

PUBLIC SERVICES IN ENGLISH QUEBEC: A PRIMER

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Who can access public services in English in Quebec, and under what circumstances? The answer depends on which level of government—federal or provincial—is involved, since each has its own language rules. While Quebec operates with French as its only official language, Canada recognizes both English and French at the federal level.

This brief explores how Quebec's French-first policy coexists with federal bilingualism, how this affects English use, and by extension English speakers, in the areas of education, healthcare, and public administration.

Elementary and Secondary Education

The right to attend English schools in Quebec is outlined in section 23 of the *Canadian Charter of Rights and Freedoms*. Canadian citizens who went to elementary school in English or French in Canada, and live in a province where that language is a minority, have the right to send their children to school in the minority language. Section 23 also says that, if any child in the family received elementary or secondary education in English or French in Canada, their siblings may attend school in that same language.⁵

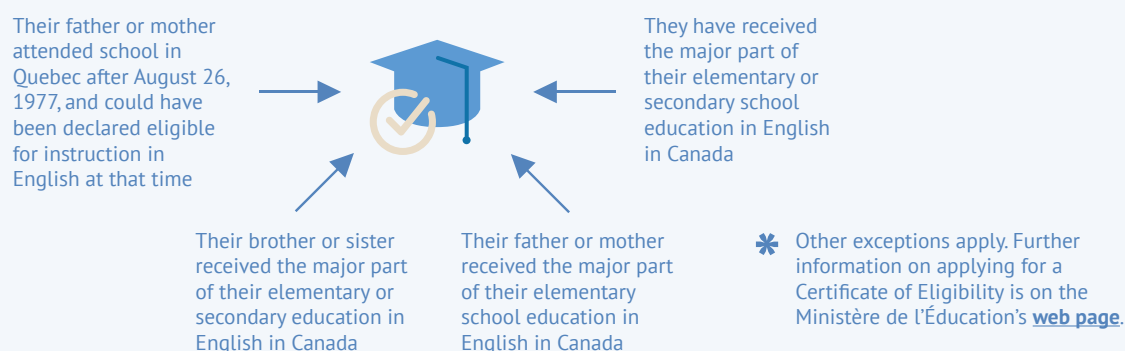
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⁵ *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982*, c. 11, s. 23. <https://canlii.ca/t/8q7L>.

The provincial *Charter of the French Language* defines who has the right to English public elementary and secondary education in Quebec. Generally, only Quebecers classified as rights holders can attend these schools. Eligibility may also be granted to members of the Armed Forces stationed temporarily in Quebec, temporary workers and students, and some children with special needs, among others (see [Figure 1](#)). Private, non-subsidized English elementary and secondary schools are exempt from the Charter's regulations.⁶

Figure 1:
Who has the right to English education?



Source:
Ministère de l'Éducation, "Eligibility for instruction in English," Quebec.ca, accessed Oct. 2, 2024, <https://www.education.gouv.qc.ca/en/contenus-communs/parents-and-guardians/instruction-in-english/eligibility>.

Federal Supreme Court interpretations of section 23 affirm additional rights. Many of these relate to a minority community's exclusive authority to manage and control minority language instruction and facilities.⁷ These interpretations are being used to counter attempts to abolish school boards⁸ and ban the hiring of teachers wearing religious symbols,⁹ among other issues. Some argue they could also be used to implement separate curricula.¹⁰

⁶ *Charter of the French Language*, CQLR c. C-11, s. 72-88. <https://www.legisquebec.gouv.qc.ca/en/document/cs/c-11>.

⁷ *Mahe v. Alberta* (1990) 1 SCR 342, 394-395. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/580/1/document.do>. The decision-making rights noted in this judgement include: a) expenditures of funds provided for such instruction and facilities, b) appointment and direction of those responsible for the administration of such instruction and facilities, c) establishment of programs of instruction, d) recruitment and assignment of teachers and other personnel, and e) making of agreements for education and services for minority language pupils.

⁸ The Canadian Press, "Quebec Court Sides With English School Boards Fighting Education Reform," *CityNews*, August 2, 2023. <https://montreal.citynews.ca/2023/08/02/quebec-court-english-school-boards-reform/>.

⁹ Dave Guénette and Félix Mathieu, "Minority Language School Boards and Personal Federalism in Canada – Recent and Ongoing Developments in Quebec," *Review of Constitutional Studies* 31, no. 1 (May 3, 2022): 20-28. https://www.constitutionalstudies.ca/wp-content/uploads/2022/05/03_Guenette-Mathieu-1.pdf.

¹⁰ Raphaël Gani, "Three Approaches to Writing School Programs with Official Language Minorities" (Quebec English-speaking Communities Research Network (QUESCREN), September 2023). https://www.concordia.ca/content/dam/artsci/scpa/quescren/docs/Brief_9_Gani_ENG.pdf.

Higher Education

Different rules apply for higher education. The *Charter of the French Language* applies a cap on enrolment of non-rights holders to public English-language CEGEPs, private English-language colleges, and some French-language CEGEPs with English programs.¹¹ Anyone can access English-language universities in the province; however, government-mandated tuition fee structures intended to direct out-of-province and international students to Quebec's French-language universities may make access cost-prohibitive for some.¹²

Health and Social Services

English speakers have a qualified right¹³ to receive health and social services in English. They do not require an eligibility certificate to access that right. Quebec's *Act respecting health services and social services* acknowledges this right, while stipulating that delivery of services in English is contingent upon an institution's capacity to provide the service.¹⁴

Health and social services providers are grouped into *designated institutions*, which must make available all services in English and French (see **Figure 2**) and *institutions with Access Programs*, which have some services in English. The government agencies responsible for delivering health and social services in each region, in partnership with local English-speaking community organization representatives, develop these Access Programs and review them every five years.¹⁵ Institutions covered include local community service centres (CLSCs¹⁶), hospitals, youth protection facilities, residential and long-term care facilities (CHSLDs¹⁷), and rehabilitation centres.¹⁸

Information about available services in a region can be obtained through the local organization affiliated with the Network and Partnerships Initiative (NPI) under the Community Health and Social Services Network (CHSSN), [listed here](#). For a complete list of designated institutions, [click here](#).

¹¹ *Charter of the French Language*, CQLR c. C-11, s. 88.0.5, 88.0.6

¹² Shannon Bell and Patrick Donovan, "French and English Universities in Quebec: Is It Really a Zero-Sum Game?" (Quebec English-speaking Communities Research Network (QUESCREN), February 2024). https://www.concordia.ca/content/dam/artsci/scpa/quescren/docs/Brief_11_ENG2.pdf.

¹³ A *qualified right* is one that may be interfered with in order to protect the rights of another or the wider public interest.

¹⁴ *Act respecting health services and social services*, CQLR, c. S-4.2, s. 15. <https://www.legisquebec.gouv.qc.ca/en/document/cs/S-4.2>.

¹⁵ *Act respecting health services and social services*, CQLR, c. S-4.2, s. 348; Éducaloi, "Health and Social Services in English." <https://educaloi.qc.ca/en/capsules/health-and-social-services-in-english/>.

¹⁶ In French: *centre local de services communautaires*, or CLSC.

¹⁷ In French: *centre d'hébergement de soins de longue durée*, or CHSLD.

¹⁸ Éducaloi, "Health and Social Services in English."

And so, while English speakers may have a right to ask for a service to be provided in English, this access is not guaranteed outside of the designated institutions.¹⁹ Further, the *Charter of the French Language* stipulates that employers, which include public service institutions such as hospitals, cannot require knowledge of a language other than French unless it can be proven a necessary requirement and that measures were taken to avoid imposing the requirement.²⁰

Figure 2:
Number of Public Institutions and Facilities Designated to Offer Services in English, By Region



Note:

This does not include institutions with Access programs. Source: Quebec, “Services for the English-speaking population,” Gouvernement du Québec, accessed Oct. 2, 2023. <https://www.quebec.ca/en/health/health-system-and-services/rights-recourses-and-complaints/services-english-speaking-population>.

Courts and the Judicial System

In court and in related judicial documents, one can choose to use either English or French. This constitutional right includes presenting a case, providing evidence, and communicating in court.²¹ The right to an English-language interpreter in court proceedings is guaranteed by the *Canadian Charter of Rights and Freedoms*.²² However, when communicating with provincial courts and tribunals for other purposes, such as requesting information or opening a file, rules may differ. While one may speak the language of their choice, court employees generally respond in French. The *Charter of the French Language* lays out certain categories of people eligible to have court personnel respond to such requests in English, such as English education rights holders, immigrants within the first six months of their arrival, Indigenous peoples, and others.²³

¹⁹ *Act respecting health services and social services*, s. 15, 508; Éducaloi, “Health and Social Services in English.”

²⁰ *Charter of the French Language*, CQLR c. C-11, s. 45.

²¹ *Constitution Act of 1867*, c. 9, s. 133. <https://laws-lois.justice.gc.ca/eng/const/page-4.html#:~:text=133%20Either%20the%20English%20or,may%20be%20used%20by%20any>.

²² *Canadian Charter of Rights and Freedoms*, c. 11, s. 14.

²³ *Charter of the French Language*, CQLR c. C-11, s. 22.2-22.5.

Interactions With Other Public Institutions

Federal Institutions

Canadians have the right to work in, communicate with, and receive services from federal institutions in either federal official language, as laid out in Part IV of the federal *Official Languages Act* (OLA).²⁴ A tool called [Burolis](#) helps identify the language obligations of federal points of service.

Provincial Institutions

According to the *Charter of the French Language*, Quebec government and public service employees are obliged to speak French with most citizens of Quebec. However, they may speak English to certain categories of people,²⁵ as mentioned in the section above on courts and the judicial system. In practice, public servants do not check these eligibility requirements and assume clients are acting in good faith.²⁶ However, not all Quebec government employees speak English, and most public institutions cannot be obliged to hire staff that speak a language other than French, as noted above.

Support of English-Speaking Community Organizations

In Canada and Quebec, government support plays a crucial role in promoting the vitality of linguistic minority communities. Federal legislation enables governments to advance the equality of English and French,²⁷ while the OLA expands on this by obliging all federal government institutions to take positive measures to support the vitality of the country's official language minority communities (OLMCs).²⁸ Many community groups serving English-speaking communities in Quebec receive such funding, through which many spaces for English speakers to gather and work in English are created and maintained.²⁹ The Quebec provincial government also contributes by maintaining English public schools, courts, and healthcare services, and by funding research organizations such as QUESCEN.

Although support of community organizations is not an explicit right, individuals do have some recourse if the federal government fails to meet this obligation: complaints to the Commissioner of Official Languages,³⁰ public pressure, or legal action.

²⁴ *Official Languages Act*, RSC 1985, c. 31 (4th Supp.), s. 22. <https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-31-4th-supp/latest/rsc-1985-c-31-4th-supp.html>.

²⁵ Éducaloi, "Access to Provincial and Municipal Services in English." <https://educaloi.qc.ca/en/capsules/access-to-provincial-and-municipal-services-in-english/>.

²⁶ Philip Authier, "Quebec Is Counting on 'Good Faith' From Anglos Seeking English Services," *Montreal Gazette*, May 11, 2023. <https://montrealgazette.com/news/quebec/we-are-counting-on-good-faith-minister-says-of-anglos-seeking-services-in-english>.

²⁷ *Canadian Charter of Rights and Freedoms*, s. 16(3).

²⁸ *Official Languages Act*, RSC 1985, c. 31 (4th Supp.), s. 41; Canada, Treasury Board, "The Official Languages Act and You," August 19, 2015. <https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/official-languages/official-languages-act-and-you.html>.

²⁹ Cheryl Gosselin, "Place Identity and Language Spaces: Anglophone Quebecers and the Negotiation of Linguistic Frontiers Within the Context of Bill 101 at 40," in *La Charte : La Loi 101 et les Québécois d'expression anglaise / The Charter: Bill 101 and English-speaking Quebec*, ed. Lorraine O'Donnell, Patrick Donovan, and Brian Lewis (Quebec: Presses de l'Université Laval, 2021). <https://www.pulaval.com/libreacces/9782763754369.pdf>.

³⁰ Information here: <https://www.clo-ocol.gc.ca/en/complaints-investigations/file-complaint>.

Conclusion

Laws protecting the French language in Quebec limit the use of English in the public sphere. Exceptions are granted for certain groups depending on the type of interaction, such as English education rights holders, newcomers and Indigenous peoples. Federal legislation ensures that federal government services are accessible in both official languages nationwide where numbers warrant, with safeguards for official language minority communities across Canada.

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