

# Bill 101

*This article was written by a law student for the general public.*

The *Charter of the French Language* (S.Q. 1977, c. 5), an important statute adopted by the Quebec National Assembly in 1977, is popularly known as 'Bill 101' from its designation on the order paper when it was first introduced by the Parti Québécois government.

Concern for the future of the French language began to be expressed in Quebec during the 1960s after the birth rate declined abruptly during the Quiet Revolution. Immigrants tended to adopt English rather than French and to send their children to English schools, and some demographers predicted that Montreal would again become a mainly English-speaking city, as it briefly had been in the mid-nineteenth century. In 1973, the Gendron Commission recommended measures to encourage the use of French, especially in the economy, and the Liberal government introduced an *Official Language Act* ('Bill 22') in 1974. The Parti Québécois, deeming the latter measure inadequate, replaced it with 'Bill 101', which makes French the "normal" language of municipal, public and para-public administration, imposes stringent French language tests for admission to the professions, requires most businesses with more than fifty employees to operate mainly in French, and requires collective agreements to be drafted in French. Originally it restricted the use of English in the National Assembly and the courts, but these provisions were contrary to section 133 of the *Constitution Act, 1867* and were struck down by the Supreme Court of Canada in 1979 (see *Quebec (A.G.) v. Blaikie*, [1979] 2 S.C.R. 1016).

The most controversial sections of 'Bill 101' were those restricting access to English schools and prohibiting the use of English on commercial signs. Both became vulnerable after the *Canadian Charter of Rights and Freedoms* took effect in 1982. Soon afterwards the Supreme Court of Canada ruled that 'Bill 101' must be brought into conformity with section 23(1)(b) of the Charter, which guarantees Canadian citizens who received an English education in Canada the right to educate their children in English (see *Quebec (A.G.) v. Quebec Protestant School Boards*, [1984] 2 S.C.R. 66). In 1988 the provision relating to signs was struck down as a violation of freedom of expression (see *Ford v. Quebec A.G.*, [1988] 2 S.C.R. 712), but the Bourassa government promptly used the notwithstanding clause to re-enact it in a modified form, a measure that caused three anglophone cabinet ministers to resign. In 1993 a further modification allowed English to appear on signs posted outdoors provided the French words were more prominent.

Although it has been amended several times and is resented or ridiculed by many Quebec Anglophones, 'Bill 101' remains an important symbol of Quebec's determination to maintain French as a viable language in a continent that speaks mainly English.

Sources:

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