring process, employment conditions (like an Employee Handbook) and any training materials would now have to be prepared in French
- Employers will no longer be able to require knowledge of another language other than French when hiring, unless the employer can show that another language is necessary for the work they do and that an existing employee does not have the requisite language skills

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The Bill received Royal Assent on June 1, 2022. Businesses with 25 to 49 employees will have three years to apply the francization requirements (see above). Other requirements, such as having paperwork (i.e. employee contracts) done in French has taken effect as of June 1, 2022. Documents pertaining to conditions of employment (handbooks, training materials etc.) that were done prior to June 1, 2022 will have a one-year grace period to make them available in French.

Although we encourage you to contact us with any questions, we do wish to note there exist many current uncertainties attached to the interpretation and application of Bill 96 at this time and given the Quebec government has yet to publish related informational regulations, our advice may be somewhat limited at this stage.