

Original in French



## **LANGUAGE POLICY**

### **OF THE TRIBUNAL ADMINISTRATIF DU TRAVAIL**

**February 2018**

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## 1. CONTEXT

The *Politique gouvernementale relative à l'emploi et à la qualité de la langue française dans l'Administration* (the government's language policy), adopted by Cabinet in March 2011, provides linguistic guidelines to government departments and public agencies and supports the government's exemplary and leading role in the application of the *Charter of the French Language* (the Charter).

The government's language policy reinforces the two founding principles of the Charter: Government departments and public agencies must promote the use of unilingual French in all their activities and value the quality of the French language, while highlighting the importance of the French language as an instrument of social cohesion.

Government departments and public agencies are required to adopt a language policy and ensure compliance with the government's language policy. The language policy must support the mission of the Tribunal administratif du travail (the Tribunal) and be tailored to its specific needs.

The Tribunal rules on matters of employment and labour relations. Activities involve four different divisions: labour relations, occupational health and safety, essential services, and construction industry and occupational qualification. Since its mission is supported by administrative activities, the Tribunal's linguistic obligations vary depending on whether the activity concerns administrative functions or matters brought before the Tribunal. The language policy of the Tribunal administratif du travail covers both activities. Thus, communication involving matters brought before the Tribunal must comply with the constitutional rules that guarantee the right to use English or French with the Tribunal. The rules concerning the language of public administration apply to its administrative activities.

## 2. OBJECTIVE

The objective of the language policy is to determine which language should be used in the course of the Tribunal's various activities, as provided for in the government's language policy.

## 3. SCOPE

This language policy applies to all staff and members of the Tribunal, as well as anyone who communicates with the Tribunal.

The language policy concerns oral and written communications within the context of the matters brought before the Tribunal and those within its administrative functions.

## 4. LEGAL FRAMEWORK

The language policy is based on:

- the *Charter of the French Language* (CQLR, c. C-11) (the Charter);
- the *Constitution Act, 1867*, 30 & 31 Victoria, c. 3 (U.K.);
- the *Politique gouvernementale relative à l'emploi et à la qualité de la langue française dans l'Administration*, adopted by Cabinet in March 2011 (the government's language policy);
- the *Politique d'utilisation du français dans les technologies de l'information et des communications*, adopted by Cabinet on December 6, 2006 (a policy governing the use of French in information and communication technologies, or PUFTIC); and

- the *Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics* (guidelines for the management of procurement contracts: supply, services and construction), CT 215340 of July 13, 2015, amended by CT 216690 of July 5, 2016 and CT 217114 of December 6, 2016 (the Directive).

## **5. PRESIDENT'S RESPONSIBILITY**

The president is responsible for ensuring compliance with the *Charter of the French Language* and the Tribunal's language policy. To that end, the president has designated the person in charge of the Service des communications to represent the Tribunal and work closely with the Office Québécois de la langue française (OQLF).

Under the president's authority, a standing committee has been established for the purpose of formulating and implementing the language policy. The Committee, presided by the person in charge of the Service des communications, is composed of representatives of the following entities:

- the secretary general;
- the Service de la traduction;
- the Direction des services juridiques;
- the Vice-présidence des opérations SST;
- the Vice-présidence des opérations RT;
- any other entity that may be designated by the president.

## **6. LANGUAGE USED WITHIN THE CONTEXT OF MATTERS BROUGHT BEFORE THE TRIBUNAL**

### **6.1 Principle**

French or English may be used in matters of which the Tribunal is seized and all relevant procedural documents.

### **6.2 Forms**

All of the Tribunal's forms are available in French.

On request, the Tribunal may provide an English version of a form to be completed by a party. Some forms are available in the English section of the Tribunal's website.

### **6.3 Notices**

Notices required by the laws administered by the Tribunal are published in French in the daily newspapers. When a notice written in another language appears in a daily newspaper, it must also be published in French in another daily newspaper.

### **6.4 Conciliation**

English or French may be used during the conciliation process.

### **6.5 Language used at a hearing**

A party or a witness to a proceeding may use either English or French.

## **6.6 Right to the assistance of an interpreter**

When a party or a witness does not understand or speak the language in which the proceedings are conducted, such party or witness has the right to the assistance of an interpreter.

A party or witness who hires an interpreter is responsible for covering the cost of the service.

## **6.7 Deafness**

The Tribunal provides an interpreter when deafness prevents a party or witness from understanding the proceedings.

## **6.8 Decisions**

In general, the Tribunal's decisions are drafted in French. An administrative judge may, however, decide to draft a decision in English.

Decisions are translated into English or French only further to the request of a party or the administrative judge who heard the case. The Tribunal provides such translations free of charge.

# **7. THE LANGUAGE OF GOVERNMENT**

## **7.1 Written communications**

### **7.1.1 Principles**

As a general rule, French is the language used in the Tribunal's documents, agreements and communications, regardless of the format used.

Business cards are printed in French only.

French is the only language used in written communications with legal persons or businesses that have an establishment, a subsidiary or a division in Québec, even if the head office is outside Québec.

### **7.1.2 Exceptions**

#### **7.1.2.1 Natural persons**

When responding to a natural person who uses a language other than French, the Tribunal can use that person's language.

Further to a natural person's request, the Tribunal can provide an English version of a document pertaining to its mission.

#### **7.1.2.2 Legal persons and businesses established outside Québec**

When writing to a legal person or a business established outside Québec, the Tribunal can choose to use both French and another language or only the other language, as appropriate.

#### **7.1.2.3 Government or international organization**

A translation can be attached to documents sent to a government or international organization that does not have French as an official language or language of work.

#### **7.1.2.4 Legal or scientific articles and other documents**

When publishing an article in a magazine that does not accept submissions in French, the president can authorize translation into another language. The French version must, however, be available upon request.

#### **7.1.3 Translation**

When a translation is permitted by the policy, it must be presented as a separate document bearing the heading "Original in French".

The translation of a document sent to another government, an international organization, a legal person or a business established outside Québec is presented on a blank sheet of paper (without letterhead), with the heading "Translation" in the target language. The document must not be signed. When sent by email, the translation must be attached in a separate file labelled "Translation".

##### **7.1.3.1 Designation**

In referring to the Tribunal administratif du travail and its administrative units, only French is used to designate the Tribunal on posters, official documents, business cards, printed matter, texts and other administrative documents, regardless of whether the documents are in French or in English.

#### **7.1.4 Website**

The Tribunal's website is in French, as is its home page. It must be displayed in French by default. Some forms and information documents are available in English; they can be found in a separate section that does not mirror the information available in French.

#### **7.1.5 Annual report**

The annual report is available in French only. The Tribunal does not provide translations of this document.

#### **7.1.6 Legal persons and businesses**

For contractual purposes, legal persons and businesses are required to provide documents in French.

The Tribunal will award no contract, regardless of the value, to a business subject to sections 135 to 154 of the Charter unless it has a certificate of registration or it provides, within the prescribed time period, an analysis of its language situation and an attestation of implementation of a francization program or a francization certificate. Contracts are not awarded to businesses that do not comply with the francization process (a list is published on the website of the Office québécois de la langue française). The requirement is part of the contractual documents provided to businesses, particularly call for tender documents.

Legal persons and businesses are required to communicate with the Tribunal in French throughout the procurement process.

Procurement documents and documentation for goods and services, as well as inscriptions on products purchased (a container or its wrapper), must be in the French language. Moreover, when language is involved in the use or operation of a product or equipment, it must be French.

All reports prepared within the context of a contract must be in the French language.

The Tribunal applies the rules under section 3 of the Directive.

## **7.2 Verbal communications**

### **7.2.1 Principle**

Communication with the public takes place in the French language.

### **7.2.2 Exceptions**

#### **7.2.2.1 Conversations**

The Tribunal will use another language of communication only if requested because understanding is at issue.

#### **7.2.2.2 Voice mail**

Interactive voice response system messages are in French. Any message in a language other than French must be accessed through an independent process. In that respect, greeting messages must be expressed completely in French, including the technical menus, before the option to access a message in another language is mentioned.

Voice mail greeting messages are exclusively in French.

#### **7.2.2.3 Conferences and speeches**

Upon approval by the president of the Tribunal, administrative judges and staff may, as part of their duties, take part in conferences and make speeches in a language other than French. The exception applies to conferences held and speeches made outside Québec, or in Québec when an international audience is involved, except conferences, symposiums or workshops where one of the official languages is French.

## **8. LANGUAGE OF WORK**

### **8.1 Principles**

French is the language of work at the Tribunal.

Tribunal staff and members are required to apply high standards of French, in line with good usage, in its dealings among colleagues and with the public.

### **8.2 Particular aspects**

#### **8.2.1 Appropriate knowledge of the French language**

To be appointed to office or a position within the Tribunal, candidates are required to have knowledge of the French language that is appropriate to the office or position.

#### **8.2.2 Language other than French**

Knowledge, or a specific level of knowledge, of a language other than French cannot be a prerequisite for appointment to office or a position, unless the specific duties necessitate such knowledge.

### **8.2.3 Equipment**

All the equipment used at the Tribunal, including computer equipment and peripherals, must be labelled in French and operating guides must be provided in French.

The Tribunal applies the rules established in PUFTIC.

## **9. LANGUAGE QUALITY**

### **9.1 Principles**

The Tribunal monitors the quality of the French language in its activities and it implements tools in order to promote high standards of French.

The Tribunal uses terms and expressions that have been standardized by the OQLF.

### **9.2 Means**

#### **9.2.1 Development**

The Tribunal provides development to staff whose duties require a high level of proficiency in oral or written French.

#### **9.2.2 Writing tools**

La Tribunal provides reference materials and writing tools to its members and staff.

The Service de la traduction is available to assist staff and members of the Tribunal who encounter language issues that they are unable to resolve using the available reference materials and writing tools.

## **10. REPORTS**

At least once yearly, the committee reports to the president on the application of the policy, as well as the application of PUFTIC and section 3 of the Directive. It suggests amendments to the policy and remedial measures where appropriate.

The Tribunal's annual report contains a section on the application of the policy. Outreach activities and training provided to staff and members are reported in that section.

Once yearly, the Tribunal reports to the OQLF on the application of PUFTIC and section 9 of the Directive.

## **11. SUPERSESSION**

This policy supersedes the language policy of the Commission des lésions professionnelles that expires on December 12, 2018, and that of the Commission des relations du travail, expiring on December 18, 2017.

## **12. REVIEW**

The standing committee reviews the language policy at regular intervals, which must not exceed five years. Once the opinion of the Office québécois de la langue française is received, amendments are approved by the president of the Tribunal. An updated, approved version is then provided to the OQLF.

**13. EFFECTIVE DATE**

The Policy is effective on the date it is signed by the president.

[Original signed by Marie Lamarre on February 2, 2018.]

\_\_\_\_\_  
Marie Lamarre  
President

\_\_\_\_\_  
Date