

BRIEF PRESENTED TO
SPECIAL JOINT COMMITTEE
ON
THE CONSTITUTION OF CANADA



PROVINCIAL ASSOCIATION OF CATHOLIC TEACHERS OF QUEBEC

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The Provincial Association of Catholic Teachers welcomes the opportunity to act as witnesses for the Special Joint Committee On The Constitution Of Canada. We feel it is our duty also to inform this committee on a very particular situation which exists with the minorities in the Province of Quebec. The Provincial Association of Catholic Teachers represents 4500 teachers who teach in the English schools of Catholic school boards in Quebec. We are in a minority situation in each one of the 30 school boards where we teach. In some cases, we represent in excess of 1500 teachers in a school board which employs 7500 teachers and in other cases, we represent as few as 4 teachers in a school board of 1000 teachers. We have petitioned and attained through the Labour Tribunals of Quebec separate labour certifications for our teachers and the main reason invoked was because our language of work was different from the majority.

Although we are working as a minority within Francophone Catholic school boards, we have on the whole been well treated. Nevertheless, services to the Anglo Catholics have been more difficult to receive because of our small numbers and we sorely lack official representation at the political level of school boards.

Since the late '60's, our Association has been directly involved in the whole language debate in Quebec. We were

involved in St. Leonard where the school board decided to terminate English education and there we actively supported the aspirations of the parents who wished to send their children to English schools.

When Bill 22 was passed by the Liberal Government in 1974, we again opposed the restrictions to English schools. We opposed the testing mechanisms provided for in the Law because we felt this was highly discriminatory against a significant portion of the Quebec population.

When Bill 101 was sanctioned in August 1977, we continued our opposition to restrictive language legislation. Because a large number of the parents who were affected by the restrictions imposed by this Law still insisted on sending their children to English schools, we as a teachers' association stated quite categorically that we would not discriminate and we would offer quality instruction to all students whose parents choose to send them to English Catholic schools and this regardless of the stipulations of Bill 101. Some 2000 students still avail themselves of this service and this at considerable cost to our teachers in both time, workload and money.

Because our involvement is in the field of education, we will restrict our comments to Article 16 to 23 with special em-

phasis on Article 23.

CONSTITUTIONAL RIGHTS:

PACT heartily endorses the entrenchment of minority language educational rights in the constitution. We feel that minority rights can best be protected if they are entrenched in a federal constitution since these rights should not be tampered with or modified at the whim of Provincial Governments.

Since the late 1960's, there have been three (3) language laws introduced in the Province of Quebec. The Union Nationale Government first introduced Bill 63 - a law which, while protecting the French language, guaranteed minorities access to either French or English schools. The Liberal Government of Robert Bourassa passed in 1974, Bill 22 which changed the rules of the game and restricted English education to only those students who could pass English proficiency tests. Still again in 1977, the Parti Quebecois enacted Bill 101 which made French the official language of Quebec and restricted English education to children whose parents had received their elementary education in English. This last piece of legislation is quite reactionary inasmuch as persons having lived in Quebec for 15 or 20 years cannot send their children to English school because they had not completed their primary education in

English in Quebec.

The law has a retroactive effect and we find it impossible to accept a law of this nature. If the Constitution of Canada contained specific rights without fear that these may be altered in mid-stream, the minorities would be much better served and protected. We will submit our proposals concerning Article 23 later on in this paper.

MINORITY LANGUAGE RIGHTS:

We agree that English and French should be the official languages of Canada and have equality of status and equal rights and principles as to their use in all institutions of the Parliament and Government of Canada. We disagree, however, that this status should be restricted to only the Federal level. We invite the Parliament of Canada to modify this proposal so that linguistic rights of the Francophone and Anglophone minorities be assured both at the Federal and Provincial levels.

The right to use both official languages in Parliament and at the level of the Federal Government must apply to all Provincial legislatures. This right must also apply to Provincial Government institutions in Quebec, Ontario, New Brunswick

and Manitoba.

Furthermore, Article 19 of the proposed Constitution should give the right to any individual to plead his case in either French or English and this in any court established in Canada.

MINORITY LANGUAGE EDUCATIONAL RIGHTS:

Article 23 as drafted is, in some cases, more restrictive than the restrictions already in effect in Bill 101. We find it totally unacceptable and inconceivable that a Constitution dealing with human rights and minority guarantees should list exceptions. Either residents have rights or not. Nobody can be half-pregnant.

Article 23 restricts accessibility to minority French or English schools to citizens of Canada and to those whose mother tongue is either French or English. We cannot agree with these two (2) restrictions. Anglophones or Francophones from other countries whether they are citizens or not of Canada, should have access to English or French schools anywhere in Canada. If the French and English languages have been deemed to be the official languages of Canada, a Francophone from France should have access

to a French school in Quebec or Ontario or any other Province and likewise an Anglophone from the U.S.A. should have that same accessibility in any Province of Quebec.

By restricting accessibility to minority schools to mother tongue, we are denying access to minority schools to a large number of Canadian citizens whose mother tongue is neither French nor English. For instance, the Italian family which has been resident in Quebec for some 20 years still has for the children the Italian language as a first language, and with the restriction of Article 23, they would not have accessibility to minority schools. It is deplorable that we should consider such a restriction in a Constitution of Canada.

In its proposals, the Constitution does not foresee the accessibility to minority schools to those whose mother tongue is neither French nor English. We wholeheartedly submit that all residents of Canada should have accessibility to either Francophone or Anglophone schools, and this, anywhere in Canada. We have been led to believe that freedom of choice is no longer an acceptable alternative because nationalist groups in Quebec have stated that this policy would deteriorate the Francophone society in Quebec. This may have been so in the 1960's in Quebec, however, because French was made a

priority language and because the language of work in Quebec was ruled to be that of the French language, this perceived threat to the French culture has been alleviated.

In effect, the Liberal Party of Quebec prepared a demographic study on the balance of Francophone and Anglophone communities in Quebec and states that the principle of freedom of choice will in no way affect the balance between the Francophone and Anglophone community and there is no longer a threat to the Francophone community.

The Henripin report also concludes that the restrictions of Bill 101 will mean a severe decrease in the enrollment in English schools in Quebec and the viability of these schools is clearly questioned. (Excerpts of Henripin report are annexed)

Facts speak for themselves. In 1973, the number of students in English Catholic schools on the Island of Montreal was 73,500. In 1980 this same clientele has dropped to 46,880 and by 1984 the number of Anglophone students will decrease to 34,949.

It is true that the decline in the birth rate affected all communities in Quebec and Canada but the added restrictions of Bill 101 have had the effect of strangulating the systems that offer

English education in Quebec.

We must reiterate that English and French schools should be accessible to all residents of Canada anywhere in Canada without limitation.

CONCLUSION:

Canadians are now witnessing a truly historic event as Parliament is being asked to take steps to patriate our Constitution. The basic rights and freedoms of Canadians will be entrenched in a Canadian Charter of Rights and Freedoms so that they cannot be infringed upon by any single government and individuals and minorities who feel aggrieved will have recourse to the courts. An entrenched Bill would enable the court to control the activities of the State according to the interpretation which the judges give to its contents. Such a charter should also have a moral significance, being the expression of the very basis of our rights and freedoms.

The Charter makes it abundantly clear that both Francophones and Anglophones should be treated equally in Canada.

Why then should limitations be imposed if numbers are not large enough?

Why then is access to education in French and English limited only to Canadian citizens?

Why then do we utilize such iniquitous criteria such as mother tongue to determine accessibility to minority schools?

Why then do we not entrench a very basic right applicable to all residents of Canada granting them the freedom to choose the language of instruction of their children in either French or English?

To include in a Charter of Rights and freedoms limitations which discriminate against particular residents or citizens of this country is both inconsistent with the principle of basic freedoms and discriminatory.

Natalité, migrations et croissance démographique

PAR JACQUES HENRIPIN

- . Aperçu général
- . L'effondrement de la natalité
- . Les courants migratoires
- . L'équilibre linguistique futur
- . Les mérites de la croissance économique



Les individus qui quittent le Québec pour d'autres provinces présentent un autre type de clivage, celui de la langue. La propension à quitter le Québec est beaucoup plus forte chez les non-francophones que chez les francophones. Au cours de la période 1966-1971, les personnes qui ont quitté le Québec pour aller dans d'autres provinces se distribuaient ainsi suivant la langue maternelle:

français:	29%
anglais:	62%
autres langues:	9%

Compte tenu de la part que représente chaque groupe dans l'ensemble de la population, on peut en déduire que la propension à émigrer du Québec vers d'autres provinces est quatre fois plus forte chez les allophones que chez les francophones et treize fois plus forte chez les anglophones.

Il est possible que la plus grande part de ces différences soit due aux différences d'adaptation culturelle que doivent consentir les individus des divers groupes lorsqu'ils passent du Québec au reste du Canada. Mais il est difficile de rejeter d'emblée le rôle possible du climat socio-politique qui s'est implanté au Québec depuis deux décennies. Il ne faut pas en tirer la conclusion que tous les non-francophones vont quitter le Québec. Mais cela pourrait contribuer à réduire de façon appréciable la fraction des anglophones.

4. L'EQUILIBRE LINGUISTIQUE FUTUR

Cette question a déjà été l'objet de controverses, en particulier à l'occasion des débats qui ont précédé l'adoption de la loi 101. Du point de vue démographique, le problème peut être posé utilement dans les termes suivants: à supposer qu'on désire préserver la majorité francophone du Québec (elle était d'environ 81% en 1976), l'Etat doit-il intervenir pour favoriser l'usage du français; et si oui, dans quelle mesure? La réponse à la première question est: très probablement oui; à la deuxième question, on pourrait répondre: si l'objectif est d'assurer le maintien du 81%, il n'est probablement pas nécessaire d'intervenir aussi vigoureusement, en matière scolaire, que ne le fait la loi 101. Il n'y a jamais rien d'absolument certain quand il s'agit de l'avenir; il n'y a que du "plus ou moins probable", au mieux du "presque certain". Notons aussi que les réponses données supposent un objectif donné. Si l'objectif était de faire disparaître le plus vite possible toute trace de langue anglaise au Québec, nulle loi ne serait trop rigoureuse!

Il ne saurait être question de reprendre ici les exposés qui ont déjà été publiés. Les dernières perspectives sur le sujet ont été publiées dans Le Devoir en été 1977 par l'auteur de ces lignes et son collègue Réjean Lachapelle (1)*. Elles ont été

(1)* Voir les numéros des 16 et 21 juillet. Ces articles ont été critiqués dans les numéros des 8 et 9 août. La réplique a paru le 15 août.

le Québec se trouve dans une situation un peu embarrassante, du point de vue des francophones: si les conditions économiques sont bonnes, plus d'immigrants viendront s'établir au Québec et cela rendra moins défavorables aux anglophones les courants migratoires; par contre, si la situation économique est plutôt mauvaise, peu d'immigrants viendront s'établir, plus de non-francophones quitteront le Québec et cela favorisera la majorité francophone. En d'autres termes, les francophones ont plus de chances de voir leur importance relative se maintenir et même augmenter si les conditions économiques sont mauvaises. Ce n'est peut-être pas réjouissant, mais il semble bien que c'est ainsi que la situation se présente.

Mais qu'en sera-t-il? Il y a fort peu de chances que la fraction des anglophones augmente d'ici 20 ou 30 ans, au Québec et même dans l'ensemble de la région de Montréal (1)*. Par contre, pour peu que les conditions économiques ne soient pas constamment au beau fixe, il est probable que la fraction des anglophones diminuera (au Québec et à Montréal en particulier). Et si les conditions économiques étaient plutôt mauvaises, la fraction des anglophones pourrait diminuer de façon appréciable. D'autres facteurs sont en cause, par exemple la vigueur des interventions en faveur du français, singulièrement en matière scolaire. On trouvera au Tableau 5, les principaux résultats des calculs faits en 1977. Ils tiennent compte de deux hypothèses différentes sur les migrations futures et de l'effet de quatre régimes d'accès à l'école anglaise.

(1)* Il est intéressant de noter que si l'on examine la région de Montréal dans son ensemble (et non seulement les deux îles centrales comme on l'a fait souvent), on constate que depuis une trentaine d'années, les anglophones perdent constamment de l'importance.

T A B L E A U 5

Pourcentage que représenteront, en 2001, trois groupes linguistiques (langue d'usage), au Québec, suivant diverses hypothèses.

<u>R É G I M E</u> <u>S C O L A I R E</u> (1)*	Migrations relativement favorables aux anglophones			Migrations défavorables (2)* aux anglophones		
	Francophones	Anglophones	Allophones	Francophones	Anglophones	Allophones
Libre choix	79,0	14,7	6,3	84,8	10,1	5,1
Langue maternelle	79,2	14,5	6,3	85,0	9,9	5,1
Option Canada	80,2	13,5	6,3	85,5	9,4	5,1
Option Québec	81,3	12,5	6,2	86,3	8,6	5,1

N.B. En 1971, les pourcentages correspondants étaient de 80,8 pour les francophones, 14,7 pour les anglophones et 4,5 pour les allophones.

(1)* Le régime "langue maternelle" ouvre l'accès aux écoles anglaises aux seuls enfants de langue maternelle anglaise; l'"Option Canada" suppose qu'au moins un des parents a fait ses études en langue anglaise dans une école du Canada; l'"Option Québec", qui correspond en gros à la loi 101, suppose qu'un des parents a fait ses études dans une école de langue anglaise du Québec

(2)* Cette hypothèse "défavorable" est loin d'être outrancière: elle correspond à peu de chose près à ce qui s'est passé entre 1966 et 1976.