



CANADA'S MEDICAL TECHNOLOGY COMPANIES
LES SOCIÉTÉS CANADIENNES DE TECHNOLOGIES MÉDICALES

Contract Language Clauses in Quebec

MEDEC's Position

The medical technology industry operates in a global market and adapts to local requirements of any kind, including the language of business.

In Canada, regulatory requirements from Health Canada include labeling norms that accept one or the other official languages. Consequently, companies targeting the Canadian market can pick English or French, or even both, to market their products in accordance to the conditions of their regulatory license.

As a general rule, Quebec law requires that every inscription on a product be drafted in French. This also applies to inscriptions on a product's container or wrapping, on documents or objects supplied with it, including directions for use and warranty certificates. While the product may be accompanied by translations of the inscription in other languages, none of these may be given greater prominence than the French. Prominence, in this context, refers to the relative physical size of the inscriptions (i.e. the font size).

However, the Charter of the French Language (the "Charter") states that the government may pass regulations that introduce exceptions to this general rule (Art. 54.1, Charter). A number of these exceptions are found in the [Regulation respecting the language of commerce and business](#) (the "Regulation"). For MEDEC's purposes, Art. 6 of the Regulation is particularly relevant:

6. An inscription on a product from outside Québec to be used for medical, pharmaceutical or scientific purposes or an inscription on the container of such a product may be exclusively in a language other than French provided that the French version of the inscription appears on the wrapping of the product or on a document supplied with the product and either of the following conditions is met:

- (1) the product is not offered in Québec for retail sale and no equivalent substitute presented in French is available in Québec; or
- (2) the product weighs 100 g or less or its container has a capacity of 10 cm³ or less or 10 ml or less.

In Quebec, for both the tendering and awarding processes of contracts, public bodies are required to follow additional language requirements under the [Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics](#). Every step of the tendering and awarding processes of a contract made by a public body must take place in French. The contracts themselves, as well as any documents that accompany the products acquired through the contract, must be written in French.

MEDEC's suppliers are aware of these requirements and have complied with them for a long time. However, MEDEC cannot accept that some public bodies introduce even more restrictive or stringent clauses than what is currently stated by Health Canada, the Regulation, or the Charter because it would possibly stifle competition and deprive Quebec of access to some offerings that are available to Canadian counterparts that would benefit patients, the healthcare system and taxpayers.

MEDEC therefore urges public bodies of Quebec to not be more linguistically demanding than the legal framework currently in force.

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Sources:

- Art. 51, [Charte de la langue française](#) (the "Charter")
- "[Language Laws and Doing Business in Quebec](#)", Édualoi
- Section 2 (« Promotion du français ») [Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics](#)