



A Better Economy for Better Lives
Une économie meilleure pour une vie meilleure

Brief Submitted to the
Committee on
Institutions, National
Assembly of Quebec
on
Bill 1, Québec

Submitted by

The Community Economic Development and
Employability Corporation (CEDEC)
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MINORITY LANGUAGE RIGHTS AND CONSTITUTIONAL PRINCIPLES

Minority language rights and communities are fundamental to Canada's constitutional democracy. As the Supreme Court of Canada has affirmed repeatedly, *“language is more than a mere means of communication; it is part and parcel of the identity and culture of the people speaking it.”*¹

In addition, the Court recognized that “the constitutional protection of minority language rights is necessary for the promotion of robust and vital minority language communities which are essential for Canada to flourish as a bilingual country.”²

These rulings reflect the constitutional foundation that underpins the French-speaking communities outside Quebec and the English-speaking community in Quebec, our linguistic identities, our institutions, and our right to flourish.

CEDEC is of the view that Bill 1, as currently drafted, diminishes this foundational truth.

¹ Mahe v. Alberta, [1990] 1 S.C.R. 342, at p. 362; and Ford v. Quebec (Attorney General), [1988] 2 S.C.R. 712, at pp. 748-49, as quoted in Solski (Tutor of) v. Quebec (Attorney General), [2005] 1 S.C.R. 201, at p. 207 (“Solski”).

² Solski, at p. 207.

EXECUTIVE SUMMARY

The **Community Economic Development and Employability Corporation (CEDEC)** is the federally mandated economic development organization serving Québec's English-speaking community (ESCQ).

CEDEC offers its analysis and reflections on Bill 1 as a constructive contribution to enriching Québec's constitutional vision. We believe that such a foundational governance framework must strengthen our democracy, embody our shared values, and reinforce social cohesion. It must also reflect and respect the diversity of the society whose future we will build together.

Bill 1, i.e., *The Québec Constitution Act, 2025*, is one of the most ambitious legislative undertakings in recent memory. It seeks to codify Québec's constitutional identity, expand the province's autonomy within the Canadian federation, and articulate the rights and values that the Québec government considers fundamental. As such, it demands extraordinary care, transparency, and democratic legitimacy.

Bill 1 seeks to transform the foundational covenant of Quebecers and their relationship with the State. It aims to explicitly define Quebec society, culture, and aspirations. It is an attempt to reshape the political order and authority in Quebec, redefine the rights and freedoms of all Quebecers, and set the parameters within which all other provincial laws must operate.

Our analysis concludes that, as drafted, Bill 1 poses significant challenges to Québec's democratic integrity, economic stability, and social cohesion. It also fails, in its constitutional vision, to fully acknowledge the English-speaking community of Québec (ESCQ), thereby placing the future of our community at risk.

In our view, Bill 1 falls short of the standards required to serve as an inspiring and unifying constitutional document for several reasons, as follows:

- Bill 1 was developed through a process that does not meet democratic expectations for constitutional reform.
- **It expands executive authority** in ways that weaken democratic checks and balances.
- It introduces mechanisms that could restrict funding, partnerships, and federal–provincial cooperation - particularly affecting the ESCQ.
- It restricts access to justice and limits constitutional recourse for publicly funded bodies and institutions.
- **It excludes Québec's English-speaking community** from the government's vision of Québec, thereby misrepresenting Québec's full linguistic, social, cultural, and demographic reality.
- **It overlooks a historic opportunity** for Québec to assume a leadership role in a renewed and more collaborative Canadian federation.

While these challenges are significant, we believe that they are not insurmountable. Our brief provides recommendations to amend Bill 1 to reflect the best of Québec's democratic traditions, its inclusive aspirations, and its potential for national leadership.

Above all, CEDEC believes that Québec's constitutional vision must **recognize and protect the English-speaking community**, affirm its right to exist and flourish, and integrate it into Québec's long-term constitutional vision.

1. INTRODUCTION

About CEDEC

1.1 Our Mission

CEDEC exists to strengthen Québec's economy through the full and active participation of the English-speaking community of Quebec. Our mission is rooted in the conviction that Québec's long-term prosperity requires the engagement of all, across all regions, languages, and communities. For nearly twenty-five years, CEDEC has worked to ensure that economic opportunity is shared, and that Québec's economic future is shaped by the combined forces of:

- Collaborative partnership, innovation, and inclusion.
- Grassroots initiatives.
- Significant economic development investments.

CEDEC operates on a simple but powerful belief: when conditions allow our community to fully participate and contribute to Quebec's prosperity, the shared economy that ensures our quality of life in Québec and Canada is made stronger. In return, communities across Québec and Canada benefit from the economic prosperity that we create together. This is not only a matter of fairness or representation; it is also a matter of strategic economic importance.

Canada's \$4.1-billion investment in Official Language Minority Communities (OLMCs) across the country reflects this national imperative. This investment is not only a sound, future-oriented linguistic and cultural policy, but a strategically crucial economic policy. For English-speaking Quebecers, this investment sustains the institutions, services, and opportunities that enable us to better participate in, and contribute fully to, the economic well-being of Quebec and Canada.

1.2 CEDEC's Distinction: A Leader in Collaborative Economic Development

CEDEC is uniquely positioned within Québec's economic landscape. More than a program delivery organization, CEDEC is a **strategic bridge-builder**, connecting French and English-speaking communities, regions, economic sectors, and various levels of government to deliver tangible, measurable economic benefits.

We work hand in hand with all Quebecers to:

- Strengthen labour-market participation and job creation.
- Support the growth of small businesses and social enterprises.
- Open pathways to provincial, national, and international markets.
- Cultivate innovation, resilience, and economic diversification.
- Build collaborative economic ecosystems in urban and rural regions.
- Reinforce Canada's and Quebec's supply chains.

Our model of **Collaborative Economic Development** is not abstract. It produces concrete results through job creation, business and social enterprise creation and expansion, increased trade, enhanced productivity, and community resilience. Through CEDEC's leadership, previously disconnected public, private, and civil society sector actors, including communities, employers, investors, and workforce developers, are linked together, unlocking economic potential that would otherwise remain untapped.

CEDEC's vision and unique approach to economic development are aligned with the core principles of Canada's nation-building economic agenda: **internal trade expansion, supply-chain resilience, productivity growth, and inclusive opportunity**.

Indeed, CEDEC is committed to helping the English-speaking community achieve its ten-year economic development targets, including the creation or expansion of 250 businesses and social enterprises, the placement of English-speakers in 1,000 jobs, as well as the attraction of \$5 million in new investments. This pathway demonstrates that minority-language economic development is not only a lifeline for our community but also a contributor to economic growth in both Québec and Canada.

1.3 CEDEC's Role and Responsibilities within the Canadian Federation

Under the Official Languages Act (OLA), the Government of Canada is committed to protecting and promoting the economic and social vitality of the English-speaking community of Quebec.

CEDEC is the Government of Canada's principal economic development partner for the community. This role requires excellence, accountability, and an unwavering commitment to evidence-based, collaborative economic development policy and programming.

Protecting and promoting the ESCQ's economic vitality is not simply a linguistic or cultural concern; it is a question of **provincial and national economic resilience**. Canada cannot build one strong, integrated economy if any region or community is economically sidelined.

In sum, CEDEC's work is grounded in our conviction that a thriving ESCQ is more than peripheral to Québec's success: it is integral to it. In addition, a prosperous and confident Québec is indispensable to Canada's unity, security, and economic future. A vigorous English-speaking community strengthens Québec, and in turn, it enhances Québec's contribution to a stronger Canada.

2. THE ENGLISH-SPEAKING COMMUNITY OF QUÉBEC

2.1 A Call to Québec's Highest Traditions of Wisdom and Generosity

As Leonard Cohen reminds us, "We are so lightly here." It is his call to all of us to recognize that at any given point in time, we must shape our society with generosity and wisdom.

The ESCQ is not an accessory to the province's story; it is not a historical relic, nor a marginal anomaly, and indeed, it is not an interloper. The ESCQ is woven into the very fabric of Quebec society. It is a vibrant, diverse, multilingual, multiracial, multi-faith community that lives, works, and builds in every region of Québec. It is profoundly attached to its history, its present, and its destiny in Quebec. Like all Quebecers, the ESCQ embodies the same rootedness and unshakable sense of belonging that define Québec itself.

Contrary to enduring, albeit outdated myths, English-speaking Quebecers are not a monolith, a privileged elite, or outsiders. Our community and our members are an essential part of Québec, contributing on a daily basis to its democracy, culture, prosperity, and constitutional future. To deny this is not only inaccurate; **it is to misunderstand Québec's identity**.

For English-speaking Quebecers, as for francophones, language is inseparable from identity, belonging, community life, access to services, participation in democracy, and importantly, economic opportunity.

The high rates of bilingualism among English-speaking Quebecers attest to our commitment to Quebec and our linguistic identity, amplifying the contributions we have made and are willing to continue to make to Quebec's ongoing development.

2.2 The ESCQ Is a Strategic Partner in Québec's Future Prosperity

The English-speaking community is not a threat to Québec's future, but rather one of the **critical assets** upon which its future depends. The ESCQ brings:

- **Bilingual human capital** that is indispensable in a global economy.
- **Intellectual capacity** to thrive in a highly competitive knowledge economy.
- **High energy** participation and innovation in multiple industries.
- Interprovincial and international economic ties that strengthen Québec's market position.
- **Robust cultural and commercial networks** that expand Québec's influence beyond its borders.

In an era of global volatility, Québec needs every advantage, every partner, and every network. The ESCQ is one of them.

2.3 Persistent Challenges

Despite its significant contributions to Québec's prosperity, the ESCQ continues to face persistent and measurable economic disparities. These disparities are real, and they affect employment prospects, business creation, household income, and long-term community vitality across regions, as outlined below:

- English-speaking Quebecers experience higher unemployment and underemployment than their francophone counterparts in several regions of the province.
 - Labour-market outcomes vary widely, but in many communities, especially rural, off-island, or economically transitioning regions, English-speakers face barriers in accessing the jobs, training, and economic networks that drive prosperity.
- There is a persistent earnings gap between English-speaking and French-speaking Quebecers.
 - Québec is one of only two provinces in Canada where the Official Language Minority Community has a lower median income than the majority population.
 - This disparity reflects reduced access to networks and the erosion of English-language economic infrastructure in specific regions and sectors.
- Poverty rates are higher among specific subgroups of the ESCQ, particularly youth, newcomers, racialized minorities, and seniors.
 - The ESCQ has higher rates of poverty and unemployment than the French-speaking majority, and these disparities continue to widen for vulnerable subgroups who face compounded barriers based on language, geography, education, and socio-economic status.

- Many English-speaking Quebecers have reduced access to essential public services, including employment assistance, early childhood supports, literacy programming, and social services, all of which play a critical role in labour-force readiness and economic mobility.
 - Gaps in service access can create cascading disadvantages: restricted employment opportunities, limited advancement, weaker entrepreneurship ecosystems, and diminished capacity to navigate Québec’s increasingly complex labour market.
- The ESCQ faces unique pressures linked to political decisions, policy shifts, and the “zero-sum” belief that supporting English-speaking Quebecers necessarily undermines the French language.
 - This perception can worsen economic disparities by restricting access to English-language services, institutions, and opportunities required for upward mobility.
- The ESCQ’s demographic profile presents additional vulnerabilities.
 - Aging populations in many regions heighten the demand for accessible health and employment services.
 - In addition, younger English-speaking Quebecers face heightened linguistic, financial, and educational barriers in transitioning into stable employment. This challenge can have long-term impacts on retention and migration.

3. A CONTEXT: A CONSTITUTIONAL MOMENT IN TRANSITION

3.1 A Historical Moment Which Demands Clarity, Wisdom, and Generosity

Bill 1 represents a pivotal moment in Québec’s history. It sets out three central pillars:

1. The **Constitution of Québec**, which articulates the province’s identity and values.
2. The **Act respecting the Constitutional Autonomy of Québec**, which creates mechanisms for Québec to selectively refuse or renegotiate federal involvement in areas of provincial jurisdiction.
3. The **Act respecting the Conseil constitutionnel**, which establishes a new constitutional advisory body with interpretive functions that overlap with those of the judiciary.

This Bill 1 initiative does not arise in isolation. It builds on:

- **Bill 21**, which redefined the relationship between religious expression and public sector employment.
- **Bill 96**, which reinforced the Charter of the French Language and expanded the requirements to use French in commerce, public services, and daily life.

- **The Rousseau-Proulx Commission**, which advised on Québec's constitutional autonomy, and provided recommendations to protect Quebec's identity and jurisdiction from federal overreach.

Taken together, these developments signal a longstanding desire to assert Québec's identity, affirm its constitutional powers, and further articulate its distinctiveness.

3.2 A Dramatically Different Historical Moment

The context into which Bill 1 arrives is profoundly different from that which shaped earlier constitutional debates. At this time, Canada is undergoing a **re-orientation of its federal-provincial, national, and global direction**, realigning economic alliances, redefining diplomatic strategies, and confronting global uncertainties.

To be clear, Canada, including Québec and all other provinces and territories, is navigating a period of profound economic and geopolitical disruption. An aging population, slow productivity growth, labour shortages, changes to global supply chains, and major trade tensions with the United States all combine to place significant pressure on Canada's economy and our shared prosperity. In a world facing growing instability, Canada's future strength, including that of Quebec, depends on our ability to work together, linking our people, investments, innovations, and development efforts.

The economic turbulence of this moment in time does not call for fragmentation and insularity, but rather for **unprecedented collaboration**. To quote Monique Leroux, former Chair of the Board and Chief Executive Officer of Desjardins Group (2008 to 2016), *"Collaboration is the new competitive advantage. That sounds a lot like something Alphonse Desjardins would have said."*³ When Québec, the federal government, and the other provinces work in concert, they strengthen the capacity of every region to weather uncertainty and seize opportunity together.

In this context, CEDEC believes that Québec has a crucial leadership role to play because our provincial economy is intertwined with national infrastructure, workforce policies, and market access that extend beyond our provincial border. This is one of the key reasons why collaboration and solidarity across Canada now matter more than ever.

Québec's influence within the Canadian federation has consistently grown when it acts with assurance, leading with its democratic principles, openness, and generosity of spirit. As Québec considers its constitutional vision through Bill 1, it must also reaffirm its place within a strong and resilient Canada, a federation capable of pooling its strengths, bridging labour-market gaps, and opening new pathways for trade and growth at home and abroad. In this collective effort, the English-speaking community of Québec, with its strong

³ <https://policyoptions.irpp.org/2011/08/a-tale-of-two-cities-montreal-et-toronto-alliees-du-xxie-siecle/>

bilingual capacity and its economic and cultural connections across the country, is a significant strategic asset for the province. Indeed, the English-speaking community is a global asset for Quebec in its international trade, commerce, and business development.

Moreover, a renewed **Canadian solidarity** has emerged in recent months. Across the country, Canadians, including Quebecers, have rediscovered the need to collaborate in order to navigate significant geopolitical, economic, and social challenges. This new environment offers Québec a unique opportunity to lead, connect, and redefine its future as well as its contribution to Canada's future.

As it currently stands, Bill 1 risks moving Québec in the opposite direction.

3.3 Purpose of CEDEC's Brief

CEDEC submits this brief to recommend to the National Assembly that the government:

- Ensure that Bill 1 respects the highest democratic norms which should be met for the development and adoption of a constitutional document.
- Protect the necessary environment for **political and economic collaboration**, economic and employment development, as well as creativity and investment.
- Safeguard the vitality, language rights, and institutions of the ESCQ.
- Exercise **constructive leadership** within a changing Canada.
- Align Québec's aspirations with Canada's constitutional framework, and the principles of inclusion, equality, and mutual respect that underpin Québec's own democratic culture and traditions.

To be clear, it is our position that Bill 1 must establish a constitutional vision that recognizes that a flourishing ESCQ is integral to Quebec and its future social, cultural, and economic development. Simultaneously, Bill 1 cannot be allowed to implement provisions that could exacerbate the community's disparities and vulnerabilities. To the contrary, Bill 1 must provide a strong foundation for addressing and ameliorating them.

4. OVERVIEW OF BILL 1

Bill 1 consists of:

- The **Constitution of Québec** - codifying identity and rights.
- The **Constitutional Autonomy Act** - granting Québec new powers to accept or refuse federal agreements.
- The **Conseil constitutionnel Act** - creating a new constitutional advisory body.

The ambition of Bill 1 is significant, as are its **risks**.

5. DEMOCRATIC AND CONSTITUTIONAL ISSUES

5.1 The Lack of Meaningful Public Involvement in Building a Constitution

The adoption of a constitution is an extraordinary and singular undertaking. To attract legitimacy, it must be the subject of broad public deliberation and societal consensus. The adoption of a constitution **must go beyond the procedures afforded to ordinary legislative measures**, because a constitution is not an ordinary law.

In our view, a constitution is the highest expression of a society's shared values, aspirations, and governing principles. It is not merely another statute; it is the foundational covenant that structures political authority, defines the rights and freedoms of the people, and sets the parameters within which all other laws must operate.

Because a constitution speaks for everyone, across generations, regions, languages, and identities, **it must be built on legitimacy rather than expediency**. Such legitimacy can only come from **broad public involvement and consultation**, multi-sectoral participation, and clear democratic consent.

A constitution that lacks this foundation risks weakening the very social cohesion, institutional trust, shared economic purpose, and sense of collective aspiration it is meant to safeguard and promote.

Bill 1 was tabled without the extensive consultations that constitutional reform requires, in that there were:

- No public hearings.
- No targeted engagement with minority communities.
- No provincial dialogues.
- No expert panels.

In sum, the government has not pursued the broad, participatory, and open democratic process which is necessary to build a constitutional document of this nature.

CEDEC Recommendation

Suspend Bill 1 and initiate a broad constitutional renewal process, i.e., a province-wide, multi-stage public engagement and involvement exercise that includes open hearings in all regions; structured dialogues with civil society; expert panels on constitutional principles and models, and, targeted, meaningful consultation with minority groups, including the English-speaking community of Québec. Only such a deliberative, inclusive, and

participatory process can provide the legitimacy, wisdom, and democratic grounding that a constitutional project requires and that a habitual legislative procedure cannot deliver.

In addition, the government should bring the proposed constitution forward in a referendum that must meet the highest possible threshold of approval.

5.2 The Involvement of the ESCQ in Shaping Quebec's Constitutional Vision

A constitutional moment is never merely technical. It is a defining act through which a society expresses not only how it wishes to govern itself, but how it understands itself to be and what it wants to become. For such a moment to carry legitimacy, its constitutional vision must reflect the full breadth, dignity, and humanity of all its people.

As currently drafted, Bill 1 fails to fully acknowledge, in its constitutional vision, the English-speaking community of Québec. This places the future of our community at risk. Excluding Québec's English-speaking minority, a community of 1.3 million people with deep historical roots and a well-established record of contributing to Québec's democratic, cultural, and economic life, risks sending the message that the ESCQ is peripheral to the constitution of Québec and its future.

A constitutional vision that excludes a community representing nearly 13% of Québec's population risks:

- **Codifying exclusion into a foundational text.**
- **Weakening democratic legitimacy by failing to reflect the Québec that actually exists.**
- **Embedding long-term social and political divisions that undermine cohesion and mutual trust.**

Such an outcome would contradict the values of recognition, dignity, and fairness that have shaped Québec's modern democratic identity.

Few people understand the importance of recognition more than Quebecers, whose own history has been defined by the struggle for visibility, equality, and respect in a broader constitutional order. To overlook the ESCQ in a foundational constitutional document is to break faith with Quebec history, aspirations, and the principles that underlie its long-standing commitment to justice, reciprocity, and inclusion.

It is our view that Québec cannot credibly claim a modern, confident constitutional vision while leaving unexamined the place of 1.3 million English-speaking Quebecers, one of the province's founding communities, and a longstanding contributor to Québec's democratic, economic, and cultural vitality.

Failing to articulate a clear place for the ESCQ, especially while seeking greater constitutional autonomy, also risks weakening Québec's voice and influence in federal and provincial negotiations, potentially eroding the relationships which Québec needs to pursue in order to make progress on multiple and collaborative policy fronts.

Excluding the ESCQ from its constitutional vision would move Québec in the opposite direction, reducing its leverage, limiting its ability to build alliances, and complicating national collaboration at a time when Canada and Quebec, along with all provinces and territories, must face significant economic and geopolitical challenges.

In our view, Québec, therefore, requires a mechanism capable of examining, in a structured and forward-looking way, the ESCQ's evolving role, needs, and contributions as a full participant in Québec society. Without such a mechanism, Bill 1 risks becoming a constitutional document that **speaks about Quebecers but does not speak to or for all Quebecers**.

CEDEC Recommendation

CEDEC recommends to the National Assembly the establishment of a **Committee on the Status and Future of the English-Speaking Community of Québec (ESCQ)**. This Committee of the National Assembly should:

- Examine the recognition and status of the ESCQ within Quebec's constitutional vision, as well as ensuring that this vision strengthens, rather than weakens, the ESCQ's future in Quebec.
- Define Québec's obligations for the community's existence, development, and ability to flourish.
- Evaluate the proposed provisions of Bill 1 through the lens of a modern, inclusive vision of Québec society.

CEDEC also recommends adding a section to Bill 1 titled **"Rights of English-Speaking Quebecers"**. That section should, among other things:

- Affirm the ESCQ's right to flourish and participate fully in Quebec society.
- Clearly stipulate Québec's responsibility to support the ESCQ and its institutions.
- Reinforce the right of English-speaking Quebecers to communicate with and receive services from the Government of Quebec in English.

The creation of the proposed Committee of the National Assembly and the recognition of the rights of English-speaking Quebecers in Bill 1 are not only sensible but also indispensable to the legitimacy, clarity, and coherence of Québec's constitutional project.

A constitution that excludes significant groups of Quebecers cannot unite Quebecers. On the other hand, a constitutional vision that embraces all Quebecers, including the ESCQ, will be stronger, more legitimate, and truer to Québec's democratic ideals.

5.3. Barriers to Constitutional Challenge

The Constitutional Autonomy Act appears to grant Québec the power to direct institutions, including municipalities, school boards, and social service networks, to:

- Refuse federal funds.
- Suspend or rescind federal agreements.
- Avoid participating in federal initiatives.
- Comply with directives that may contradict their statutory obligations.

In our view, these powers appear to exceed ordinary provincial authority, and they introduce the possibility of politically motivated decisions affecting employment, innovation, and service delivery. In addition, Bill 1 appears to propose various barriers to constitutional or other challenges:

- **Financial Barriers**, by prohibiting publicly funded bodies from challenging laws designated as “Protecting the Québec Nation.”
- **Legislative Barriers**, restricting parliamentary debate on the use of notwithstanding clauses.
- **Judicial Barriers**, by limiting a court's power to (i) seize itself of a constitutional issue or (ii) directing the parties to do so.
- **Legal Barriers**, by raising the threshold for injunctions or a stay of proceedings at the start of a constitutional challenge to provincial legislation.

At a minimum, these barriers would seem to undermine public accountability and weaken the rule of law in Quebec. Such barriers and powers must not be embedded into a constitutional framework without appropriate safeguards against abusive, harmful, or politically motivated action.

CEDEC Recommendation

Repeal the provisions that aim to restrict challenges to provincial legislation and restore full judicial oversight.

5.4 Sections 14 and 17: Risks to Receiving Federal Funding

Sections **14 and 17** of the *Constitutional Autonomy Act* appear to grant the Government of Québec extraordinarily broad discretion to refuse, suspend, or rescind federal funds, including federal funding intended to support the ESCQ. While framed as measures to protect Québec’s jurisdiction and constitutional autonomy, these provisions seem to rest on **vague, open-ended criteria that could pose significant risks** to the ESCQ's ongoing development and vitality.

Under **section 14**, as we understand it, departments and agencies of the Quebec government must negotiate all federal agreements in a manner that protects certain Québec values, including the protection of the French language, collective rights, constitutional autonomy, and historical claims. That said, Bill 1 **does not require** departments and agencies to consider, balance, or mitigate impacts on the English-speaking community. Consequently, that section has the potential to cause significant harm to the community without any requirement to balance or mitigate it.

More troubling still, **section 17** seems to empower the government to order departments and agencies to refuse federal funding whenever a federal initiative (a) intrudes on Québec’s jurisdiction, (b) “affects” any of the values listed in section 14, or (c) causes prejudice to Québec, “in any way.”

To our mind, this language is unnecessarily and dangerously overbroad. It seems to set an extremely low threshold and could enable the government to intervene even when there is no real interference vis-à-vis its constitutional jurisdiction. This risk could be further compounded by officials who might treat English-language services as incompatible with French-language protection, a “zero-sum” approach which CEDEC has constantly argued against.

In short, sections 14 and 17 seem to suggest a legal and administrative framework that could allow Québec to block federal funding essential to the ESCQ, including in the areas of employment and economic development. The broad and undefined language of these provisions could trigger a review of almost any federal initiative. The consequences could directly impact the ESCQ, its ongoing development, and the public services that support it.

Finally, it is our view that there exists a risk that decisions taken under s. 17 could **violate rights**, including those provided by s. 15 of the Canadian Charter of Rights and Freedoms (“Charter”) and those found in s. 10 Québec Charter of Human Rights and Freedoms (Quebec Charter), especially when funding refusals have a discriminatory impact based on language.

CEDEC Recommendation

Federal-provincial agreements are essential to Québec's ongoing development, its economic strength, and the ESCQ's development and vitality. CEDEC reiterates its view that rejecting federal funds that support the English-speaking community would be disruptive and harmful and would create unnecessary tensions within the federation.

CEDEC recommends amending ss.14 and 17 to:

- Require explicit consideration of their impact on the ESCQ.
- Require mitigation of any potential harm to the ESCQ.
- Limit their application to clear instances of federal intrusion into areas of provincial jurisdiction.
- Ensure that the provisions of Bill 1 are compatible with and supportive of the Government of Canada's commitments under Part VII of the federal Official Languages Act (OLA).

CEDEC also recommends the creation of an **Advisory Council on the Economic and Labour-Market Development of the ESCQ**, reporting to: the Minister of the Economy, Innovation and Energy; the Minister of Employment; the Minister of Labour, and the Minister Responsible for Regional Economic Development. This Committee would advise the above Ministers on:

- Ensuring that decisions under Bill 1 that touch on federal OLA funding related to employment and economic development are compatible with and supportive of the Government of Canada's commitments under Part VII of the OLA.
- Potential impacts on the ESCQ of the application of decisions under sections 14 and 17 related to federal OLA funding of employment and economic development.
- The mitigation of any potential harm to the ESCQ of decisions by Quebec government departments and agencies related to federal OLA employment and economic development funding.
- Its views on specific decisions related to federal intrusion into provincial jurisdiction that touch on federal OLA funding pertaining to employment and economic development.

5.5 Institutional Risks

Our review of Bill 1 indicates that once the Québec government designates a law under Section 5 of the *Constitutional Autonomy Act* as one that “protects the Québec nation,” any public institution receiving provincial funds, including **English-language school boards, CEGEPs, universities, municipalities, and health institutions**, could be **forbidden** from using those funds to challenge that type of law in court.

This mechanism could effectively shield major provincial laws from judicial scrutiny, even when those laws could infringe constitutional or quasi-constitutional rights. For the ESCQ, these are significant potential risks. For example:

- English-language school boards could be barred from challenging legislation that undermines constitutional minority-language education rights.
- Universities, health networks, and municipalities serving English-speaking populations could be prevented from defending their status, mandates, or constituents in court.

This is not just a minority language issue. These provisions could weaken the ability of **all Quebecers** to hold the government accountable in appropriate situations. By restricting the capacity of public bodies to initiate legal proceedings, Bill 1 would almost certainly create a structural imbalance of power that erodes the independent role of civil society institutions in Québec’s democratic system.

CEDEC Recommendation

Bill 1 should be amended to ensure that provincially funded institutions, such as school boards, municipalities, health networks, and universities, retain full legal capacity and the ability to defend their mandates, their constituents, and minority language rights before the courts.

5.6 Risks to Parliamentary Democracy and to the Rule of Law

Bill 1 also introduces provisions that limit parliamentary debate on the use of “parliamentary sovereignty provisions” (also referred to as “notwithstanding clauses”), in effect restricting debate on such provisions to **five hours** and allowing them to be enacted “without any requirement to contextualize or justify the provision.”

To proceed in that manner could weaken legislative transparency and undermine parliamentary deliberation. Such an approach also has the potential to reduce judicial oversight, and, in a worst-case scenario, to facilitate the enactment of future laws that may violate the rights of English-speaking Quebecers or other vulnerable groups.

It is also our view that Bill 1 might prohibit courts from raising constitutional questions on their own initiative.

In sum, CEDEC is of the view that the above-proposed reforms, taken together, would weaken the rule of law and parliamentary democracy for all Quebecers.

CEDEC Recommendation

Bill 1 should be amended to (i) restore meaningful parliamentary debate on the proper use of notwithstanding provisions and to (ii) preserve the capacity of Quebec courts to raise constitutional issues in appropriate cases, thereby protecting the transparency, oversight, and democratic deliberations that underpin Québec's parliamentary system.

5.7 Conseil constitutionnel

On its face, we believe that the proposed Conseil constitutionnel poses a grave structural risk to Québec's legal and constitutional order, given that:

- Its members are appointed by the Premier.
- Its members require no judicial or legal qualification.
- It allows no dissenting opinions.
- It lacks the independence, security of tenure, and transparency associated with judges and courts.

Though it appears to be “advisory,” its formal constitutional opinions could create a parallel interpretive authority that could compete with, or be perceived as competing with, that of the Québec courts or of the Supreme Court of Canada. In addition:

- It could be used to support or justify the refusal of federal programs under ss.14 -17.
- Its opinions could carry political weight without judicial safeguards.
- It could be invoked to validate constitutional interpretations that limit access to English-language services, minority language rights, or judicial remedies.
- It risks creating conflicting or competing interpretations rendered by a politically appointed body.

In short, we are concerned that Bill 1 creates the conditions for **politicized constitutional interpretation**, weakening the clarity, coherence, and independence of Québec's (and Canada's) strong and well-established justice system.

CEDEC Recommendation

Repeal the Conseil constitutionnel Act, or in the alternative, remove its interpretive mandate and require it to assess the impacts of various provincial measures or laws, including impacts on the ESCQ.

6. HOW BILL 1 CAN BE IMPROVED FOR ALL QUEBECERS

A constitution must do more than codify, identify, or consolidate executive authority. It must reinforce the legitimacy of public institutions, safeguard the rights of all citizens, support social cohesion, and foster the prosperity of the society which it purports to govern.

In our view, Bill 1 does not yet meet these standards.

CEDEC believes that Québec has both the opportunity and the obligation to craft a constitutional document that strengthens democratic culture, **protects minority communities**, sustains economic cooperation, and positions Québec as a confident and respected leader within the Canadian federation.

To that end, this section summarizes the full suite of amendments that CEDEC believes are essential to transforming Bill 1 into a constitutional document worthy of Québec's history, reflective of its present, and capable of guiding its future. The recommendations outline the most consequential process improvements, substantive amendments, governance safeguards, inclusion measures, and economic cooperation commitments outlined throughout this Brief.

Taken together, CEDEC believes that they form a coherent blueprint for strengthening democratic legitimacy, protecting the minority language community, safeguarding judicial independence, and ensuring that Québec's constitutional evolution enhances social cohesion, economic resilience, and national leadership.

Proposed recommendations are categorized as follows:

- **Process Requirements** to ensure democratic legitimacy.
- **Substantive Amendments** to address structural omissions and vulnerabilities.
- **Governance and Rule of Law Safeguards** to protect the rule of law and judicial independence.
- **ESCQ Inclusion and Constitutional Recognition** to affirm Québec's identity as inclusive and plural, as well as to protect and promote the development of the ESCQ.
- **Federal-Provincial Cooperation and Economic Development Reforms** to further reinforce Québec's prosperity and to strengthen the federation.

It is CEDEC's view that these reforms will allow Québec to craft a constitutional document worthy of Quebec, its past, present, and future.

6.1 PROCESS RECOMMENDATIONS

1. Suspend Bill 1 pending broad, meaningful, and province-wide consultations.

A constitutional document must be built on the consent and participation of the people which it binds. The government must, therefore, conduct province-wide public hearings, community dialogues, and expert consultations, including targeted engagement with the ESCQ, Indigenous nations, municipalities, youth, business, labour, and civil society.

2. Create a Multi-Stakeholder Advisory Council on Constitutional Development.

This council should include constitutional experts, economists, official language experts, Indigenous leaders, and representatives of both French - and English-speaking communities. It should provide non-partisan, evidence-based guidance on the development and long-term implications of Bill 1.

3. Require Impact Assessments of all Bill 1 Provisions and Require the Same for All Future Constitutional Amendments.

Québec should be legally required to publish structured impact assessments examining the effects of Bill 1, including its effects +on:

- The vitality and visibility of the English-speaking community of Quebec, especially ESCQ institutions, services, employment, and economic development potential.
- Its alignment with the Canadian Constitution and Charter, as well as with the Quebec Charter.
- Its implications for judicial oversight and democratic safeguards.

4. Require any final constitutional text (Bill 1) to be submitted to a referendum, which would meet the highest threshold of democratic approval.

Given its foundational nature, a constitution must rest on explicit and broad democratic consent.

6.2 SUBSTANTIVE AMENDMENTS

5. Amend Sections 14 and 17 of the Constitutional Autonomy Act.

These sections must be revised to:

- Require explicit analysis of their impact on the ESCQ.
- Mandate mitigation of any potential harm to the ESCQ.
- Limit refusals of federal funds to demonstrable cases of intrusion into areas of provincial jurisdiction.
- Require transparent public justification for any refusal of federal funds.
- Ensure compatibility with federal obligations under Part VII of the Official Languages Act.

6. Repeal or Fundamentally Restructure the Conseil constitutionnel.

Given its risks to judicial independence and constitutional clarity, CEDEC recommends repealing the Conseil constitutionnel Act.

- If maintained, it must be limited strictly to non-binding advisory functions and protected by safeguards ensuring independence and transparency.
- In addition, and to avoid politicized or parallel constitutional interpretation:
 - Remove its interpretive mandate, and,
 - Require rigorous, transparent assessments of the impacts of its decisions, including on the ESCQ, and other minority communities.

7. Amend the Preamble of Bill 1 to explicitly recognize the ESCQ.

The preamble must affirm:

- The ESCQ's historic and ongoing contributions to Quebec.
- The legitimate place of the ESCQ within Québec society.
- Québec's responsibility to support the vitality and flourishing of the ESCQ.

6.3 GOVERNANCE and RULE OF LAW SAFEGUARDS

8. Restore Full Judicial Oversight, Access to Remedies, and Revise Provisions Shielding Laws from Judicial Challenge

Amend Bill 1 to remove or revise provisions that:

- Prohibit publicly funded bodies from challenging provincial laws.
- Restrict debate on parliamentary sovereignty provisions.
- Raise thresholds for injunctions and stays of proceedings.
- Prevent courts from raising constitutional issues.

For greater clarity, CEDEC recommends that sections that classify laws as “protecting the Québec nation” and thereby bar institutions from challenging them in court be amended to enable judicial challenge, especially in regard to minority language rights.

9. Clarify the Hierarchy of Constitutional Interpretation.

Ensure that:

- Judicial interpretations remain authoritative.
- The Conseil constitutionnel cannot override or obscure court decisions.
- All constitutional interpretations affecting rights or federal-provincial relations are transparent and reviewable.

6.4 ESCQ INCLUSION and CONSTITUTIONAL RECOGNITION

10. Articulate a Modern, Inclusive Constitutional Vision.

Québec's constitutional text must reflect the Québec of today, i.e., plural and diverse, as well as honour its democratic traditions of fairness, solidarity, and mutual respect.

11. Establish a Committee of the National Assembly on the Status and Future of the ESCQ.

Mandate this Committee to:

- Examine the ESCQ's long-term role in Québec;
- Define Québec's obligations to support its existence, development, and ability to thrive;
- Ensure that Bill 1 strengthens ESCQ inclusion rather than weakening it;
- Propose long-term constitutional and policy frameworks reflecting Québec's modern demographic reality.

12. Add a New Section in Bill 1 on the "Rights of English-Speaking Quebecers."

This section should affirm:

- The ESCQ's ability to flourish and fully participate in Québec society.
- The ability to use English to communicate with and receive services from provincial government departments and agencies.
- Québec's duty to support ESCQ institutions, which are pillars of community vitality.

6.5 FEDERAL-PROVINCIAL COOPERATION and ECONOMIC DEVELOPMENT

13. Protect and Strengthen Federal-Provincial Economic Partnerships.

Bill 1 should explicitly reaffirm Québec's commitment to constructive federal-provincial collaboration on economic development, workforce participation, labour market development, immigration, and regional prosperity.

14. Ensure that any Refusals of Federal Funding Do Not Disrupt the Development of the ESCQ and Key Services.

Any decision under ss. 14 or 17 must:

- Avoid disruptions to services.
- Protect service networks relied upon by the ESCQ.
- Include mitigation measures and alternative pathways to ensure service continuity.

15. Create an Advisory Council on the Economic and Labour-Market Development of the ESCQ.

The Council should advise relevant Québec ministries on:

- Impacts of ss. 14 and 17 on employment and economic development;
- Mitigation strategies for potential harm;
- Ensuring that any government decisions comply with Part VII of the OLA.

7. CONCLUSION

We believe that Québec stands at a major crossroads in its political and societal history.

The old binary debate of sovereignty versus federalism no longer captures the aspirations of modern Quebecers. We also believe that Quebecers increasingly seek a Québec that is confident, outward-looking, cooperative, and influential within Canada and abroad.

Bill 1, as drafted, falls short of the above goals. It weakens democratic protections, restricts access to justice, and excludes Québec's English-speaking community from its constitutional vision.

To move forward, Québec must bring *all* its communities with it.

CEDEC believes that a constitution must be a mirror of society as a whole. As drafted, Bill 1 does not yet reflect the Québec that we are, nor the Québec which we are all striving to become.