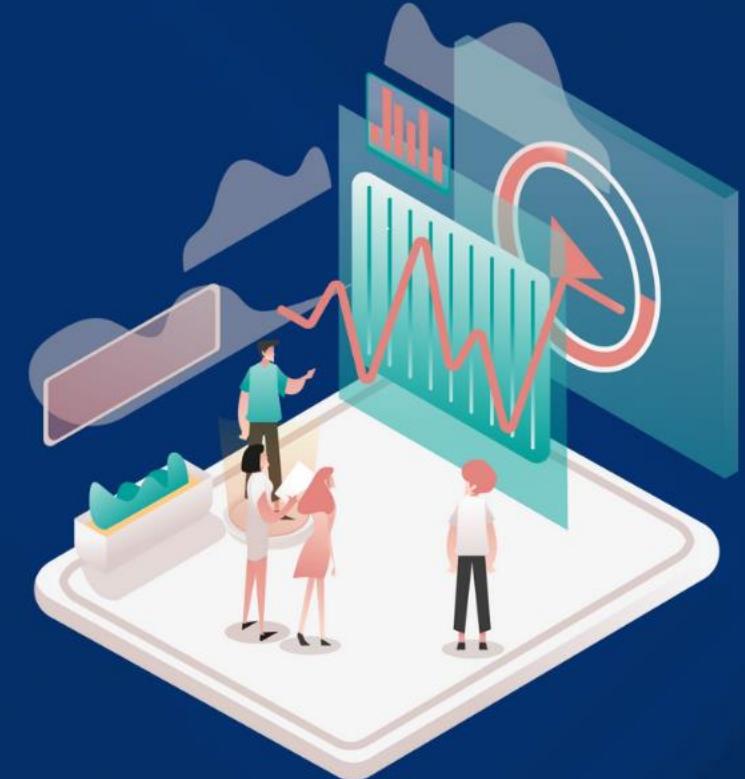


# Webinar

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## Doing business in Quebec – How Bill C-96 may impact your organization



15 December, 2025

# INSTRUCTIONS



- 15 minute Q & A at end of session.
- + • Use the chat feature to type a question.
- Two continuing education credits will be issued to CERP/CGMP designees (email [info@cerc.ca](mailto:info@cerc.ca) for more information).

# AGENDA



- Introductions
- Bill 96 Background
- Understanding the Law – The Language of Commerce and Business
- Practical Implications for Organizations Doing Business in Quebec
- Impact on Employees and Customers
- Strategic and Long-Term Considerations
- Compliance and Action Plans



# TODAYS PRESENTERS



**Kevin Vincelette, Partner**  
BCF



**Catherine Maheu, Partner**  
BCF

# BILL 96 BACKGROUND



- The *Charter of the French Language* (“Charter”) was enacted in 1977.
- It was modified several times over the years, but never to the extent it was modified in 2022 by the *Act respecting the Official and Common Language of Quebec, French*.
- This is a major reform of the Charter.
- The goal is to strengthen the presence of French as an official and common language in Quebec, in light of concerns about its decline in the province.

# BILL 96 BACKGROUND



- The Charter already imposed rules concerning the use of French in :
  - the legislature and the courts
  - the civil administration
  - the workplace
  - commerce and business
  - education and instruction
- The recent changes aim to tighten the already existing rules and to give the Charter more teeth.
- The scope of the powers of the Office québécois de la langue française (the Office of the French Language) to monitor the linguistic situation in Quebec were also strengthened and broadened.

# THE LANGUAGE OF COMMERCE AND BUSINESS



- **AS A GENERAL RULE**

- A business that offers goods or services **to consumers** in Québec must respect their right to be informed and served in French.
- A business that offers goods or services **to a public other than consumers** (i.e. B2B) must inform and serve it in French.



# THE LANGUAGE OF COMMERCE AND BUSINESS



- **SCOPE OF APPLICATION**

- Those businesses with an establishment in Quebec;
- Those businesses that are not established in Quebec but that serve customers in Quebec or operate digital platforms accessible in Quebec for the purposes of selling products/services directly to the Quebec market, through e-commerce or digital services.

# THE LANGUAGE OF COMMERCE AND BUSINESS



- **A QUICK GLIMPSE AT PRODUCT PACKAGING RULES**

- All inscriptions on products sold in Quebec must be in French and no other language can have greater prominence than French on those products.
- This includes the product's container, wrapping, accompanying documents, or any object supplied with it, including the directions for use and warranty certificates.
- With the exception of safety-related information, which must always be translated into French, labelling that is permanently engraved, baked, inlaid, riveted, welded to, or embossed on products manufactured outside Quebec is not required to be translated into French.



## • **A QUICK GLIMPSE AT TRADEMARK RULES**

- All trademarks recognized under the *Trademarks Act*, whether registered or not, can be displayed on a product exclusively in a language other than French, as long as no corresponding French version exists.
- However, if a generic term or product description is included with a trademark, it must appear in French on the product or on a medium permanently attached to the product. These trademark requirements also extend to the product's container or wrapping, as well as to any document or object supplied with it.
- The name of a business outside Québec and the name of the product as sold, as well as designations of origin and distinctive names of a cultural nature, are not subject to translation.

# THE LANGUAGE OF COMMERCE AND BUSINESS



## • **A QUICK GLIMPSE AT SIGNAGE RULES**

- Public signs and posters must be in French.
- Other languages may appear on these signs, posters, and in commercial advertising, provided that the French version is 'markedly predominant'.
- French is 'markedly predominant' where the text in French has a much greater visual impact than the text in the other language (in the same visual field, the French must be at least twice as large as the space allotted to the text in another language, and the French text's legibility and permanent visibility must be equivalent to those of the text in another language).
- Trademarks on public signs and posters and in commercial advertising, may only be in a language other than French, provided that the trademark is recognised within the meaning of the *Trademarks Act* (registered or not) and no corresponding French version exists.



- **A QUICK GLIMPSE AT RULES CONCERNING  
COMMERCIAL MATERIALS**

- Catalogues, brochures, folders, commercial directories, order forms and any other documents of the same nature that are available to the public must be drawn up in French.
- Invoices, receipts, releases and other documents of the same nature must be drawn up in French.
- No person may send or make such a document in a language other than French available if the French version is not available to the recipient on terms that are at least as favourable.



## • **A QUICK GLIMPSE AT RULES CONCERNING CONTRACTS**

- A freely negotiated contract may be drafted exclusively in a language other than French.
- As for adhesion contracts, i.e., contracts whose essential clauses are drafted in advance by a party and which cannot be negotiated (such as form contracts), as well as their related documents, these can be drafted in another language only if the French version has been given to the adherent and the parties expressly wish to avail themselves of the version drafted in another language.
- Rules also apply to contracting by telephone, online or through technological means.

# EXEMPTIONS



**Yes, there are (many) exemptions and nuances.**

# PRACTICAL IMPLICATIONS



- **CHALLENGES TO BUSINESSES WHO PROVIDE PRODUCTS/SERVICES IN QUEBEC OR WHO PLAN TO EXPAND IN THE PROVINCE**

- Understanding the intricate rules and exemptions that may apply to them under the Charter and the *Regulation respecting the language of commerce and business!* Lack of clarity and predictability has been decried.
- Dealing with generic words in brand and trade names



# PRACTICAL IMPLICATIONS



- Dealing with added red tape:
  - Registration with the Office: businesses in Québec employing 25 to 49 people are required to register with the Office
  - Linguistic analysis: they must analyze the linguistic situation within their business (work tools, internal communications, documentation related to working conditions, job offers, and employment contracts) within three months of receiving a certificate of registration
  - Francization programme: if the Office concludes the use of French is not generalized at all levels of the organization, they must implement a francization program, subject to approval by the Office, and provide an annual report on its implementation
  - Stricter rules apply to those businesses employing more than 100 people

# PRACTICAL IMPLICATIONS



- **Dealing with added costs:**
  - Translation of documents, websites, etc.
  - Stores will have to study the law, design new storefronts, get approved under municipal zoning requirements, fabricate the signs and then install them.
  - Many businesses will have to remove their existing signs completely and redo them because there just isn't enough space to add more words.
  - These new costs come on top of four years of economic uncertainty.
  - The Government of Quebec predicts it will cost businesses provincewide \$7 million to \$15 million, but by all accounts, that seems low, since there is a long list of big box storefronts with dozens of locations that appear to be non-compliant and in need of either retrofitting or all new signs.

# PRACTICAL IMPLICATIONS



- Dealing with invalid or unenforceable contractual documents:
  - If the rules concerning contracts are not respected, they are unenforceable.
- Dealing with Office audits in the business
- Being denied a francization certificate means the business will not be entitled to receive government subsidies nor will it be allowed to enter into contracts with the Government of Québec



# HOW TO PREPARE DIGITAL PRESENCE



- **DIGITAL PRESENCE FOR THOSE BUSINESSES THAT HAVE AN ESTABLISHMENT IN QUEBEC**

- If the business is located in Quebec, and the targeted consumers are also located in Quebec, commercial advertising must be in French (it can also be in another language).
- This includes the following:
  - Websites (the substantive content, terms and conditions, privacy policy, purchase agreements and shipping/return policies)
  - Apps
  - E-commerce sites
  - Intranet for clients
  - Social Media (posts of a commercial nature and responses to consumers who make comments in French)

# ENFORCEMENT AND PENALTIES



- **Complaint process**
  - **Filing of complaint**
  - **Review of admissibility**
  - **Merit of complaint**
  - **Support of the targeted company to ensure compliance of Charter**
  - **Remedial action if continued non-compliance**



# ENFORCEMENT AND PENALTIES



- **Penalties**

- In the event of non-compliance with francization obligations, the Office may issue an order requiring the implementation of corrective measures within a specified period.
- Failure to comply with this order can result in administrative and penal fines, including:
  - Fines ranging from \$3,000 to \$30,000 per violation, doubled in the case of a repeat offense and tripled for subsequent recurrences. Each day the violation continues may be considered a separate offense, thus leading to the accumulation of fines;
  - Personal liability for administrators and directors, with fines ranging from \$1,400 to \$14,000;
  - The suspension or revocation of the francization certificate.

# IMPACT ON EMPLOYEES



- **HOW DOES IT AFFECT EMPLOYEES**

- In short, every employer has to respect the employee's right to carry his duties in French
  - Application Forms
    - \* If language other than French is required, employer must indicate in the job posting the reasons that justify the requirement
  - Employment documentation
  - Written communications – even after termination of employment
    - \* Except if requested otherwise by employee
  - Training Documents

# IMPACT ON EMPLOYEES



- Exceptions:
  - Contracts of adhesion : French version initially provided, otherwise the contract in the other language is null and void
  - Fully negotiated agreements : Express wish of the parties

# IMPACT ON EMPLOYEES



- **CAN THE EMPLOYER REQUEST THE KNOWLEDGE OF A LANGUAGE OTHER THAN FRENCH ?**

- Evaluation required by employer:
  - Does the performance of the duty require such knowledge ?
  - Did the employer take all reasonable means to avoid imposing such a requirement ?
  - Employer assessed the actual language needs associated with the duties to be performed;
  - Employer made sure that the language knowledge already required from other staff members was insufficient for the performance of those duties;
  - Employer restricted as much as possible the number of positions involving duties whose performance requires knowledge or a specific level of knowledge of a language other than the official language

# STRATEGIC AND LONG-TERM CONSIDERATIONS



- The issue of the French language in Quebec is deeply rooted in history, highly sensitive, very political and often generates media coverage.
- In this context, well beyond the legal and financial considerations, consumer perception of a brand is an aspect that should not be overlooked.
- Incorporating French in a business strategy is a welcomed sign of respect and consideration for the French speaking consumer that will result in stronger relationships with Quebec consumers and will absolutely pay off.



# STRATEGIC AND LONG-TERM CONSIDERATIONS

Montreal



## Quebecers file flood of complaints as stores wrestle with new French sign rules

The Retail Council of Canada said one year is far from enough time to revamp signage – a complex and costly undertaking, particularly for large chains.

### Language complaints soar in Quebec as English service eclipses concerns about signs

*Customer service is a greater concern to complainants than storefronts, a Gazette analysis shows. But that's expected to change.*

By **Andy Riga**

Published Jul 04, 2025 Last updated Jul 04, 2025 3 minute read

Quebec just recorded a historic high in language complaints, exceeding 10,000 and tripling the total from 10 years ago.

## Walmart, Old Navy and others taking Quebec government to court over language laws

By CTV Montreal

Published: November 22, 2012 at 8:45AM EST

## Un hôtel du centre-ville de Montréal ajouté à la liste noire de l'OQLF

Le Courtyard Marriott ne pourra plus obtenir de subventions et de contrats gouvernementaux jusqu'à nouvel ordre

# STRATEGIC AND LONG-TERM CONSIDERATIONS



- Accessing public markets is also easier for bilingual companies. Many government contracts in Quebec require French language skills. Additionally, specific grants and government support programs are available to companies that prioritize French, offering them a distinct financial advantage.
- Bilingualism not only helps businesses reach Quebec's francophone market but also opens doors to other French-speaking regions across Canada, including New Brunswick, Ontario and parts of Manitoba and British Columbia.

# STRATEGIC AND LONG-TERM CONSIDERATIONS



- It also facilitates access to diverse francophone markets internationally (in Europe and North Africa, for example) while creating a sense of belonging and exclusivity essential for developing fruitful commercial relationships.

# LESSONS LEARNED



- Doing business in a country with more than one official language has its challenges (Switzerland, Bolivia, Singapour, Belgium...)
- For all intents and purposes, Quebec should be treated like a different country from a linguistic point of view
- Learn that language is more than a means of communication, it's an integral part of cultural identity.



# COMPLIANCE AND ACTION PLANS



**Compliance deadlines are strict, and SOME ARE ALREADY IN EFFECT !**

- Since June 1, 2025
  - Businesses with 25 or more employees on average over a period of six consecutive months are required to register with the Office by submitting a registration form to the Office. Once the registration form is submitted and reviewed, the Office will issue a certificate of registration.
- Since June 1, 2022
  - Employment contracts, offers of transfer, written communications, employment application forms, documents relating to conditions of employment, training documents
  - Businesses will have until June 1, 2027, to distribute, sell or lease products manufactured before June 1, 2025, that are non-compliant (packaging or product inscriptions)

# COMPLIANCE AND ACTION PLANS



## Action Plan !

- **Internal audit recommended:** comprehensive inventory of communications, policies, and digital infrastructure.
- **First items to address:**
  - Public communications (internet, invoices, social media, etc.)
  - Job postings
  - Employment agreements
- **Register (if applicable) with the Office**

# HEADLINE !



- **Office oversight is intensifying, especially regarding digital platforms and retail operations.**

# FUTURE CERC EVENTS



Fredericton  
2026 CERC ANNUAL  
CONFERENCE  
Sept 13-15

 CERC  
*Leadership for Workforce Mobility*



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