

# Guidelines regarding French, the official language

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These guidelines are in accordance with the amendments made to the *Charter of the French Language* by the *Act respecting French, the official and common language of Québec*, which came into force on June 1, 2022.

These amendments entail new requirements for professional orders regarding the use of the French language.

These guidelines are intended to clarify the rules, particularly in instances where the parties involved wish to communicate in different languages with each other or with members of the statutory committees, as well as when either party requires the translation of written documents.

## 1. General principles

- 1.1 These guidelines are applicable to the decision-making processes of the Barreau du Québec, specifically concerning the language used at hearings and in written documentation at the statutory committee's level.
- 1.2 The statutory committees subject to these guidelines are as follows:
  - a) Committee for Access to the Profession;
  - b) Accounts Arbitration Committee;
  - c) Disciplinary Council;
  - d) Equivalences Committee;
  - e) Compensation Fund Committee;
  - f) Professional Inspection Committee;
  - g) Applications Committee;
  - h) Complaint Review Committee.
- 1.3 In general, the Barreau du Québec conducts its proceedings in French; however, upon request from a member of the public, English may be accommodated.
- 1.4 In all circumstances, members of statutory committees and the Barreau du Québec's internal department shall communicate with its members or applicants for admission to the profession in French, in accordance with Section 32 of the *Charter of the French Language*, which requires that professional orders use only the official language in their written and oral communications with such persons.

## **2. Language used by the parties at hearings and in written communications between the parties**

### **Hearings:**

- 2.1 The parties and their lawyers have the liberty to express themselves in French or in English at hearings.
- 2.2 This right does not impose any correlative obligation on the opposing party, their lawyers and the witnesses to express themselves in the same language.
- 2.3 Based on the rules of natural justice and procedural fairness, the parties have the right to be understood by the members of statutory committees, and they are therefore entitled to the assistance of an interpreter.
- 2.4 When parties request to express themselves in a language other than French, it is their responsibility to retain the services of an interpreter and to bear the cost.

### **Written communications between the parties:**

- 2.5 The parties and their lawyers have the liberty to express themselves in French or in English in written communications between them.
- 2.6 This right does not impose any correlative obligation on the other party and its lawyer to express themselves in the same language.
- 2.7 When parties request to express themselves in a language other than French, it is their responsibility to retain the services of a translator, to bear the cost and to provide a French version to the other party and to the Barreau du Québec.

## **3. Language used by members of statutory committees at hearings**

- 3.1 Pursuant to Section 32 of the *Charter of the French Language*, members of statutory committees shall communicate with the members of the Barreau du Québec or applicants for admission to the profession in French.
- 3.2 However, members of statutory committees may use the English language when communicating with members of the public.
- 3.3 This option does not impose any correlative obligation on the parties, their lawyers and the witnesses to express themselves in the same language.
- 3.4 In general, when the Barreau du Québec's internal department in charge of the process is informed that the member of the public is English-speaking, the Barreau shall appoint a bilingual statutory committee.

#### **4. Language used in statutory committees' decisions**

- 4.1 Pursuant to Section 32 of the *Charter of the French Language*, statutory committees shall submit their decisions in French, the official language.
- 4.2 However, if the member of the public is English-speaking, official decisions in French may be, upon request, accompanied by an unofficial English translation.
- 4.3 In this case, the Barreau du Québec assumes the cost of the translation.

#### **5. Language used by the Barreau du Québec's internal department for correspondence and proceedings**

- 5.1 Proceedings are generally conducted in French, but they can be conducted in English upon request from the member of the public.
- 5.2 However, when the proceedings are carried out in English, the official versions of correspondence, proceedings and any other written documents issued by the Barreau du Québec's internal department must be written in French and, upon request, accompanied by an unofficial English translation.

#### **6. Specific rules regarding the Disciplinary Council**

- 6.1 Pursuant to Section 133 of the *Constitution Act, 1867* and to paragraph 4 of Section 7 of the *Charter of the French Language*, members of the Disciplinary Council may express themselves in French or English at hearings.
- 6.2 The Disciplinary Council's decision may be submitted in either French or English, the original being the official version.
- 6.3 Subject to the foregoing, the other provisions of these guidelines apply, with the necessary adjustments, to the Disciplinary Council.