Quebec's Bill 96: What Employers Need to Know

June 2022

Bill 96, *An Act representing French, the official and common language of Quebec,* received Royal Assent on June 1, 2022. Bill 96 introduces a number of significant changes to the *Charter of the French Language* and other laws, with a goal of reinforcing the use of the French language in the province.

The ramifications of Bill 96, which came into force on June 1, 2022, include the following key changes for Quebec employers:

- Employment agreements that are contracts of adhesion (i.e. non-negotiable and contain standard clauses) must first be provided to an employee to be reviewed in French, and only upon agreement by the employee may the employment agreement be prepared in a language other than French. Employment agreements that are not considered contracts of adhesion can be prepared entirely in a language other than French if both the employee and employer agree.
- All offers of employment, transfers or promotions, and all communications and documentations, must be made available in French.
- If a job requires a language other than French to perform, employers will have to demonstrate that (a) the job and roles associated require the language in question, (b) that the other staff members do not have the applicable knowledge needed, and (c) that they have restricted the number of positions that require the use of a language other than French.
- Employers advertising job offers in a language other than French must simultaneously advertise the job offer in French using transmission means of the same nature so that it reaches an audience of a proportionally comparable size.

Another important change to keep in mind is that prior to Bill 96, only companies with 50 or more employees were required to obtain a francization certificate from the Office québécois de la langue française (OQLF), which demonstrates that the use of French is generalized throughout the workplace. Bill 96 lowers the threshold to include companies with 25 to 49 employees. This requirement will come into effect on June 1, 2025.

A natural person who contravenes the Act is liable to a fine of $700 to $7,000, while a legal person is liable to a fine of $3,000 to $30,000. The minimum and maximum amounts are doubled after a first offence and tripled for any additional offence. Directors and officers are also liable for infractions that a corporation makes. They are liable to a fine of $1,400 to $14,000 for a first offence, doubling for a second and tripling for subsequent offences. Bill 96 also provides the OQLF with increased powers of inspection and investigation, and new powers to issue orders.

We encourage you to reach out to your contacts at Aird & Berlis to learn more.

Disclaimer: This article offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the particular issues that concern them.

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Fiona has extensive experience advising international businesses entering the Canadian market. To date, she has advised more than 100 companies expanding into Canada. Fiona advises clients in this space all day, every day. She has been practising for more than a decade and is a regular speaker and writer on market expansion matters. Fiona is proud to have been recognized by *The Best Lawyers in Canada, The Canadian Legal Lexpert Directory* and *Benchmark Canada.*

A proactive and comprehensive approach is required to succeed in a new market. Fiona manages teams of other lawyers and patent agents to provide her clients with a full range of legal services to help their businesses grow. She acts as project manager to ensure her clients receive seamless legal services in all relevant areas.

Fiona takes great care to understand her clients' businesses and deliver advice that is tailored to meeting their specific needs. Her responsiveness, dedication to clear communication and hands-on approach show that she is personally invested in the success of her clients.



Mistrale Lepage-Chouinard
Partner

Clients trust Mistrale with their most important real estate matters because of her expertise, her pragmatic approach, and her business acumen. Mistrale enjoys the tangible, long-term impacts of working in real estate, as well as providing solution-oriented advice to assist her clients in making the best decisions for their businesses.

Mistrale is a member of the firm's Real Estate Group. Her practice focuses primarily on Quebec and British Columbia commercial real estate, specifically acquisitions, dispositions, leasing, financing and joint-ventures. Her real estate experience includes acting for vendors and purchasers, landlords and tenants, lenders and borrowers, as well as REITs and other companies with large real estate portfolios, in the purchase and sale, leasing, and financing of real estate assets. Mistrale has additional experience working on financing transactions.



Felix Ng
Associate

Felix is a dedicated corporate lawyer. He is committed to learning about the intricacies of his clients' businesses in order to help them reach their goals. Felix's clients appreciate his responsiveness and problem solving skills on a wide variety of corporate matters.

Felix is a member of the firm's Corporate/Commercial Group. His practice focuses on M&A transactions and advising international clients on expanding their businesses into Canada. Felix represents clients in a range of industries, including pharma, e-commerce, transportation, agriculture, food and beverage and construction.

Felix has passed Level III of the Chartered Financial Analyst (CFA) Program.