Language rules in most of Canada govern public life and institutions, not business. Canada’s Constitution grants English and French equal status in Canada’s Parliament and federal courts. Every law must be published in both English and French in some provinces, including Québec. The federal Official Languages Act, given additional profile by the Canadian Charter of Rights and Freedoms, requires that all federal institutions provide services in either language wherever there is demand for it, or wherever the travelling public is served. Public education is available in either official language, where numbers warrant.

Outside Québec

Outside Québec, the main exception to this focus on the public sector is consumer packaging. Regulations under the federal Consumer Packaging & Labelling Act identify specific information with which pre-packaged consumer products sold in Canada must be labelled. That information must be set out in both English and French. Exceptions include religious, specialty-market and test products, and language-sensitive products such as books and greeting cards.

Although Canada is bilingual at the federal level, other governments in Canada may apply their own language policies to matters within their jurisdiction. New Brunswick and the three northern territories are officially bilingual. Several provinces have adopted legislation to ensure that public services are available in French where warranted; but only Québec’s language legislation regulates how businesses operate.

Inside Québec

Québec’s Charter of the French language (Charter) affirms French as that province’s official language. The Charter grants French-language rights to everyone in Québec, both as workers and as consumers. Anyone who does business in Québec — anyone with an address in Québec, and anyone who distributes, retails or otherwise makes a product available in Québec —
is therefore subject to rules about how they interact with the public and how they operate internally inside the province.

**In the Workplace**

In Québec, written communications with staff must be in French, including offers of employment and promotion and collective agreements. No one may be dismissed, laid off, demoted or transferred for not knowing a language other than French — but knowledge of English or another language may be made a condition of hiring if the nature of the position requires it.

Businesses that employ at least 50 people within Québec for at least six months must register with a provincial regulator (the OQLF) to obtain a francization certificate by demonstrating the generalized use of French at all levels of the business (including in relation to the use of information technology, and in communications with clients, employees and investors). Businesses where the use of French is not generalized at all levels may be subject to a francization program in order to achieve this goal. In addition, businesses with at least 100 employees must establish an internal francization committee to report on progress.

**In the Marketplace**

Rules about how businesses communicate in Québec’s marketplace differ according to whether the communication is in a public or private place. Billboards and signs visible from a public highway, on a public transport vehicle or in a bus shelter must be exclusively in French. Public signs, posters and commercial advertising located elsewhere may include other languages, but the French text must predominate. Non-French business names must be accompanied by a French version appearing no less prominently, unless the non-French name has been trade-marked and a French version has not. Even in this latter case, the OQLF has recently adopted the view that when a business uses an English language trade-mark as a firm name on a public sign, the trade-mark must be accompanied by a French language generic descriptor.
Language

Anyone carrying on business at a Québec location, however, must register a language business name.

Communications such as leaflets, catalogues, brochures, order forms, invoices, receipts, user manuals, warranties and product packaging must include French text that is no less prominent than any non-French text displayed. Because such communications are not displayed in a public place, however, the French text need not predominate.

The latter rule applies not only to communications and product labelling, but also directly to certain products that use words. Subject to certain cultural exceptions, for example, the words on toys and games must be available in French alongside any other language version. Software products, on the other hand, must be made available to Québec consumers in French only where a French-language version of that software exists and has been made commercially available somewhere in the world. If no such version has been marketed elsewhere, however, there is no obligation to create a new French-language version for the Québec market; the non-French version may be provided on its own. If a French-language version of the software exists and has been made commercially available somewhere in the world, then non-French versions may be sold in Québec only if a functionally equivalent French-language version is simultaneously made available in Québec on terms and conditions that are equally attractive to those applicable to the non-French version.

Québec courts have held that certain provisions of the Charter apply to websites. For example, product and service descriptions on websites may be subject to French-language requirements since they are akin to a commercial catalogue. Similarly, standard form contracts (such as website terms of use and privacy policies) as well as order forms must be drafted in French according to the Charter. In general, if a company has a physical address in Québec and its website advertises products or services sold in Québec, then the above-mentioned aspects of the website may be subject to French language requirements.