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Quebec Bill 96 Overhauls French Language Requirements

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Sweeping changes to Quebec's language laws, including its *Charter of the French Language* ("Charter"), have been introduced through [Bill 96, an Act respecting French, the official and common language of Québec](#). Bill 96 was assented to on June 1, 2022 after its introduction more than a year ago on May 13, 2021. Broadly speaking, Bill 96 promotes and strengthens the use of the French language in Quebec, and affects organizations carrying on business in the province.

The Bill also imposes increased penalties for non-compliance from \$3,000 to \$30,000 for legal persons and from \$700 to \$7,000 for natural persons. In addition, the Bill provides that should an offence continue for more than one day, each day constitutes a separate offence. Fines will be doubled for a second offence and tripled for a subsequent offence. It will therefore be important that charities and not-for-profits in Quebec be aware of the Bill 96 and its impact on their operations.

Impact on Trademarks

As reported in the [June 2021 Charity & NFP Law Update](#), Bill 96 significantly impacts organizations, including charities and not-for-profits, that operate in Québec.

Currently in Québec, "recognized trademarks" (which include unregistered trademarks) are exempt from translation requirements and can therefore be displayed exclusively in a non-French language, provided that a French version of the trademark is not registered with the Canadian Intellectual Property Office.

Bill 96 now makes this exemption much more onerous for organizations with non-French trademarks. Firstly, non-French trademarks will only be permitted if the non-French trademark is registered with the Canadian Intellectual Property Office, and a French version of the trademark has not been registered. Therefore, unregistered trademarks will no longer benefit from the translation exemption noted above. Further, if the non-French registered trademark includes generic or descriptive terms, these terms must appear in French with visibility. If these conditions are not met, the non-French trademark must be accompanied by a "markedly predominant" French translation of the trademark.

As provisions under Bill 96 come into force on a staggered basis, the trademark-related requirements mentioned above are set to come into force on June 1, 2025. As a result, given that it currently takes three years to register a trademark in Canada, charities and not-for-profits using non-French trademarks in Québec must act quickly to register the non-French marks. If not, the organization must modify its public signage and advertising to include a "markedly predominant" French version of the trademark.

Impact on Employment

Bill 96 will also impact workplaces, including those of charities and not-for-profits operating in Quebec. While the Charter already requires employers to provide communications to employees in French, Bill 96 now explicitly requires communication in French when providing employment contracts (unless all parties expressly consent to the use of another language, other than in the cases of contracts of adhesion); offers of transfer; written communications with staff and employees (unless the staff or employee has expressly requested that communication be made in another language); employment application forms; other documents concerning conditions of employment; and training documents for employees.

When a job opening is posted in a language other than French, both the French and English versions of the posting must be disseminated simultaneously and by the same means of dissemination. The post must also reach a targeted audience of comparable size. Where employers require general knowledge or a specific level of knowledge of a language other than French, reasons justifying the language requirement must also be indicated in the job posting.

Bill 96 also prohibits employers from sanctioning employees (a) who demand that language rights of the workplace be respected; (b) to deter the employee from exercising workplace language rights; (c) for not having knowledge of a language other than French where the employee's work duties do not require knowledge of another language; (d) for participation in a "francization committee" or subcommittee; and (e) that have communicated information, in good faith, to the Office or otherwise cooperated with an investigation after a Charter breach.

These employment requirements are effective as of June 1, 2022.

[Read the June 2022 Charity & NFP Law Update](#)