Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles

ANNUAL REPORT 2005-2006

OFFICIAL LANGUAGES IN CANADA:
Taking on the New Challenge

"Last year will be remembered as a turning point for official languages in Canada. The amendments brought to the Official Languages Act *in November 2005 do indeed point to the new course the Government of Canada must follow to ensure the vitality of both official language communities and promote our country's linguistic duality. However, implementing these legislative changes is only one aspect of the challenge that now faces the government and the public service in order to mirror the changes in Canadian society over the last decades. In my last annual report as Commissioner, I assess the performance of government institutions and also look at the transformations that will need to occur if Canada is to maintain its course towards the equality of both linguistic communities."*

THE TEXTURE OF CANADA

A fabric is woven of many threads. Those of us who speak English and those of us who speak French — ourselves made up of many different elements — have joined together to weave a social fabric called Canada. The golden fabric at the centre of the pin symbolizes the meeting place of our two linguistic communities and the richness of the dialogue between them.
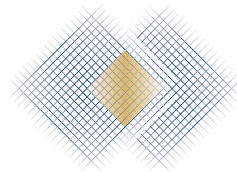
Wearers of the emblem of the Office of the Commissioner of Official Languages are signifying their commitment to fostering harmonious human relations between the English-speaking and French-speaking components of Canada's social fabric.

THE SPEAKER OF THE SENATE
Ottawa

Mr. Speaker,

Pursuant to section 66 of the *Official Languages Act*, I hereby submit to Parliament, through your good offices, the Annual Report of the Commissioner of Official Languages covering the period from April 1, 2005 to March 31, 2006.

Yours respectfully,

Dyane Adam

THE SPEAKER OF THE HOUSE OF COMMONS
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ANNUAL REPORT 2005-2006

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EXECUTIVE SUMMARY

The Commissioner of Official Languages presents in the following pages her seventh and final annual report.

This report addresses a number of issues that have been at the core of the Commissioner's work throughout her mandate, and concludes her series of annual reports, including the 2004-2005 overview of the past 35 years since the adoption of the *Official Languages Act* (the Act). That recapitulative report clearly showed that although a good deal of progress has been made, much remains to be done.

Unlike the 2004-2005 report, this document is mostly prospective in nature. Its first section is devoted almost exclusively to official languages issues that will have to be addressed in the future. As such, it perpetuates the importance of her role as an agent of change, which the Commissioner has always viewed as one of her central functions throughout the course of her mandate.

This report is set against the backdrop of an evolving Canada. Contributions continually being made by new Canadians, in addition to many other influences both at home and abroad, are changing the cultural climate of the country. At the same time, linguistic duality is more firmly rooted than ever before as a fundamental value of Canadian society. Just as with cultural diversity, linguistic duality is a defining trait of the contemporary Canadian identity and personality. However, this report points out that the decisions and actions of our political and administrative leaders do not always reflect this central social value—and as a consequence, equality of English and French is by no means a given in today's society. Furthermore, too often, the actions of government officials are restricted to following the letter of the Act rather than its spirit. It is clear that the federal government must re-examine its approach in order to fully integrate linguistic duality in all government activities, both in Canada and abroad. In turn, Canadian society as a whole must benefit from such efforts. Like cultural diversity, we must see linguistic duality as a source of social reinforcement.

It is true that better legislative tools are now available to the federal government and official language minority communities to help them build the future of linguistic duality. Adopted in November 2005 after a lengthy process, Bill S-3 succeeded in strengthening the *Official Languages Act* by imposing new obligations on all federal institutions. These institutions must better equip stakeholders and work to enhance the vitality of official language minority communities. Federal institutions must also be more active in promoting English and French within Canadian society. The adoption of Bill S-3 presents an ideal opportunity for change and lays the groundwork for renewed hope in the area of official languages.

Federal institutions must better coordinate their actions, demonstrate strong leadership, and be more attentive to the vitality and development of official language communities by putting in place new governance mechanisms. Horizontal governance is an efficient means that can be used to enhance the development of communities and promote linguistic duality. It fosters more effective relations between the federal government and representatives of the society at large. It also encourages stronger cooperation and greater involvement on the part of all stakeholders to build a prosperous and united Canada.

Similarly, in light of a number of recent changes to the Act, the debate surrounding the regulatory framework of official languages should be reopened. The 1992 *Official Languages Regulations (Communications with and Services to the Public)* have served their purpose and no longer reflects contemporary realities. One must see the need for their modernization as a means to correct current limitations affecting services provided to citizens in the official language of their choice. In addition to the requirement for modernizing the 1992 *Regulations*, there is a need to examine the relevance of adopting new regulations aimed at clarifying the implementation of obligations set out under other Parts of the Act.

In order to fully carry out their roles in the area of official languages, federal institutions must fulfill their obligations under the *Official Languages Act*. Based on studies and audits carried out in 2005-2006, the federal government seems successful in developing plans and some administrative procedures to meet its obligations. However, although the means may be in place, progress in terms of results is still insufficient. It is clear even to the casual observer that linguistic duality has not been genuinely integrated into the organizational culture of most public institutions. For example, in regards to services to the public, there has been a leveling-off in terms of the quality of service and even, in some cases, a decline. Similarly, in the case of language of work, there seems to be an inability to surpass existing performance benchmarks. As such, equal treatment for both linguistic groups still seems to be some way off.

With respect to the *Action Plan for Official Languages*, this report highlights the fact that the Action Plan does produce some positive results, depending on the sectors and linguistic communities targeted. At the halfway point, some sectors, such as health, have recorded some tangible results; however, other sectors, such as education, are significantly behind. Stronger political and administrative leadership will be needed to meet the goals of Canadian linguistic policy and those of the Action Plan.

The Commissioner sets out the following four recommendations to move Canada towards substantive equality of both official languages.

RECOMMENDATIONS

That the Minister of Official Languages ensure the efficiency of the horizontal governance mechanisms by drawing on basic proven principles such as the sharing of knowledge and resources, mutual trust between stakeholders, and sound management.

That the President of the Treasury Board, for the purpose of establishing adapted, coherent and effective official languages regulations within the government:

- Modernize the *Official Languages Regulations— Communications with and Services to the Public* to allow Canadians to receive services of equal quality in the official language of their choice.

- Examine the relevance of adopting new regulations that aim to specify the implementation of the obligations set out in other Parts of the *Official Languages Act*, particularly Parts V and VII.

That the Minister of Official Languages ensure that all federal institutions, within their respective mandates, establish a strategy to foster the vitality of official language minority communities that includes:

- Developing, with the active and sustained participation of communities, indicators for the vitality of the communities that corresponds to their needs.

- Establishing means of collecting data and disseminating research on vitality, with an aim to inform federal institutions, communities and other partners.

- Demonstrating how they incorporate the development and growth of the communities into their policies and programs and their research plans.

- Evaluating programs, taking into account the results on the development of official language communities.

- Devoting particular attention to research-based funding agencies.

That the Minister of Official Languages initiate a dialogue with the various stakeholders in Canadian society to identify the measures to take in order to fully integrate the fundamental values of linguistic duality and cultural diversity into our governance models, and derive the full benefits that flow from them.

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INTRODUCTION

This Annual Report for 2005-2006 marks the end of Dyane Adam's mandate as Commissioner of Official Languages and offers a new perspective on language renewal.

The Commissioner began her seven-year term on the cusp of a new millennium. It has been a period of accelerating change in Canadian society and throughout the world.

From her first days in office, the Commissioner set the tone for her mandate by pointing out the federal government's flagrant lack of leadership and commitment in the area of official languages and underscored the serious impact of successive reorganizations. She denounced superficial and short-lived progress, as well as inertia and complacency.

The Commissioner issued an urgent call for action. It was crucial to bring about cultural change in the public service and in society as a whole to advance the fundamental value of Canada's linguistic duality. She felt that the Office of the Commissioner had to intensify its efforts and play a more important role as a key agent leading this change. She began by defining the main issues to guide the work of the Office of the Commissioner. The resolution of these issues is essential to ensure the full vitality of official language minority communities in Canada and the true equality of English and French in our country.

One key objective was to make the **implementation of the *Official Languages Act* (the Act)** more effective and comprehensive. Another was to take corrective action in favour of communities in order to enforce the **right to minority language education**. Other goals included: promoting **equality of English and French in society, health** and **social services,** and **youth; immigration;** and **community development**.

These issues were at the heart of the Commissioner's work throughout her mandate. Several of these efforts were successful, as attested by the 2003 *Action Plan for Official Languages.* Indeed, this Action Plan took up many of the themes the Commissioner outlined at the beginning of her mandate. As for the recent adoption of Bill S-3, there is no doubt that the Commissioner's repeated interventions seeking to clarify the obligations of federal institutions under Part VII of the Act weighed in the balance.

Overall, the key objectives are still timely and are addressed throughout this report. Since the adoption of the Act over 35 years ago, much has been accomplished in regards to official languages, but much still remains to be done.

This report is released at a time when our country's linguistic and cultural makeup is undergoing a profound transformation. Globalization, the information age, the knowledge society and technological innovation all suggest that there are new and ever-growing forces at play. The linguistic makeup of our country is also evolving due to an increase in mixed marriages between Anglophones and Francophones, the influence of newcomers, the demographic profile of rural and urban regions, and the increased role of the provinces and territories in community development. These are crucially important realities for the future of our country's language policies.

The first part of this report is made up of five chapters. Chapter 1 deals with amendments to Part VII of the Act and their historic importance in the development of official language minority communities and in the progress towards equality in status and use of English and French within Canadian society.

The second chapter continues a process of reflection undertaken some time ago on the governance of official languages. It offers ideas on the respective roles of government and non-governmental organizations in the area of official languages and suggests ways that citizens can take part in the development of policies that affect them. Moreover, establishing efficient means of consultation between the government and official language communities and other parties with a stake in linguistic duality is a requirement made clearer by the amendments brought to Part VII of the Act.

Chapter 3 addresses the regulatory framework of official languages. Given the levelling-off witnessed with respect to the delivery of services to the public and the stagnation in the area of language of work—as shown in the second part of this report—the Commissioner believes it is now time to review the regulatory or administrative framework that guides federal institutions' actions. The Commissioner points out the main areas requiring improvement and the principles that should guide the government in modernizing the *Official Languages Regulations (Communications with and Services to the Public)*. She also recommends that the government explore the appropriateness of adopting new regulations to specify the implementation of requirements contained in other Parts of the Act.

By reinforcing the scope of Part VII, the government and its institutions will improve their knowledge of official language communities, which will allow them to adopt policies better suited to the needs of the communities. Therefore, the fourth chapter offers observations on the vitality of official language minority communities and, in particular, our ability to recognize factors of vitality, to evaluate them, and to find ways to strengthen this ability within our communities.

Linguistic duality and cultural diversity are fundamental characteristics of Canadian society. It is essential for these values to guide the government's efforts in all sectors. The fifth chapter offers thoughts on better ways to integrate linguistic duality and cultural diversity into the governance framework of Canadian society.

The second part of the report addresses issues of compliance with the Act and the Commissioner's role in that respect, both as language ombudsman and as auditor.

Chapter 6 deals with the role and performance of key institutions in official languages management, as well as the *Action Plan for Official Languages* and its midterm report. Chapter 7 presents the report card for federal institutions and a showcase of success stories. Finally, Chapter 8 analyzes complaints received and audits and follow-ups performed throughout the fiscal year.

In short, the Commissioner's final Annual Report looks both to the future, by offering a number of benchmarks and suggesting areas for renewal and consolidation, and to the recent past, by appraising the work and evaluating the performance of certain federal institutions during the 2005-2006 fiscal year.

CHAPTER **ONE**
AMENDING THE ACT—A POSITIVE TURNING POINT

AMENDING THE ACT—A POSITIVE TURNING POINT

The House of Commons and Senate made a historic decision by passing Bill S-3 in November 2005.

The bill succeeded in strengthening the *Official Languages Act* (the Act) by imposing new obligations on all federal government institutions.[1] Consequently, these institutions now have the duty to take "positive measures" to enhance the vitality of English and French communities in Canada and to foster full recognition and use of both English and French in Canadian society (promotion of linguistic duality). Federal departments and agencies must also demonstrate that their policies, programs, guidelines and priorities take into consideration the interests and needs of official language minority communities and contribute to promoting full recognition of both official languages in Canadian society. If there has been a violation of these obligations, an application to the court is now possible.

This legislative change effectively settles the old debate surrounding the implementation of Part VII of the Act of 1988, particularly of section 41.

The ambiguity that once existed regarding the legal scope of the government's fundamental commitment under this Part of the Act is now clearly removed. The amendment represents a significant change, or as the Commissioner put it, "a positive turning point." Positive because this legislative amendment gives rise to a renewed sense of hope about the prospect of enhancing the vitality of official language communities and encouraging the promotion of linguistic duality. A turning point because the long-awaited shift in attitude is now supported by a clearly expressed legislative will. Other important changes can be foreseen and will certainly follow.

In this chapter, we review the series of important events that led to the passage of Bill S-3. We then describe in greater detail why it was so important to amend the Act. Finally, we outline the measures that the government and institutions must take in order to implement the new provisions of Part VII.

GIVING THE OFFICIAL LANGUAGES ACT SOME TEETH

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[1] In this report, the term "federal institutions" designates all institutions of Parliament or the Government of Canada that are subject to the *Official Languages Act*, that is to say, departments, agencies, Crown corporations and organizations, including those that have been privatized (such as Air Canada), unless otherwise expressly noted.

BILL S-3: A LONG AND WINDING ROAD

In many ways, the debate surrounding the meaning and scope of the obligations of federal institutions with respect to official languages goes back to the 1982 adoption of the *Canadian Charter of Rights and Freedoms* which, among other things, recognized the equality of English and French in Canada and guaranteed the linguistic rights of all Canadians.

This was followed in 1988 by the passage of the new *Official Languages Act*, which ensured the full implementation of all language rights guaranteed by the Charter. Official language communities enthusiastically greeted this new piece of legislation and, along with it, the Government of Canada's promise to enhance their vitality and development and to promote linguistic duality.

However, the actions that were to flow from the commitments spelled out in the new Part VII of the Act turned out to be half-hearted and, at best, haphazard. Often they were the outcome of goodwill gestures on the part of individual ministers or senior bureaucrats. And when the players change, the whole game returns to square one.

Faced with this reality, in March 1994 Commissioner Goldbloom initiated a study of the implementation of Part VII by the government and 58 federal institutions. Five months later, the Right Honourable Jean Chrétien announced the adoption of a ministerial accountability framework, whereby 27 designated federal institutions would be required to consult the communities and develop an action plan for the application of Part VII to be submitted to the Minister of Canadian Heritage.

Federal government institutions continued to have difficulty, however, in understanding the extent of their obligations and fulfilling them. Signs of progress were few and far between.

In February 1996, the Commissioner published *A Blueprint for Action: Implementing Part VII of the Official Languages Act, 1988*.[2] In his study, he attempted to shed some light on the subject by making the following observation:

> "Part VII is about fairness and equity. Equity for minority official language communities who suffer disadvantages and do not derive from federal policies and programs all of the benefits that majorities do. The purpose of Part VII is to remedy those disadvantages, and to ensure fair treatment. It requires changing the way these policies and programs are currently being conceived, adopted and implemented."

In June 1996, the Standing Joint Committee of the Senate and the House of Commons on Official Languages concluded that immediate action had to be taken to strengthen the implementation of Part VII of the *Official Languages Act*. Among other things, the Committee recommended that the central agencies play a more active role and that all federal institutions work together more co-operatively.

Later, in his 1998 annual report, the Commissioner said: "Ten years after the Act came into force we find that the federal government's support for the vitality and development of the communities has scarcely increased; in fact, direct financial support has decreased."

A Major Omission: Promoting Linguistic Duality

The Commissioner reiterates that when "positive measures" are at issue, it is important not to lose sight of all the obligations contained in the new Part VII. In fact, the federal government and its institutions have the obligation to foster the full recognition and use of both English and French in Canadian society (linguistic duality) and equally to enhance the vitality of English and French minority communities in Canada and support their development.

Bridging the Gap: From Oblivion to the Rule of Law, a 1999 study by Senator Jean-Maurice Simard, proposed that a minister be appointed to oversee the government-wide implementation of Part VII. In 2001, the federal government designated a minister responsible for official languages.

Meanwhile, the Commissioner, on behalf of the communities, turned to the courts, and there it was confirmed that the federal government saw Part VII of the Act only as a political commitment,[3] that is, a commitment that imposes no obligation to act on the part of federal institutions and creates no specific enforceable right.

> "The federal government's commitment to promoting the vitality of Canada's English- and French-speaking minorities is binding on all federal institutions. To the best of our knowledge, no federal institution has yet developed an overall plan for action on this statutory commitment nor is there a plan at the government-wide level. When the federal government decides to adopt, revise or do away with a policy or program, what provision does it make for review of the effects of those policies and programs on the vitality of these minorities? How will it incorporate this element in its ongoing program evaluation and decisional process? Where do the responsibility centres lie?"
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> Excerpt from the Annual Report of the Commissioner of Official Languages (1992).

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[2]   Office of the Commissioner of Official Languages, *A Blueprint for Action: Implementing Part VII of the Official Languages Act, 1988*, 1994.

[3]   See *Canada (Commissioner of Official Languages)* v. *Canada (Minister of Justice)*, 2001 F.C.T. 239, also known as the case of the "Contraventions Act." In its study, the government clearly expressed its position concerning the declaratory nature of the commitment in Part VII.

FEDERAL INSTITUTIONS CLAIM THEY DO NOT HAVE A DUTY TO ACT.

In her second annual report (2000-2001), Commissioner Adam examined the scope of Part VII of the Act, in light of federal institutions' claims that they do not have a duty to act. The Commissioner urged the goverment to set out clear guidelines in order to remove any ambiguities regarding the interpretation of the provisions of Part VII of the Act. In her annual report the following year, she formally recommended that the government define the legal scope of the commitment put forth in Part VII as it concerns official language communities.

In March 2003, Mr. Chrétien introduced an *Action Plan for Official Languages*. The plan contained an accountability and coordination framework that specified the responsibilities of ministers and federal institutions with respect to Part VII. Despite some laudable efforts, however, the same problem persisted: this framework was subject to the vagaries of government decision making.

The Commissioner thereafter intensified her efforts to have the government clarify by statutory or legislative means the obligations of federal institutions with respect to Part VII. In her annual reports of 2002-2003 and 2003-2004, she reiterated her recommendation

that the government clarify the legal scope of the commitment regarding official language communities. Both in the Senate and the House of Commons, parliamentary committees were committed to moving forward on this issue.

Ultimately, it is the Honourable Jean-Robert Gauthier who deserves the credit for having proposed strengthening the *Official Languages Act*. From the time his first bill was introduced in 2001 until the passage of Bill S-3 in November 2005, the Senator worked tirelessly to strengthen this part of the Act. The Commissioner supported the four bills on the occasion of her appearances before the parliamentary committees responsible for studying them. The government and Parliament retained the amendments proposed by the Commissioner during the appearances leading up to the passage of the bill.

In the end, Parliamentarians came to recognize the importance of clarifying, once and for all, the scope of the commitment made by the federal government in Part VII.

WHY DID PART VII NEED TO BE CHANGED?

We have just seen that the ambiguity surrounding the meaning and scope of Part VII of the Act allowed the machinery of government to grind on for years after 1988 without paying much attention to its commitments. At last it became essential that these commitments be more clearly defined.

As a result, federal institutions now have positive obligations to ensure that substantive equality is achieved. The Supreme Court of Canada best explained the principle of substantive equality in its *Beaulac* judgment of 1999:
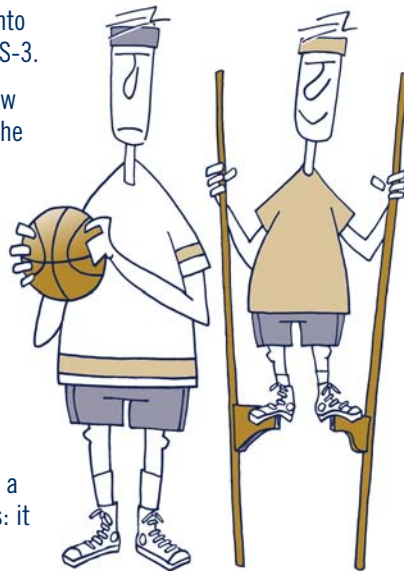
"This principle of substantive equality has meaning. It provides in particular that language rights that are institutionally based require government action for their implementation and therefore create obligations for the State; […] It also means that the exercise of language rights must not be considered exceptional, or as something in the nature of a request for an accommodation."[4]

The Supreme Court's judgment in the *Beaulac* case should have guided the government toward a more coherent implementation of the *Official Languages Act*. Such an orientation would have been conducive to the development and growth of official language communities.

THE ROAD AHEAD

Parliament took the first step in giving the government new direction. To stay on the right path, the government must now keep a firm grip on the wheel and accelerate into the turn. The country's political leaders must be the driving force in implementing the Act. Remember, the journey toward change has already begun. A Privy Council memorandum of December 2005 reminded department heads of the important legislative change that came into effect with the passage of Bill S-3.

All federal institutions must now consider how they can ensure the vitality and development of official language communities and promote linguistic duality. Meeting the first objective will involve rethinking how federal institutions understand the communities and sustain relationships with them. The following chapter on horizontal governance provides a number of promising directions: it describes several mechanisms currently in place—such as simple information sessions—and suggests turning these mechanisms into opportunities for co-operation and avenues for the sharing of knowledge, expertise and resources.

The changes brought about by the amendments to the *Official Languages Act* also imply shifting some of the burden that used to be borne by the communities alone. With the adoption of Bill S-3, the federal government commits itself to finding the appropriate means and tools—namely, policies and programs—to give traction to the Act and the recent legal decisions.

Federal institutions must also work together to enhance the vitality and support the development of official language communities. In order to support the development of these communities, however, we will need to identify and adopt "developmental indicators"—the means to measure the vitality of specific communities. Chapter 4 of this report examines this subject in greater detail.

With respect to the promotion of linguistic duality, the Government of Canada and its institutions must review their commitments in light of changes to the Act. Steps should also be taken to respond to this pressing need. This subject is examined in Chapter 5.

The Government of Canada and its institutions must also respect the provisions of the accountability and coordination framework that is part of the *Action Plan for Official Languages*. Chapter 6 of this annual report examines the Midterm Report on this five-year action plan. Since the accountability framework already encompasses all federal institutions, it will surely provide a point of departure for the development of a clear and comprehensive statutory framework. (These new regulations are put forth in Chapter 3.)

TOWARDS SUBSTANTIVE EQUALITY

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[4] *R. v. Beaulac,* [1999] 1 S.C.R. 768, paragraph 24.

CONCLUSION

Bill S-3 equipped the federal government and official language communities with tools to strengthen linguistic duality in the future. From now on, federal institutions must help to make official language communities more dynamic places to work and live. They must also put in place new governance mechanisms that will enrich their understanding of what is required to promote community vitality and development.

The institutions of government must also incorporate into their policies and programs concrete measures to promote linguistic duality in Canadian society. All Canadians should have an opportunity to explore and appreciate the richness that linguistic duality brings to Canadian society as a whole.

In conclusion, the government and its institutions must ensure a more proactive management of their obligations with respect to official language communities and the promotion of linguistic duality, and must be accountable for actions taken.

CHAPTER **TWO**
HORIZONTAL GOVERNANCE

HORIZONTAL GOVERNANCE

TOWARDS ENHANCED CO-OPERATION IN THE AREA OF OFFICIAL LANGUAGES

Certain terms are often heard today in political and administrative circles, both in Canada and abroad. "Governance," for example, is as timely a topic in public affairs as it is among community groups and in the private sector.[5]

In a governmental context, *governance* is used specifically to describe interdepartmental co-operation. Canada's federal government is developing governance mechanisms described as "horizontal" in order to achieve complex objectives that span various departments. From this point of view, horizontal governance concerns the internal workings of the federal government and refers to coordinated government action.

Horizontal governance can also describe new mechanisms that govern the relationships between the federal government and civil society's stakeholders. It is called for when considering citizens' points of view in developing government policies and programs. Thus, the term also has an external dimension.

No matter how it is defined, horizontal governance is based on the idea that stakeholders from various environments work together to achieve common goals, making the most of each stakeholder's particular expertise, experience and knowledge.

With respect to official languages, horizontal governance takes on a broad meaning, as it now applies to the program as a whole. For federal institutions, horizontal governance must apply to communication with and services to the public as it does to language of work, equitable participation, and promotion of official languages.

That being said, this chapter is primarily limited to governance involving the promotion of official languages, that is, Part VII of the *Official Languages Act* (the Act), and in particular the commitment to official languages communities. What assessment can be made of horizontal governance in this area since its emergence barely a decade ago? Has the government implemented consistent internal mechanisms to deal with issues concerning official language minority communities? Has it established advisory mechanisms that enable these communities to have a real influence on the policies that affect them?

This, in short, is the topic of this chapter. It begins with the benefits of horizontal governance and reasons that ought to motivate the government to broaden its practice. Next follows a short description of the main mechanisms of horizontal governance and some observations on results achieved with regard to internal horizontality. This chapter then deals with some of the challenges of horizontal governance, followed by a discussion of its underlying principles. To conclude, we suggest some ways to deal more effectively with horizontal issues in the area of official languages.
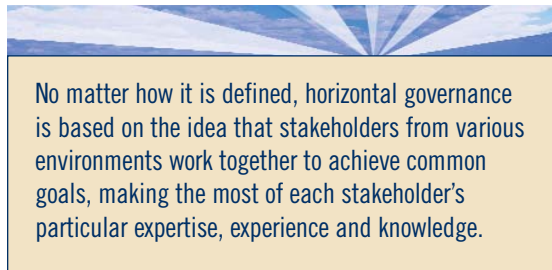
THE BENEFITS OF HORIZONTAL GOVERNANCE

What benefits does the government derive from horizontal governance, and why should the government continue to broaden and improve its practice in the area of official languages?

STRENGTHENING PUBLIC POLICIES BEST SUITED TO COMMUNITIES' NEEDS

The government can properly understand and serve the public only if it is tuned in. By promoting active and sustained participation on the part of citizens,

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[5] This chapter draws primarily on the following studies: Linda Cardinal and Marie-Ève Hudon, *The Governance of Canada's Official Language Minorities: A Preliminary Study*, Office of the Commissioner of Official Languages, 2001; James Lahey, Andréa D. Rounce and Norman Beaudry, *Using Horizontal Tools to Work Across Boundaries: Lessons Learned and Signposts for Success*, Canadian Centre for Management Development, 2002; Jean-Pierre Wallot (dir.), *La gouvernance linguistique : le Canada en perspective*, University of Ottawa Press, 2005; Herman Bakvis and Luc Juillet, *The Horizontal Challenge: Line Departments, Central Agencies and Leadership*, Canada School of Public Service, 2004; Office of the Privy Council, Canada, *Update on the Implementation of the Action Plan for Official Languages: Mid-term Report*, 2005.

government officials build public policies on a firmer foundation. As a participatory approach, horizontal governance enables the government to better integrate the community's perspective into its policies before they are finalized.

> No matter how it is defined, horizontal governance is based on the idea that stakeholders from various environments work together to achieve common goals, making the most of each stakeholder's particular expertise, experience and knowledge.

FULFILLING THE PRINCIPLES OF THE *OFFICIAL LANGUAGES ACT*

Horizontal governance is a good way to translate the general objectives of the Act into concrete and lasting actions—objectives that include community development and the advancement of linguistic duality.

The growing pressure to achieve results with respect to official languages is obvious. The *Action Plan for Official Languages* rightly represents the government's will to respond to this pressure. Federal institutions must take positive action in support of the growth and development of the official language communities and the promotion of linguistic duality. This cannot take place in a vacuum; departments involved must build relationships with each other as well as with stakeholders and work in co-operation with them.

PROMOTION OF MUTUAL UNDERSTANDING

"Truth emerges from the clash of ideas." This proverb illustrates well how dialogue between partners promotes understanding and co-operation.

The give-and-take involved in implementing horizontal governance tends to generate more harmonious relationships. It does not eliminate conflict, but the permanent link and the sharing of knowledge give stakeholders a better appreciation for each others' points of view and constraints. This means that public officials are more likely to understand the communities' needs, while the communities are more likely to appreciate the limitations and constraints on administrative authority.

THE MAIN MECHANISMS AND EXAMPLES OF HORIZONTAL GOVERNANCE

Apart from some sectoral initiatives in the 1980s,[6] the first significant attempt at horizontal governance goes back to 1994. At that time, the government adopted the new Accountability Framework for the implementation of sections 41 and 42, Part VII, of the Act. This framework specified that 27 federal institutions (now 33), including the Department of Canadian Heritage, would be required to consult official language communities and establish an action plan for their growth and development.

Later, in 1999, the government established the Committee of Deputy Ministers of Official Languages (CDMOL). This group was given the responsibility of providing integrated leadership at the highest administrative level of government.

Then came the *Action Plan for Official Languages*. Announced in March 2003, this plan was a significant collaborative effort by all federal departments in the implementation of the *Official Languages Act*. It was accompanied by an accountability and coordination framework, which affirmed and specified the responsibilities of institutions and the government with regard to official languages. This framework confirms the coordinating role that has been played by the minister responsible for the official languages portfolio since 2001. This role thus promotes a comprehensive approach to the measures federal institutions must take in implementing the Act. In addition, the minister responsible for official languages is supported by a group of ministers having significant responsibilities with regard to the official languages program. The framework accompanying the Action Plan also stipulates that departments must consult with official language communities and demonstrate that they have taken their needs into consideration in developing and implementing policies and programs.

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[6] In particular, the implementation in 1981 of the National Program for the Administration of Justice in Both Official Languages.

Although it focuses solely on the Canadian Francophonie, the Ministerial Conference on the Canadian Francophonie should also be mentioned. This co-operative mechanism brings together provincial and territorial ministers responsible for Francophone affairs. Its purpose is to stimulate interprovincial co-operation with regard to the delivery of services in French and the development of Francophone communities.

Finally, although they are not, strictly speaking, true examples of horizontal governance, federal councils of senior public officials are increasingly taking an interest in the official languages issue at the regional level. In this regard, the Commissioner singles out the work the federal councils have accomplished in advancing the issue of official languages throughout the country (see Chapter 7, "Success Stories").

INTERNAL HORIZONTALITY: INTERDEPARTMENTAL CO-OPERATION IS GROWING

For some time, the federal government has been building a more consistent approach to official languages, particularly with regard to the growth and development of official language minority communities. What are the results of this approach to date?

In fact, it would be impossible to give a final verdict. The Official Languages Accountability and Coordination Framework, the government's most important mechanism on the subject, is still too new. In addition, the tool for evaluating the results, the Horizontal Results-based Management and Accountability Framework, has been in place only since 2005. Nonetheless, we can still make some observations.

The *Action Plan for Official Languages* is an interesting example of co-operation, both within the government administration and between government and the communities. It is the result of co-operation between a number of key departments in the official languages area. As the Action Plan was developed, the government took into account the communities' points of view.
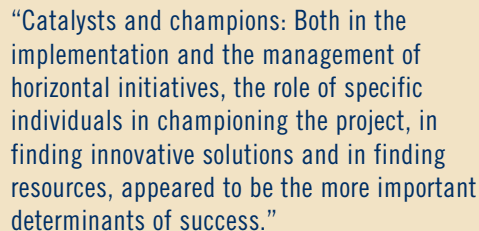
Thanks to this co-operation, both internal and external, the government equipped itself for the first time with a strategic plan that aimed for concerted action in the implementation of federal language policy.

As well, the very existence of a minister responsible for official languages, in charge of coordinating the language portfolio, gives the communities a significant access point to voice their needs and concerns. According to community representatives, the consultation process has improved over the past few years. The participation of key ministers in annual formal consultation sessions, under the stewardship of the Minister responsible for Official Languages, lends greater legitimacy to the dialogue. However, community representatives have indicated that consultation ought to further focus on future proposals, rather than solely on what has been accomplished. The fall 2005 meeting between ministers and the communities allowed for progress in this direction. These efforts must continue in order to move from the consultation phase toward co-operation, which implies specific actions to enable communities to have a real influence on the policies that affect them.

Moreover, representatives of the communities perceive the function of the Minister responsible for Official Languages to be that of catalyst and champion, particularly with regard to interdepartmental co-operation.

Thanks to the Minister's role, and the administrative support of the Privy Council Office,[7] there has been noticeable progress on a number of issues. Among these are agreements in principle negotiated with the

> "Catalysts and champions: Both in the implementation and the management of horizontal initiatives, the role of specific individuals in championing the project, in finding innovative solutions and in finding resources, appeared to be the more important determinants of success."
>
> Bakvis and Juillet, p. 2.

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[7]   The Minister's administrative support structure was transfered to Canadian Heritage in February 2006.

provinces in the context of the Early Learning and Child Care Initiative. These agreements, produced through the concerted action of the Privy Council Office and the Department of Social Development, include provisions establishing daycare spaces for official language communities. Enabling Funds were also created in March 2005.[8] Their goal: to strengthen the community's ability to act in the area of human resources and economic development. Once again, this is the result of close co-operation between the Privy Council Office and the Department of Human Resources and Skills Development Canada (now known as Human Resources and Social Development Canada), in consultation with the communities.

There is another positive point to note: the group of ministers of official languages and the CDMOL are also interested in a number of horizontal language issues, and, in recent years, they have expanded their coordination capacity. By way of example, the CDMOL played a significant coordination role, with the participation of other key departments—including Canadian Heritage—in advancing the important issue of the Internet. This coordinated action made possible, among other things, the creation of the Languages Technologies Research Centre and the Language Industry Association, as well as an increase in French content in the Canadian Culture Online Program. The CDMOL must, however, revisit the file in response to new issues related to the Internet. It must also be acknowledged that the separate mandates of each institution and the distinct perspectives that accompany them somewhat restrict the action of these groups. As well, rotation of members and their replacement by subordinates have an impact on group synergy and disrupt the continuity of their initiatives.

While there have been positive results, the action plans required of some thirty institutions under the 1994 corporate accountability framework remain the weak link among the examples of horizontal governance. Often, the plans are limited to a listing of activities undertaken by the institutions and contain little information on results or impact. The government

would undoubtedly do well to equip itself with better tools and strategies for measuring such results.

With the passage of Bill S-3, the government must review, in depth, its role as a catalyst in guiding and accelerating implementation of the Act. For its part, Canadian Heritage must fully assume its role as coordinator, which implies more rigorous supervision of federal institutions in the effective implementation of Part VII of the Act. Moreover, Canadian Heritage's annual report should be especially focussed on providing an overall assessment of results stemming from the implementation of sections 41 and 42 of the Act.

In February 2006, the new government introduced a significant change to the horizontal governance of federal linguistic policy. The Official Languages Branch of the Privy Council Office has been integrated with Canadian Heritage.[9] It will serve as the administrative unit of the Minister of Official Languages, who is responsible for horizontal governance in the area of official languages. The Minister of Official Languages will also be responsible for programs involving official languages headed by Canadian Heritage. These include programs that support official language communities as well as provinces and territories in their minority-language and second-language education activities. OCOL will closely monitor the results of the application of this dual responsibility to ensure that the role of horizontal coordination is carried out independently from that of program delivery.

THE CHALLENGES OF HORIZONTAL GOVERNANCE

Horizontal governance implies new ways of managing issues concerning official languages. Accustomed to operating vertically within their respective mandates, the departmental officials involved must agree to set common objectives and co-operate fully to achieve them. Studies show that horizontal coordination can become a source of tension between departments, especially because it often gives rise to situations of encroachment. To overcome these challenges, it would help to define the departments' shared responsibilities clearly. Once again, a cultural change within the workings of government must be

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[8]   A new model replacing the Official Language Minority Communities Support Fund for economic development and employability, created in 1997.

[9]   However, the Official Languages Branch of the Privy Council Office does not report to the Minister of Canadian Heritage.

seriously contemplated, so that emphasis is placed on the will to work together rather than the absolute preservation of one's own area of activity.

Furthermore, as horizontal governance requires more dialogue and discussions among several players, understandably achieving it will take more time. In this context, planning and management of stakeholder expectations is of prime importance. Also, adequate resources must be provided and accountability mechanisms must be introduced—in particular, suitable performance evaluation criteria for senior public officials.

Another challenge is to extend the practices of horizontal governance to Canadian society as a whole with regard to the promotion of linguistic duality. This aspect seems to be neglected in action plans and discussions with stakeholders. With regard to second language instruction, for example, wouldn't the government benefit by taking into account the needs of the majority and establishing stronger ties with groups in Canadian society that promote linguistic duality?[10] There is a good chance that this would give rise to better support for Canada's language policy from the population as a whole.

Under the circumstances, it is impossible to overstate the need for change in organizational culture within the workings of the federal government. Horizontal

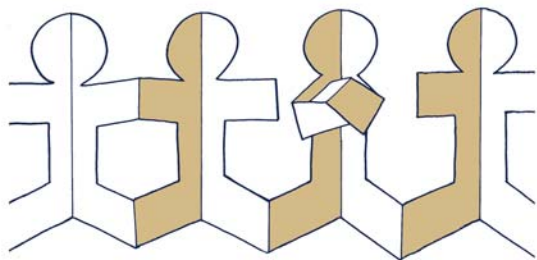*THE DESIRE TO WORK ON COMMON OBJECTIVES THAT TRANSCEND INDIVIDUAL MANDATES*

work requires staff to develop horizontal skills: the desire to work on common objectives that transcend individual mandates; mediation and negotiation skills; and a certain amount of creativity to design new management styles. According to most of the authors quoted in this chapter, this change requires committed administrative leadership within central organizations.

GOVERNANCE WITH COMMUNITIES: THE BASIC PRINCIPLES

In fact, how does the relationship between federal institutions and official language minority communities function? What principles should we build on to create areas of genuine co-operation and sharing? For the purposes of this chapter, we have chosen to closely examine governance practices in four areas of activity: economic development and employability, immigration, justice, and health. These areas are significant for the development and growth of official language minority communities and also, in the opinion of participants, present generally positive perspectives and results.

ECONOMIC DEVELOPMENT AND EMPLOYABILITY

In this area, the National Committee for Canadian Francophone Human Resources Development, established in 1996, is an example to consider. It is made up of equal numbers of representatives from several federal institutions and official language communities. A similar model was followed in 1998 for the benefit of the Anglophone minority community. These committees share a mandate to manage funds with a view to stimulating economic initiatives in the communities, establishing the commitment of participating departments, and promoting co-operative action among the various participants. The two committees support one another in representing the communities on the Coordinating Group on Economic Development and Employability (RDÉE) and the Community Economic Development and Employability Committees (CEDEC). The committees also enable a

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[10] Such groups include: Canadian Parents for French; French for the Future (Le français pour l'avenir); Canadian Association of Immersion Teachers (Association canadienne des professeurs d'immersion); Canadian Association of Second Language Teachers (Association canadienne des professeurs de langues secondes); Society for the Promotion of the Teaching of English as a Second Language in Quebec (Société pour la promotion de l'enseignement de l'anglais langue seconde au Québec); Katimavik.

number of federal institutions working in the economic area to pool their expertise. The RDÉE and the CEDEC have also contributed to the development of expertise in the communities. The communities, however, are hoping for the adoption of a more global government strategy on community economic development and employability.

IMMIGRATION

Throughout her mandate, the Commissioner has seen immigration as a means of replenishing the communities.[11] While few approached immigration from this point of view five or six years ago, it is a common subject of discussion today. There is now a steering committee on citizenship and immigration, as well as a number of committees at the provincial level. These groups seek to create better intake infrastructure in the community environment. The national committee is co-chaired by the Citizenship and Immigration Canada's associate deputy minister and a representative from the community environment. The committee seems to have hit its stride and has developed a strategic

"It is only through working and learning together, sharing our resources and energy, and establishing common goals that we have succeeded in setting a new direction. Future success continues to hinge on strong community involvement supported by a highly visible government commitment and departmental leadership. I am proud of my involvement in launching the committee."

Excerpt of an interview with Mr. Michel Dorais, former deputy minister, Citizenship and Immigration (2001-2004)

framework for national, provincial and territorial participants from government and community sectors. It has also developed a complete and integrated action plan. Equipped with this road map, the committee is currently working towards fulfilling its plans to increase the immigration of Francophones in the communities. This committee's success is

"[A] condition of effectiveness rests on the possibility of ongoing interaction among the players, based on collective learning resulting from the pooling of knowledge and expertise."

Cardinal and Hudon, p. 11

attributed to the leadership of individuals in positions of authority within the department, and to the clear mandates of the committees.

JUSTICE

The Department of Justice has also implemented a horizontal approach for consultation with various lawyers' associations, official language communities, universities, and legal translation centres in order to develop a blueprint for facilitating access to justice in both official languages across Canada. In addition, Justice Canada has established a federal-provincial-territorial working group for the same purpose. The work done by these groups is characterized by the smooth sharing of information from the Department of Justice, adequate funding of the associations representing the communities and clear horizontal mandates.

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[11] Jack Jedwab, *Immigration and the Vitality of Canada's Official Language Communities: Policy, Demography and Identity*, Office of the Commissioner, 2002; Carsten Quell, *Official Languages and Immigration: Obstacles and Opportunities for Immigrants and Communities*, Office of the Commissioner of Official Languages, 2002.

> "The style of partnership between the department and the organizations was also crucial. The department adopted a non-paternalistic approach in allowing the communities to manage their destiny."[Translation]
>
> Interview with Marcel Nouvet, Assistant Deputy Minister of Health Canada.

HEALTH

A number of governance mechanisms have been established in the health sector in the past several years. Among them are the Société santé en français and its 17 networks, the Consortium national de formation en français, the Community Health and Social Services Network for Quebec, and two advisory committees[12] attached to the Minister of Health. These organizations are dedicated above all to promoting and facilitating access for official language communities to quality health care services in the language of their choice. These committees stand out due to their community representation made up largely of experts, significant support structures provided by Health Canada, and the mobilization of community networks. The commitment of provincial health ministers is also a factor in the success of these networks.

BASIC PRINCIPLES OF EFFECTIVE CO-OPERATION

In light of the above, the success of effective co-operation between the government and the communities seems to be based on certain fundamental principles, described below.

SHARING KNOWLEDGE

The sharing of information and knowledge among partners is an essential component of genuine co-operation, especially in a constantly evolving social, economic and political context. Community participants must be able to count on the information necessary to effectively participate in, and contribute to, governance. The sharing of knowledge can also imply a common quest for information through research. This matter is discussed at length in Chapter 4, which deals with measuring community vitality.

SHARING RESOURCES

Financial and material support from the institutions involved promotes the active participation of community representatives. It goes without saying that the complexity of the issues and the participation of community representatives on numerous committees demand time and resources. Unfortunately, the resources granted are often inadequate. Consider, for example, the consultations resulting from the Accountability and Coordination Framework. Community stakeholders' ability to participate in governance is too frequently limited. Public officials must demonstrate that they are sensitive to the special situations of community institutions and groups, and promote the acquisition of new skills within the group as required. Horizontal governance cannot become reality with the means currently at hand; the necessary resources must be devoted to it.

> "Success in this area will require a more substantial investment so the English-speaking communities can develop the knowledge and competencies needed to design and implement more sophisticated, coherent and successful community vitality strategies, including those identified under the different components of the Action Plan."
>
> Excerpt from the *Midterm Report on the Action Plan for Official Languages* prepared by the Quebec Community Groups Network, 2005.
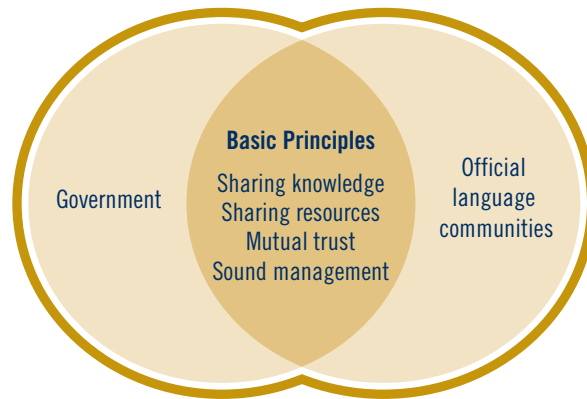
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12   One for the Anglophone community and the other for the Francophone community.

Bearing in mind the endlessly growing demands brought about by the mechanisms of co-operation, the government and the communities could further explore the possibility of having recourse to sectoral tables that bring together institutions and community networks operating in the same area.

MUTUAL TRUST BETWEEN STAKEHOLDERS

The search for common solutions that make the most of each stakeholder's contribution must come by way of mutual trust. The government must ensure that conditions are conducive to such a climate. Studies and consultations show that public officials' openness and attention to community needs make a good starting point. For their part, the communities need to reassure public officials that they are truly committed to this co-operation as partners and not simply as beneficiaries. Trust between stakeholders facilitates and accelerates the process of exchange and ensures results. In short, mutual trust between stakeholders will grow on the basis of key stakeholders' skills in horizontality.

BASIC PRINCIPLES OF EFFECTIVE CO-OPERATION

Basic Principles

Government

Sharing knowledge
Sharing resources
Mutual trust
Sound management

Official language communities

SOUND MANAGEMENT

Effective horizontal governance mechanisms are supported by clear mandates defined in agreement with the communities. These mandates specify the objectives and roles that each partner is called upon to fulfill. They must build upon a common understanding of how the work is to be shared, drawing on each stakeholder's strengths. Previous success in the areas
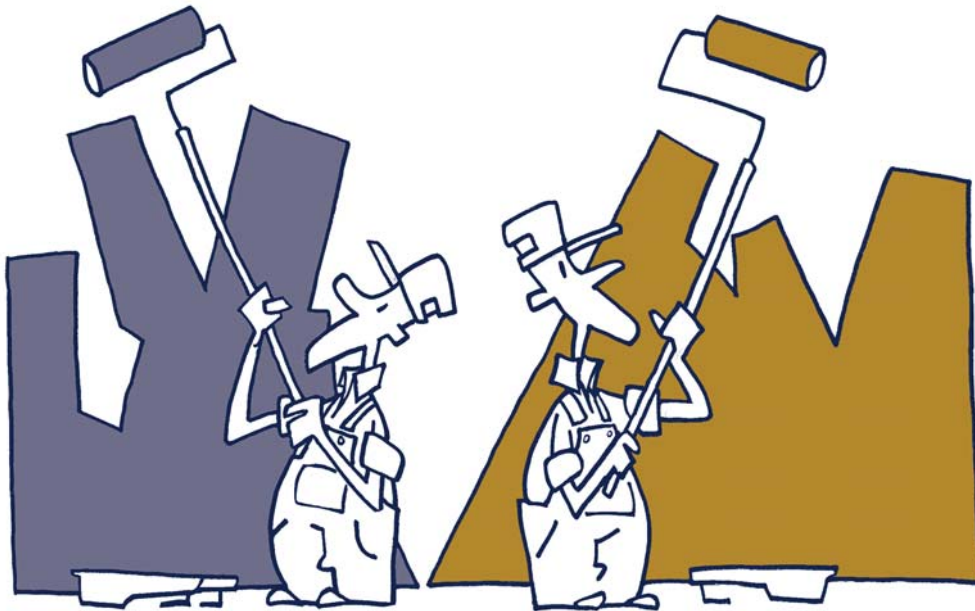
PREFERENCE MUST BE GIVEN TO PERMANENT CO-OPERATION MECHANISMS.

> "Establish permanent consultation mechanisms between communities and associated departments in all sectors targeted by the Action Plan, with the primary objective of developing and implementing multi-year sectoral action plans that take community needs into consideration."
>
> Excerpt from the *Midterm Report*, FCFA recommendation, 2005.

of health and justice, where experts utilize their respective fields of knowledge, illustrates the benefits of this complementarity. As well, on the government side, horizontal governance requires strong leadership from senior management. The mechanisms of shared governance lose their importance and vitality if they are not established by individuals working at these levels of government administration.

Moreover, since horizontal governance consists of complementary actions within common objectives and processes, there must be provision for an assessment of the results in which each stakeholder's evaluation is taken into account. The evaluation can help fine-tune the methods of governance or the objectives to be achieved.

Finally, to establish lasting ties between the community and federal institutions, horizontal governance must be seen from a long-term perspective. Preference must be given to permanent co-operation mechanisms rather than single, sporadic and intermittent contacts.

CONCLUSION

This chapter reveals the need to review federal organizational culture and the coordination of government action in the area of official languages. The Accountability and Coordination Framework in the *Action Plan for Official Languages* sets out the responsibilities of each institution in this area. The important thing is to implement it. As well, wiser use should be made of certain mechanisms, like the CDMOL and the network of Federal Councils. The latter could take more of a leadership role in regional coordination, not only in relationships with official language communities but also with regard to services to the public and language of work.

In addition, the government must extend consultation on the promotion of linguistic duality to all stakeholders in Canadian society.

Finally, the government should increase its knowledge of community consultation mechanisms, drawing on best practices and successful models. In short, the challenge is to go beyond mere consultation to arrive at true co-operation so communities can fully contribute to the development of policies and programs that affect them.

> **Therefore, the Commissioner recommends:**
>
> That the Minister of Official Languages ensure the efficiency of the horizontal governance mechanisms by drawing on basic proven principles such as the sharing of knowledge and resources, mutual trust between stakeholders, and sound management.

3

CHAPTER **THREE**
TOWARDS NEW OFFICIAL
LANGUAGES REGULATIONS

TOWARDS NEW OFFICIAL LANGUAGES REGULATIONS

SETTING THE RECORD STRAIGHT

In her annual report last year, the Commissioner urged the government to review the *Official Languages Regulations—Communications with and Services to the Public* (hereinafter the "1992 Regulations"). This call to action arose from the following observation: progress in improving the capacity of public institutions to respect the rights of Canadians to be served in the official language of their choice was stagnating.

The Commissioner spared no efforts to further this issue in 2005. In particular, she undertook a pan-Canadian consultation tour, mobilizing some 250 people from official language communities, associations, and academic and professional communities.

This consultation allowed her to examine numerous changes that have taken place within Canadian society since the 1992 Regulations were adopted. The decreasing proportion of linguistic minorities, multiple affiliations, technological innovation, migration to urban centres and the increased number of people with knowledge of both official languages are all factors that influence the Canadian public's right to communicate with and receive services from the government in the language of their choice.

The results of the pan-Canadian consultation were clear: the 1992 Regulations, developed to meet the needs of a bygone era, are no longer relevant and need to be modernized. In addition, the consultation reinforced the need to begin discussion on new regulations for official languages. The timing seems right, following the adoption of Bill S-3, which clearly conferred on the government the obligation to take positive measures to respect its commitment to linguistic duality.

This chapter first paints a general picture of the current regulatory framework. It then examines the only regulations adopted by the government under the *Official Languages Act*, namely the 1992 Regulations. It shows how ill-adapted these regulations are to today's reality. The chapter continues with a rationale to guide the government in the development of new, more coherent and effective official languages regulations. In particular, this chapter proposes principles on which the government should base its approach to renewal.

THE 1992 REGULATIONS, DEVELOPED TO MEET THE NEEDS OF A BYGONE ERA, ARE NO LONGER RELEVANT AND NEED TO BE MODERNIZED.

THE CURRENT REGULATORY FRAMEWORK

Federal institutions' obligations to the public and to official language communities are linked to a specific legal framework. They stem first from the *Constitution Act*, 1867 and the *Canadian Charter of Rights and Freedoms*. These fundamental laws guarantee the equality of status of English and French within the institutions of Parliament and the Government of Canada, and grant language rights to all Canadians.

In 1988, to ensure full implementation of these constitutional rights, Parliament revised the *Official Languages Act*, 1969 and specified the obligations of federal institutions. Pursuant to the *Official Languages Act,* 1988, the government could also adopt regulations to specify how the Act is implemented.

To date, only one set of regulations has been adopted: the 1992 *Official Languages Regulations— Communications with and Services to the Public*. They set out criteria for the implementation of the linguistic obligations of federal institutions with respect to communications with and services to the public (Part IV of the Act). Regarding other obligations provided for in the Act, the government has chosen other tools to direct their implementation, such as policy and administrative directives.

THE 1992 REGULATIONS: ILL-ADAPTED TO CONTEMPORARY REALITY

REGULATIONS BASED ON NUMBERS

The 1992 Regulations are limited to specifying the circumstances under which the offices of federal institutions are required to serve or communicate with members of the public in the official language of their choice. Offices must accordingly fulfill this obligation when the use of English and French:
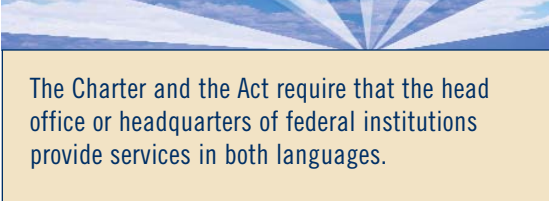
- has been the subject of "significant demand"; or

- is justified by the "nature of the office".

In an effort to help the government define in the Regulations what constitutes "significant demand", Parliament identified four criteria in the Act:

1. The number of persons in the English or French linguistic minority and the proportion the minority represents of the population of the region served;

2. The volume of communications or services;

3. The particular characteristics of the minority community;

4. Any other factors that the Governor in Council considers appropriate.

These four criteria are not mutually exclusive. On the contrary, they may be seen as a whole composed of complementary elements. But in 1992, the government chose to limit itself primarily to only two of the four criteria: the first and the second.

Essentially, this means that the government is limiting itself to numerical criteria[13] to decide whether there is a significant demand and, accordingly, whether there is an obligation to communicate and deliver services in both official languages. The government has therefore taken very little account of the "particular characteristics" of English or French linguistic minorities.

The Charter and the Act require that the head office or headquarters of federal institutions provide services in both languages.

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[13] The numerical criteria refer to the estimated number of minority language individuals, or the percentage of the English or French linguistic minority in the region served by the office or, in some cases, a combination of the two criteria.

PROBLEMS WITH THE APPLICATION OF NUMERICAL CRITERIA

Strict application of numerical criteria gives rise to unfair, complex and unequal situations.

For the purposes of this discussion, we will examine the cases of Yarmouth, Nova Scotia, and Sept-Îles, Quebec. Some 625 French-speaking people live in Yarmouth[14], representing 8.4% of the total population in this region. These people have the right to receive all local services in their language. By contrast, despite their larger numbers (870), members of the English-speaking community of Sept-Îles have the right to receive only key services[15] in their language. This is because they do not comprise at least 5% of the region's total population. How can this situation be justified in terms of equity?

The strict application of these numerical criteria also has an impact when determining the number of federal institution offices that will be designated bilingual for the purposes of services and communications. Thus, in Greater Vancouver, where 30,830 Francophones representing less than 2% of the total population live, federal institutions, except for Canada Post, are required to offer their services in French in only one of their local offices. How can there be genuine accessibility and services of equal quality when a member of the public is forced to go across the city to obtain a service in the official language of his or her choice, at the only office required to provide it in that language? There are similar situations in other large urban centres such as Edmonton, Québec, Calgary and Victoria.[16] Yet, in each of these cities, there is a dynamic official language community committed to its own development.

Another problematic application of the 1992 Regulations concerns the public travelling on the Trans-Canada Highway, and the RCMP's linguistic obligations towards them. The Regulations were formulated in such a way that the linguistic obligations of RCMP offices have been defined based on local population, rather than in consideration of the public travelling on the Trans-Canada Highway. Depending on which stretch of the highway members of the public are stopped or need the services of the RCMP, they may or may not have the right to be served in the official language of their choice. Is it really necessary to remind the government that the Trans-Canada Highway is not used exclusively by the local population, but by the Canadian public as a whole?

The travelling public using the services of Air Canada is subject to the same kind of anomaly. The 1992 Regulations are such that the public's rights are defined based on the bilingual nature of the flight and of the airports where it takes off and lands. As such, a member of the public may lose his or her language rights and regain them on a single trip, depending on the stops that are made.

LANGUAGE RIGHTS OF THE PUBLIC TRAVELLING WITH AIR CANADA

SERVICES	BILINGUAL	UNILINGUAL	BILINGUAL	BILINGUAL	UNILINGUAL
	AIRPORT	IN FLIGHT	AIRPORT	IN FLIGHT	AIRPORT
AIRPORT	HALIFAX	→	TORONTO	→	REGINA

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[14] The data in this part are extracted from: Statistics Canada, *Population Estimates by First Official Language Spoken, 2001*, reference no. 94-F0042XCB, March 2003.

[15] The key services the linguistic minority population has the right to receive when it comprises more than 500 individuals but represents less than 5% of the total population are the services most often used by the public, when such a service is offered, namely: income security services (pensions, family allowances and old age security), services at employment centres, post offices and Canada Revenue Agency offices, as well as from Canadian Heritage, the Public Service Commission of Canada and RCMP detachments.

[16] It should be noted that different regulations are in effect in the cities of Toronto and Montréal, adding to the confusion of citizens.

For instance, a member of the public travelling from Halifax to Regina with a stop in Toronto has the right to bilingual service at the airport in Halifax. This right is lost on the plane to Toronto, but regained at the airport in that city. Later on, this person has the right to bilingual service on the flight to Regina, but upon arrival at the airport in that city, this right is once more revoked.

Hence, the issues are not simply theoretical. Some language communities have lost their right to be served in their language following application of the census data of 2001. Offices of Social Development Canada and Human Resources and Skills Development Canada[17] are no longer required under the Regulations to offer bilingual services in Labrador City (N.L.), Moose Jaw (Sask.) and Sainte-Rose-du-Lac (Man.).

We must also acknowledge that the *Official Languages Regulations—Communications with and Services to the Public*, in their current form, give more consideration to the operational constraints of federal institutions than to the right of the public and members of a community to receive services of equal quality in the official language of their choice.

For example, services are offered by federal institutions based on the administrative division of regions—so strictly, that a community can find itself divided between two service areas for offices of the same federal institution and thus be deprived of the right to be served in the official language of its choice. This is the case for the Franco-Albertan community of Falher, which does not have the right to be served in French by the Canadian Food Inspection Agency office located in Grande Prairie given the low proportion it represents of the general population within the Agency's service area.

> Offices of Social Development Canada and Human Resources and Skills Development Canada are no longer required under the Regulations to offer bilingual services in Labrador City (N.L.), Moose Jaw (Sask.) and Sainte-Rose-du-Lac (Man.).

Finally, we should emphasize that the design of the 1992 Regulations was not based on the federal government's new management philosophy, which places the Canadian public at the heart of its programs and services. In fact, the Management Accountability Framework, established over the last few years, aims for a truly citizen-centred delivery of services. This is clearly a sensible approach since, in the end, what matters to members of the public is not so much the capacity of the institutions' staff to provide services in both official languages, but rather concrete results.

In short, when the federal government essentially relies on numerical criteria to decide whether there is significant demand, it too often dismisses the specific characteristics of the community and the role federal institutions could play in its development. It ignores the community's vitality, its history, particular circumstances and factors that may be changing it (see Chapter 4 on the vitality of communities).

TOWARDS MORE COHERENT AND EFFECTIVE REGULATIONS

We saw in previous sections of this report that under the *Official Languages Act*, 1988, the government may adopt regulations to specify how certain Parts of the Act are implemented. To date, only the *Official Languages Regulations—Communications with and Services to the Public* (1992) have been adopted. These regulations have a limited scope, since they deal with only one part of the Act; i.e., Part IV—Communications with and Services to the Public.

However, regulations that affect only a single part of the Act do not foster coherence and effectiveness.

One must remember that, since 1988, the government also has other obligations under Part V (Language of Work). It decided to adopt policies and administrative directives rather than regulations to specify how this part of the Act is implemented. However, research and studies conducted by the Commissioner over the last

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[17] In February 2006, this department was renamed the Department of Human Resources and Social Development.

few years have led her to conclude that the federal government does not currently make use of the appropriate tools and supports to implement this part of the Act seriously.[18] The Commissioner notes that progress on this subject seems to be stagnating (see Chapter 7).

In addition, the adoption of Bill S-3 in 2005 granted government the authority to enact regulations regarding Part VII (Advancement of English and French). In other words, it may, by way of regulations, specify how federal institutions must work to foster the growth and development of official language communities and promote linguistic duality in Canadian society.

Given these circumstances, there are calls to open a discussion on the implementation of federal institutions' obligations under the Act. In addition to modernizing the 1992 Regulations, the government must establish a step-by-step renewal process leading to more coherent and effective regulations.

To set this renewal process in motion, the government should plan for new regulations, taking into account the need to specify the implementation of federal institutions' obligations under Part IV. It should also consider the relevance of specifying the obligations of federal institutions under other Parts of the Act. In this way, the right of the public and the communities to equal access to services of equal quality has a better chance of being fully implemented.

The case of *Forum des maires de la péninsule acadienne v. Canada* is a good example of the need to modernize the 1992 Regulations. This case involves the Canadian Food Inspection Agency's decision to transfer certain positions from one region to another. The Court of Appeal indicated that the Agency's failure to take into account the impact of the move on the rights of communities to be served in their language infringed on Part IV of the Act. New regulations with respect to service to the public should stipulate the process to be followed in such cases.

Forum des maires de la Péninsule acadienne v. Canada (Food Inspection Agency) (F.C.A.), [2004] 4 F.C.R. 276, 2004 F.C.A. 263.

The case of Canada Post in Edmonton outlines new possibilities in this area. To fulfill its linguistic obligations, the institution opened a postal outlet in Cité francophone, a community centre in Edmonton. By choosing to open a bilingual outlet in this location, the federal institution accomplished two things at once. First, it fulfilled its obligations with respect to bilingual services (Part IV); second, it did so in a way that fosters growth and development of the Franco-Albertan community and promotes linguistic duality (Part VII). New regulations should urge federal institutions to come up with similar innovative solutions.

Necessary links between Parts IV and VII

The case of **CALDECH** (Centre d'avancement, de leadership et de développement économique communautaire de la Huronie) provides a good example of the links to be made between Parts IV and VII. In this case involving Industry Canada, the Commissioner raised the following argument: in order for the community to receive services of equal quality in its language, the department must not only ensure that the funding agency offers services in both official languages, but it must also ensure that the services meet the particular needs of the Francophone community. For the department, such a requirement instead falls under Part VII. The issue is now before the Federal Court of Appeal.

Desrochers v. Canada (Industry) (F.C.), [2005] 4 F.C.R. 3, 2005 FC 987.

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[18] See *Making it Real* (bilingual regions in Quebec), April 2005, and *Walking the Talk* (National Capital Region), March 2004.

GUIDING PRINCIPLES THAT SHOULD INSPIRE NEW OFFICIAL LANGUAGES REGULATIONS

The conceptual approach that should guide the government in modernizing the 1992 Regulations and establishing the required links with the implementation of Part VII of the Act rests on a number of guiding principles.

1. SUBSTANTIVE EQUALITY

The *Official Languages Act* aims to realize the equal status and use of English and French in federal institutions. It also aims to advance their equality of status and use within Canadian society. The Supreme Court of Canada has taught us that, to achieve equality, "it is not enough to treat all persons or all similarly situated persons equally if they have different needs."[19] Equality should not be seen as merely an administrative accommodation.

New regulations should therefore have as their objective the implementation of the principle of substantive equality, as defined by the courts. To achieve this, the government should take into account the specific characteristics of official language communities, which have the right to be served in the official language of their choice, and consider their needs when determining service delivery mechanisms, as well as program delivery.

2. THE REMEDIAL CHARACTER OF LANGUAGE RIGHTS

This principle, expounded by the Supreme Court of Canada, means that language rights provided for in the Charter must also serve as a remedy to correct the progressive erosion of minorities speaking either official language.

Therefore, new regulations must also have the objective of fostering the growth and development of official language communities. According to this principle, significant demand should not be defined exclusively on quantitative criteria, but also on qualitative criteria. As such, institutions should be required to serve official language communities wherever they are, regardless of their proportion of the total population within the service area.

"IT IS NOT ENOUGH TO TREAT ALL PERSONS [...] EQUALLY [...] IF THEY HAVE DIFFERENT NEEDS." [19]

3. COHERENT AND EFFECTIVE IMPLEMENTATION OF THE ACT

New regulations regarding the obligations of federal institutions should foster the coherent and effective implementation of the Act as a whole, rather than a piecemeal implementation.

4. SIMPLICITY

New regulations should bank on simplicity to enable citizens as well as federal institutions to better understand the rules governing language rights. For instance, services to the travelling public should not be fragmented.

5. ACCESSIBILITY

New regulations should focus on the accessibility of services, in order to reach Canadians in their own environments.

Such a principle presupposes that, in some cases, services are offered within proximity of official language communities.

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[19] Nicole Vaz, "The Principle of Equality of the Official Languages" in *Language Rights in Canada*, 2nd ed., M. Bastarache (ed.) (Cowansville: Yvon Blais, 2004), p. 612.

CONCLUSION

This chapter dealt with the obligations of federal institutions to respect the rights of Canadians to be served in the official language of their choice. In terms of official languages, such a discussion inevitably leads to the broader issue of development and growth of communities and advancement towards the equality of English and French within Canadian society.

In order to respond more adequately to the needs of official language communities, the government must first be attentive to the realities of these communities. This attention presupposes that citizens are treated with respect. It also involves a culture of service delivery in both languages, accessible and based on an active offer.

Adapted, coherent and effective regulations can be an instrument allowing for the implementation of all obligations set out in the Act. By adopting such regulations, the government is more likely to reach multiple goals, including the delivery of fair and accessible services, the promotion of linguistic duality, and the development and growth of communities.

Therefore, the Commissioner recommends:

That the President of the Treasury Board, for the purpose of establishing adapted, coherent and effective official languages regulations within the government:

- **Modernize** the *Official Languages Regulations—Communications with and Services to the Public* to allow Canadians to receive services of equal quality in the official language of their choice.

- **Examine** the relevance of adopting new regulations that aim to specify the implementation of the obligations set out in other Parts of the *Official Languages Act*, particularly Parts V and VII.

CHAPTER **FOUR**
EVALUATING THE VITALITY OF COMMUNITIES

EVALUATING THE VITALITY OF COMMUNITIES

BACKGROUND

For over 35 years, the Official Languages Act (the Act) has upheld the strengthening of Canada's linguistic duality. Fostering the vitality of official language minority communities is one of the most important aspects of implementing the Act. *The Canadian Charter of Rights and Freedoms* and Part VII of the 1988 Act clarify the Government of Canada's obligations in this respect. Recent amendments to the Act through Bill S-3 reinforce these obligations by requiring "positive measures" to foster the growth and development of official language communities.

But what exactly do "vitality" and "development" mean? How can we better understand what makes a community healthy, strong and capable of addressing the challenges it faces? To what extent do federal government support and the efforts of these communities produce the best results? How can we measure a reality as complex as the vitality of communities?

The importance of asking questions like these becomes clear to stakeholders once they see community vitality as a purpose, an ultimate goal, a reason for an official languages policy. For communities, it is largely a question of group empowerment; of choosing for themselves the way they can most fully contribute to Canadian society. Such questions are also of interest to federal institutions, which from now on must take positive action to achieve targeted results and examine new forms of governance with communities. For researchers, highly curious by nature, these questions present an intellectual challenge and a chance to apply knowledge and methodologies.

This chapter is the product of an extensive examination of the vitality of official language communities, which involved many studies conducted over several years.[20]

FOSTERING THE VITALITY AND DEVELOPMENT OF OFFICIAL LANGUAGE COMMUNITIES

There were also consultations—particularly a public forum in 2005—to bring together ideas and concerns of key stakeholders in community vitality, namely representatives of official language communities, researchers and governments.

The following pages present four main themes that emerged from this examination. First is the notion of "community" and its scope within the context and reality of official language communities. This is followed by a

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[20] Marc L. Johnson and Paule Doucet, *A Sharper View: Evaluating the Vitality of Official Language Minority Communities*, Office of the Commissioner of Official Languages (to be published in 2006); Anne Gilbert, André Langlois, Rodrigue Landry and Edmund Aunger, "L'environnement et la vitalité communautaire des minorités francophones : vers un modèle conceptuel", *Francophonies d'Amérique* 20 (2005): 51-62.

discussion on how we define "community vitality". The chapter then examines "indicators" that could be used to measure and assess community vitality. Finally, various approaches for government action are proposed to facilitate *community empowerment* by building a knowledge base.

COMMUNITY

The word "community" is difficult to define because it means something different to each individual. However, if we want to assess a community's vitality, we must first attempt to define community itself. How does a sense of belonging to a community establish or organize itself?

Within the context of official languages, community traditionally refers to a geographical area where official language communities live: a neighbourhood, a town, a city or a region. Historically, official language communities have constituted such territorial communities. They settled the land, established towns and cities, and built churches and businesses. In short, they established the foundations of what are sometimes still called rooted English or French communities. From this point of view, the term essentially refers to the product of settlement, which fosters both interaction between individuals and a sense of belonging.

But for many, the notion of community takes on a more modern and subtle meaning. The inclination is to think in terms of networks of institutions, organizations or individuals associated with either one of the official language communities. A group of individuals with a shared interest—in this instance, their culture and language—may be called a community. Here, territory is less important. Instead, community implies an active tie of solidarity in a geographically dispersed group. Many such communities are commonly known as having a collective identity: for example, the Quebec English-speaking community, the Atlantic Acadian community, or the Franco-Manitoban community.

When reflecting on the meaning of community, we might consider other distinctions depending, for example, on population mobility. The movement of Anglophones and Francophones within Canada may

add some diversity to communities, just as exogamy could. Immigration also contributes to diversity and new meanings of community arise. Thus, with diversity and migration comes an on-going renewal of networks or communities of interest.

All in all, community is an amalgamation of these realities; realities that co-exist rather than being mutually exclusive—realities that, together, play an influential role in the lives of citizens within a society.

VITALITY

Like community, vitality is a complex idea that could take on several meanings for official language community stakeholders.

In its familiar sense, vitality refers to life—whatever is full of energy and health. But when we speak of vitality in the context of official language communities, are we referring to those individuals who speak the minority language, or to their collective existence?

The vitality of a community may be considered from an individual or collective point of view. Researchers often study vitality through the lens of demographic, human, social, political, economic and cultural capital. At the individual level, language can be seen as a facet of vitality since it is, above all, a skill. Language is knowledge that can be used to represent values, symbols and experiences, and that as such makes up part of one's individual identity. Language is thus one of many aspects of individual vitality. Other facets of vitality could include physical and mental health, a sense of personal safety, access to affordable housing and leisure time.

At the collective level, linguistic vitality deals with the use of language across time and space, and the numerous functions it fulfills in various areas of society such as culture, religion, education, administration, media and the law, to name a few. From this point of view, linguistic vitality is a characteristic of the community as a whole, as are access to capital, employment and the environment.

Vitality is, then, a multidimensional, multisectoral concept. Researchers often study vitality as a form of capital—the resources available to official language

communities. The term *demographic capital* is used to describe the aspect of vitality associated with the number of individuals within the community; it also includes factors such as age structure, fertility and migratory flows. Human capital—including human resources, schooling and skills—rounds out the demographic portrait.

Social capital is increasingly recognized as a key factor of vitality, and can be defined as the degree of community synergy: the prevalence of informal networks, clubs and associations. This refers to characteristics that lead people to co-operate through collective action for the collective good.

Political capital is also often seen as an influential factor affecting vitality, when understood in the broad sense of resources of power and influence. This is an asset that most often manifests itself through community leadership. It is also found in community institutions such as schools, media, churches and organizations that speak for the community, have legitimacy within official language communities and are recognized by government authorities. Community vitality also includes cultural and economic dimensions, which are other distinct forms of capital.

EVALUATING VITALITY AND ITS INDICATORS

If community vitality constitutes a desired end, then any strategy to strengthen it requires a good understanding of the official language community's current situation, in terms of its vitality and, consequently, the end point or objective.

When it comes time for communities to assume responsibility for themselves and make strategic decisions based on facts, an evaluation of the vitality of official language communities becomes a necessity, both for communities wanting to take charge of their own destiny, and for government institutions responsible for supporting them.

The vitality of a community may be considered from an individual or collective point of view. Researchers often study vitality through the lens of demographic, human, social, political, economic and cultural capital.

Community vitality is highly complex and dynamic, and several indicators can be used to evaluate it. An indicator is a unit of information used to measure, as precisely as possible, the expression of a changing reality. It is a way of assessing a complex reality, in this instance an official language community, by examining one of its components. The indicator is not reality itself, but rather a sign indicating a state or trend. For example, within the context of official language communities, factors such as the level of education of the linguistic minority compared with that of the majority could be used as an indicator of the minority's capacity to develop and grow. And why not measure the prevalence of volunteer work within the minority compared with the majority to get an idea of the relative social cohesion of the two groups?

STRATEGIC DECISIONS BASED ON FACTS

Actually, an almost endless number of indicators can be used to study an official language community. Hence, judicious selection is of the highest importance when choosing indicators. One thing is certain: it is important to begin with the official language community's collective values. Furthermore, the results sought and the changes to be measured must also be taken into account before making a decision regarding the choice of indicators. Above all, the development of indicators must always be conducted with the collaboration of all stakeholders.

To be useful, all indicators should have certain essential characteristics. They must, for example, be relevant to the objectives sought. They must be valid; that is, they must properly reflect what we are trying to measure. Indicators must also be easy for all stakeholders to use. Other essential characteristics include reliability and comparability of data, as well as completeness and feasibility.

Luckily, many groups and communities (official language and other) have launched projects to evaluate community vitality and have chosen indicators that can serve as a guide. This is particularly true of the Community Health and Social Services Network in Quebec and the Federation of Canadian Municipalities. Communities looking to take charge of their development can always learn from the experience of others.

STAKEHOLDERS

Community vitality presupposes a certain level of self-empowerment with regard to the community's development. An inclusive approach is essential, where all stakeholders work together as part of an open and transparent process. Official language communities, public institutions and researchers are the main players. Each must make a unique contribution to the creation of a knowledge base regarding community vitality.

It goes without saying that official language communities must take a leading role and establish a certain degree of control over the process. Since they are called upon to take charge of their destinies, they are best qualified to find, through research and

Example of a set of indicators

The Federation of Canadian Municipalities (FCM, 2001) has chosen sets of indicators under the following themes: human capital, standard of living, quality of employment, quality of housing, social tension, collective health, municipal safety, community participation.

For example, under the theme of community participation, the FCM chose the following indicators: voter participation (percentage), charitable donations, donations to the United Way, recycling, percentage of homes with a newspaper subscription, quality of the environment and social infrastructure.

evaluation, the means to better understand their own situation, establish their starting points and target their objectives. Thus, the onus is on them to develop their vision of a healthy and strong community capable of addressing the challenges it faces. It is their responsibility to define the values that will guide all action, because they truly are both the object and subject of this knowledge, and they will be the first to reap the benefits.

Federal institutions play an equally important role, given that the very concept of community vitality is embedded within the Canadian judicial framework as it pertains to the equality of English and French. The amendments made to the *Official Languages Act* by Bill S-3 require these institutions to take positive action to foster the development and growth of official language communities. Within their accountability framework, these institutions will clearly have to show how their duty to consider the situation of official language communities is fulfilled in their policies, programs and actions. As stakeholders, their role consists of, among other things, ensuring the coordination, facilitation and funding of research on vitality. Federal institutions must also ensure the dissemination of

COMMUNITY VITALITY: THE STAKEHOLDERS

FEDERAL INSTITUTIONS

EVALUATION

ANALYSIS

RESOURCES

KNOWLEDGE

COMMUNITY VITALITY

COMMUNITY

RESEARCHERS

VISION

VALUES

In short, a participative approach must be contemplated, extending from and consistent with recent advances in horizontal governance, and in the spirit of the *Action Plan for Official Languages* and its accountability framework.

COURSES OF ACTION

We have just seen what a fundamental role research on vitality plays in providing direction for community action. It empowers communities by providing them with knowledge. Such research is bound to be the product of efforts made by partners rallying together and committed to the cause. What, then, are the courses of action most likely to help us arrive at an approach to vitality based on indicators and results?

The Government of Canada's role comes into play, both at the beginning and end of the community revitalization process.

First, the federal government serves as a creator of knowledge. Federal institutions publish and finance research—the purpose of which is normally related to their mandate, particularly for the development of policies and programs. More often than not, the results of such research ignore official language communities or fail to include them or define the fundamental conditions that influence their development. As well, a number of federal organizations subsidize research and the creation of knowledge together with the academic and scientific communities. Research on official languages and the vitality of official language communities should be a priority for these federal institutions. The Government of Canada should also examine the decisive role funding agencies such as the Social Sciences and Humanities Research Council, the Canadian Institutes of Health Research, the Canada Council for the Arts and others, play to advance research on official language communities and the issue of official languages in this country.

As important as research on vitality may be, however, it is not an end in itself. It is merely a precursor to action.

research and work to enable communities to improve their knowledge. As well, any action taken by federal institutions should not be carried out in isolation. They must foster interdepartmental and intergovernmental collaboration. They must enhance their databases and make them accessible. Finally, they must, within the framework of their own research, take the reality of official language communities into account.

Researchers make up the third group of stakeholders. Communities and federal institutions will have to draw on their skills to deal with the technical aspects of research. The onus is on these stakeholders to apply a research discipline and strict methodology to broaden understanding of vitality and help interpret research results.

Once a diagnosis on community vitality has been made, the federal government's role is to recognize the duty to act—in all of its operations. The Canadian government develops programs and provides services to the Canadian population, which includes official language communities. To meet its new obligations following the adoption of Bill S-3, the government must act; federal institutions must take concrete and positive action to promote community vitality. These actions must be reflected in the policies and programs they develop, the activities they implement, their communication with the public, the services they deliver and the assessment of their performance.

Overall, the government must implement a consistent approach to foster vitality based on factual data and the needs of communities.

Therefore, the Commissioner recommends:

That the Minister of Official Languages ensure that all federal institutions, within their respective mandates, establish a strategy to foster the vitality of official language minority communities that includes:

- Developing, with the active and sustained participation of communities, indicators for the vitality of the communities corresponding to their needs.

- Establishing means of collecting data and disseminating research on vitality, with an aim to inform federal institutions, communities and other partners.

- Demonstrating how they incorporate the development and growth of the communities into their policies and programs and their research plans.

- Evaluating programs, taking into account the results on the development of official language communities.

- Devoting particular attention to research-based funding agencies.

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CHAPTER **FIVE**
LINGUISTIC DUALITY, CULTURAL DIVERSITY AND CANADA IN THE 21ST CENTURY

LINGUISTIC DUALITY, CULTURAL DIVERSITY AND CANADA IN THE 21ST CENTURY

A COUNTRY STRETCHING OUT BEFORE US

It (Canada) is merely a narrow ribbon clinging to the United States boundary. That ribbon must be widened by pushing development northward and bringing in the people and the capital to make that push possible... Canadian national unity rests on the recognition and acceptance of the dualism of its origin and of the diversity of its development. This dualism must not be permitted to weaken or destroy us. It can be made to strengthen our nation.

The Right Honorable Lester B. Pearson

Lester B. Pearson accurately defined the situation in 1964 when he recognized linguistic duality and cultural diversity as defining features of Canadian society. Duality and diversity—each in its own way and interacting together—have helped shape Canada over recent years. Today, they represent dominant facets of Canadian society and reflect how Canadians see themselves and are perceived around the world.

Canada has more than 35 years of experience with linguistic duality at the federal level. Linguistic duality is now firmly rooted in Canada's social fabric and has become a basic feature of the country's contemporary identity and personality. During this period, the Government of Canada took on the task of promoting linguistic duality. This self-imposed obligation has been integrated into a strengthened legal framework, particularly with the adoption of Bill S-3 in 2005. The government must now adopt positive measures to fulfill its obligation to promote linguistic duality. Accordingly, it must consider linguistic duality from a perspective that goes beyond simple compliance with the *Official Languages Act* (the Act).

Canada formally opened itself to multiculturalism in 1971, when it adopted a policy recognizing the equal value and dignity of all ethnocultural groups. The *Canadian Charter of Rights and Freedoms* of 1982 and the *Canadian Multiculturalism Act* of 1988 defined the

Linguistic duality: a definition

The overriding objective of federal policy was to create a situation of linguistic duality—equality of status for English and French, which implies equitable treatment of speakers of English and French in all aspects of life, whether in public institutions, private life, industrial and commercial activities or civil society. Accomplishing or moving significantly toward the objective meant a reversal of centuries-old assumptions and practices that had been ingrained in Canadian society. Its success would depend not only on widespread public support but also on the cooperation of provincial and territorial governments.

Stacy Churchill, New Canadian Perspectives, *Official Languages in Canada: Changing the Language Landscape,* Canadian Heritage, 1998.

scope of this policy. This is the way cultural diversity acquired the status of a fundamental Canadian value. Today, it is difficult to discuss linguistic duality or biculturalism without considering the determining influence of the mixture of English and French cultures, the recognition of Aboriginal peoples and the arrival of new Canadians.

Individually and collectively, Canadians have seen their country grow and evolve with hope for an ever-greater future. But what are their dreams for the future? What does this future hold and what role, exactly, will linguistic duality and cultural diversity play in Canada's development and modernization? What is their impact on our collective will to continue to live together and build a prosperous nation? How should the duty to promote linguistic duality be seen within an evolving environment marked by the growing influence of cultural diversity?

The Commissioner examined these themes in 2005. In the fall, she held a forum to discuss key issues surrounding linguistic duality, cultural diversity and the rapprochement between these two concepts.

The information deriving from the discussion inspired this chapter. First, the chapter sketches the evolution of linguistic duality, cultural diversity and their influence on Canada today. It then shows these two Canadian values in the overall picture of a changing society. Finally, it proposes a number of steps the federal government can take to initiate a process that will lead to a new vision of linguistic duality and cultural diversity.

CANADA: LINGUISTICALLY DUAL AND CULTURALLY DIVERSE

Within the Canadian context, the mention of linguistic duality conjures up 400 years of history. Fortunately, these 400 years have been marked more by spirited exchanges and tough negotiation than insurmountable conflict. The Canada of today is not the product of military, political or even cultural domination. It is the result of successive exchanges and a series of reasonable accommodations. "The idea of a multicultural society where all citizens, no matter their origins, can find a place for their own cultural practices, traditions and values, while at the same time being integrated into the social, economic, cultural and political life of the country, is now very much a part of who we are as Canadians."[21]

In many respects, linguistic duality is one of the first beneficiaries of these accommodations. The Fathers of Confederation made room for it in the *Constitution Act*, above all by recognizing the right to use English and French in Canada's Parliament.

Linguistic duality acquired a more definitive form in 1969 with the adoption by Parliament of the first *Official Languages Act*. This Act, among other things, formally recognized the equal status of English and French in the country. The subsequent adoption of the *Canadian Charter of Rights and Freedoms* in 1982, which guarantees language rights, as well as the new *Official Languages Act* in 1988 (including its recent

> Canada today is not the product of military, political or even cultural domination. It is the result of numerous successive encounters and a series of reasonable accommodations.
>
> Jane Jenson and Martin Papillon, *The "Canadian Diversity Model": A Repertoire in Search of a Framework*, 2001.

amendments in 2005), have strengthened the legal foundations of duality. Each of these key events is the product of lively debates that, in the end, arrived at solutions through reasonable compromise.

This rich tradition of accommodation and generosity regarding linguistic duality can also be observed in the realm of the languages, cultures and status of Aboriginal peoples.[22] Although much remains to be done, the creation of Nunavut and the renegotiation of treaties and accords are two steps in a long corrective and rehabilitative process, aimed at giving renewed visibility and voice to the First Nations. Significantly, First Nations had an active role in constitutional negotiations that took place in the 1990s.

We could also argue that it is precisely this sense of reasonable accommodation between the two major linguistic groups that opened the door to immigration and diversity within Canadian society. With the arrival of immigrants from all around the world and today's multicultural society, Canada has a multitude of faces and is a true cultural mosaic. Collective identities are less likely than before to be strongly based on language and religion; they are now marked by multiple affiliations. That being said, cultural diversity today is still largely expressed through linguistic duality.

And isn't the country all the better for it? Canada is thriving. Over the course of a few decades, Canada has become one of the best countries in the world in which to live. From 1969 to 2005, the use of French spread in Canada, and linguistic duality increased. Thanks to the combined effect of 35 years of the *Official Languages Act*,

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[21] Jane Jenson and Martin Papillon, *The "Canadian Diversity Model": A Repertoire in Search of a Framework*, Canadian Policy Research Networks Inc., 2001.

[22] *Towards a New Beginning*, Task Force on Aboriginal Languages and Cultures, www.aboriginallanguagestaskforce.ca/foundreport_e.html, 2005.

CANADA HAS A MULTITUDE OF FACES

Quebec's linguistic vitality and the contribution of provincial and territorial governments and individual citizens, Canada's Francophone community has found a renewed strength. Immersion schools and French as a second language programs have made it possible to increase the number of Anglophones who speak French. Quebec's Anglophone community has continued to contribute a great deal to the province's dynamic character. Furthermore, newcomers continue to integrate into Canadian society and embrace its linguistic duality. The country is full of personalities, artists, entrepreneurs and authors who were born of immigrant parents or are immigrants themselves, and who enrich life in Canada. For example, one thinks of the Saputo family (entrepreneurs), Atom Egoyan (film director), Mélanie Renaud (singer) and Werner Israel (physicist and cosmologist).

We should also mention that today's knowledge-based economy is associated with individual training and education—what some call human capital. It is also founded on social capital; that is, "… networks, standards, values and ways of understanding that facilitate co-operation within or between groups."[23]

Thus, linguistic duality and cultural diversity are seen as rich assets and key drivers of productivity. From this viewpoint, the citizens of this country contribute to this economy through their skills and, in particular, their ability to establish contacts with the outside world. They also bring with them attitudes that are conducive to development: tolerance, respect, openness to others, synergy, a concern for compromise and a sense of accommodation. These are essential qualities of the new economy.

Acceptance of differences and openness to languages and cultures inevitably lead to profitable commercial relations and generate economic advantages. The language industry, for instance, is one that has set itself apart. Canada is a world leader in the fields of human translation, language training and production of language technology and services. Canadian know-how in this field is the envy of many countries. For instance, the republics of the former Soviet Union call on the expertise of school boards in Canada in the area of language teaching to help them reintroduce the study of their own languages into their education systems.

> "English-French bilingualism rose markedly in Canada between 1951 and 2001. The number of bilingual Canadians tripled during that period, rising from 1.7 million to 5.2 million, while their proportion rose from 12% to 18%."
>
> Marmen and Corbeil, *Languages in Canada*, Census of 2001.

Mostly as a result of its policies on immigration and diversity, Canada is expected to become more culturally diverse. Newcomers bring with them know-how and contacts, assets that will contribute greatly to promoting the exchange of ideas, services and goods.

Linguistic duality and cultural diversity produce advantages in other respects: they enhance Canada's reach and influence at the international level. By virtue

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[23] OECD definition. In *Minutes: The Opportunity and Challenge of Diversity: A Role for Social Capital, International Conference*, Montréal, November 23-25, 2003.

of its demographic profile and democratic institutions, Canada is open to the world. It maintains close ties with a number of countries, especially through membership in the Commonwealth and the Francophonie, two great international organizations. If Canada can legitimately exercise a positive influence around the world, it is because many countries want to follow the example it has set in terms of duality, diversity and democratic values.

The Canadian formula for linguistic duality and cultural diversity has had its share of success. But does that guarantee a promising future? How can we take full advantage of linguistic duality and cultural diversity? Will we find in these values the foundations for a renewed vision for the country and the motivation for greater ambitions? Will we have the foresight to make the investment in managing our differences in a way that will help Canada thrive and allow it to assume its rightful place on the world stage?

A CHANGING CANADA

Canada is in a state of perpetual change. Its situation in 2006 is considerably different from what it was in 1969. And odds are that its profile will change even more in the years to come.

Among the transformations anticipated, the Canada of tomorrow will be more diverse than it is today. According to a study by Statistics Canada on visible minorities—a significant component of Canada's diversity—the process of linguistic, cultural and ethnic differentiation should continue, so much so that visible minorities may double by 2017. The immigrant population could represent more than 20% of the population of Canada, equal to the highest level observed in the twentieth century.

More than nine million people speak French in Canada, whether as their mother tongue or second language.

Source: Census of 2001.

LINGUISTIC DUALITY

LINGUISTIC DUALITY AND CULTURAL DIVERSITY
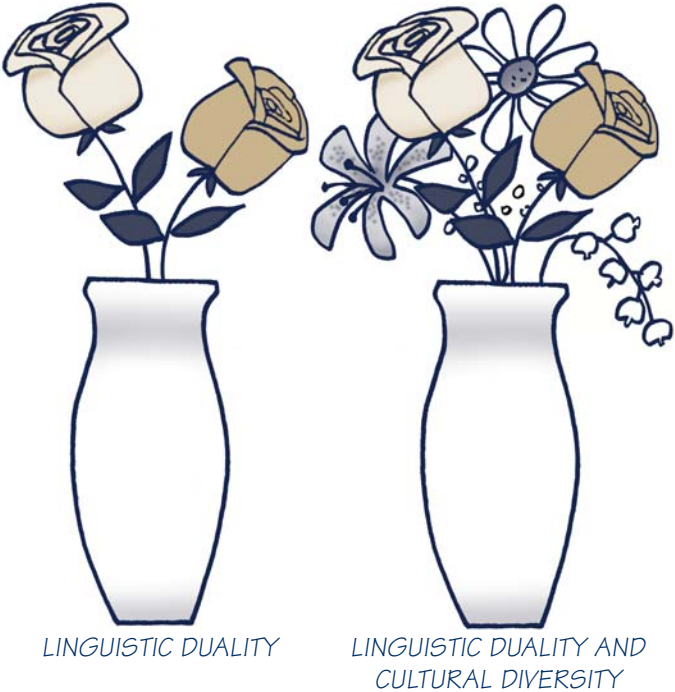
As equal citizens, new Canadians must be able to rely on the tools they need to participate fully in society.

Furthermore, while the immigrant population (which, for the most part, tends to integrate into Anglophone communities) is increasing, the demographic weight of the Francophone population is on the decline. As the Commissioner stated in her 2004-2005 annual report, "The immigrant population has grown at a rate three times higher than that of the Canadian-born population, and therefore represents an increasingly greater proportion of Canada's inhabitants. This has had a significant impact on the country's demographics and an even greater impact on the Francophone population, which has seen its numbers decrease through the combined effect of assimilation and a low birth rate." The Commissioner also noted that, in 2001, there were more than eight English mother-tongue immigrants for every French mother-tongue immigrant. It should be pointed out that Canada's immigration policy was revised recently, with a view to replenishing minority official language communities and reinforcing linguistic duality. Whether implementing the new strategies will produce the desired outcomes remains to be seen.

In order to win its historic gamble and continue to evolve in a climate of political stability and social solidarity, the country must absolutely take full advantage of its wealth and follow a path founded on linguistic duality and cultural diversity. As Professor John Kincaid so eloquently said in an article published in September 2005 in *La Presse*, "the biggest challenge for modern federalism is to allow for cultural diversity peacefully." Undoubtedly, he is warning us that integration of this new Canadian diversity will not happen by itself, and that it will have to be managed to some extent. Coming back to one of the initial principles, he invites us to have another "successive exchange" and produce a new "reasonable accommodation."

It goes without saying that openness to languages and the development of language skills today will have a big impact on Canada's success tomorrow. In this regard, the country already has a solid legal foundation through the Charter, provincial and territorial language legislation and the 2005 amendments to the *Official*

Demographics and languages in Canada (2001 Census)

- One of four Canadians between the ages of 15 and 24 is fluent in the other official language.

- Canadians have 160 mother tongues, 126 of which are frequently spoken at home.

- English is not the mother tongue of more than 20% of Anglophones (first official language spoken) in Canada.

Languages Act. Shouldn't the country adopt a more vigorous approach to official language education? Is language training for both official languages available to newcomers? Shouldn't they have generous access to Canada's linguistic heritage so they can fully integrate into Canadian society? One thing is certain: Canadians should be able to count on better co-operation between the federal and provincial and territorial governments in this regard.

Canada faces many challenges. Are we ready to face them? Do linguistic duality and cultural diversity have a strong enough foundation in Canadian society? Are these values truly integrated well enough? "Despite our progress to date, there is no room to be complacent since there is ample room to increase our knowledge and build the networks and infrastructures to make the social economy an active and sustainable sector of the Canadian economy."[24]

"Twelve percent of newcomers know both official languages. However, regional variations are significant: although half of the allophone immigrant population in Montréal is bilingual, this proportion is 5% in Toronto and 3.8% in Vancouver."

Marmen and Corbeil, *Languages in Canada*, Census of 2001.

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[24] *What We Need to Know About the Social Economy: A Guide for Policy Research*, Policy Research Project, Government of Canada, July 2005.

Based on the evidence of the Commissioner's study of linguistic duality in Canada's international relations published in the fall of 2004[25], these questions deserve further examination. This study showed that, although efforts to strengthen Canada's bilingual identity have had some success, linguistic duality has by no means been completely integrated into policies, programs and activities in the area of government operations. As a result, diplomatic missions poorly reflect linguistic duality in their activities. Cultural and commercial promotion are also inadequately integrated within these missions, which means that Canada's economic development is not receiving full value from linguistic duality.

Thus, there is room for improvement in this area. Canada must place more emphasis on its linguistic duality and cultural diversity in representations abroad. It must do a better job of assimilating these values in the way it does things. In short, Canada must practice what it preaches.

LEADERSHIP AND GOVERNANCE

Canada's personality and reality are evolving; the country cannot wait any longer to consider the future of linguistic duality and cultural diversity. These two values have been accepted as foundations of our society. They must be reflected more adequately and promoted more vigorously, both in Canada and abroad.

Isn't it time to contemplate a new overall vision that fully promotes these two overarching features of Canadian society? Hasn't the time come to commit fully to a process that allows Canada to build on the fundamental values of linguistic duality and cultural diversity?

"The result [of the Royal Commission on Bilingualism and Biculturalism] was the official recognition of Canada's linguistic duality and multicultural heritage—the political birth of modern Canada—and the formal entrenchement of one of the most significant differences between Canada and the United States, one that has become more, not less, important over the past half-century."

Michael Adams, *Fire and Ice*, 2003.

Such a process could be solidly grounded in the Canada of yesterday, today and tomorrow. It could rest on the great values forged over time and set out in the *Canadian Charter of Rights and Freedoms* and in all principles of governance:

- Sole and full citizenship (there are no half- or second-class citizens);

- Two shared Canadian languages (English and French) that allow individuals to connect, discuss and unite in finding a foundation for citizenship and making society work;

- Shared values (the rights, freedoms and values confirmed by the *Charter* and understood and shared by all, such as equality and respect).

The Commissioner believes that present circumstances are conducive to this kind of dialogue in Canada. The double influence of demographic changes within Canadian society and new government duties following the adoption of Bill S-3 amply justifies the launch of a national initiative to open a dialogue on how to update and give concrete expression to linguistic duality and cultural diversity in contemporary Canada. These matters would be discussed in the context of the country's competitiveness, its influence abroad and the involvement of civil society.

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[25] www.ocol-clo.gc.ca/archives/sst_es/2004/DFAIT_MAECI/dfait_maeci_2004_e.htm

The framework to engage Canadians in this dialogue remains to be defined, but its success depends on a number of basic conditions:

- Strong political leadership clearly committed to the promotion of the Canadian model of linguistic development and diversity;

- A premise that allows linguistic duality to be considered beyond simple compliance with the Act;

- A vision that leads to concrete options for considering the federal government's duty to promote linguistic duality within the context of cultural diversity;

- A forum to discuss governance issues in order to foster and plan for the full participation of all Canadian citizens and to enable increased promotion of Canada's duality and diversity abroad.

Therefore, the Commissioner recommends:

That the Minister of Official Languages initiate a dialogue with the various stakeholders in Canadian society to identify the measures to take in order to fully integrate the fundamental values of linguistic duality and cultural diversity into our governance models and derive the full benefits that flow from them.

ENSURING COMPLIANCE

ENSURING COMPLIANCE

This part of the Annual Report deals with progress and setbacks in official languages as witnessed throughout 2005-2006. It provides detailed information ensuing from the roles of the Commissioner as linguistic ombudsman and as auditor.

As **ombudsman**, the Commissioner is responsible for dealing with complaints concerning official languages matters and providing independent feedback on the linguistic performance of institutions subject to the *Official Languages Act* (the Act). In her role as **auditor**, the Commissioner provides in-depth assessments of compliance with the Act and suggests courses of action to improve its implementation.

The Commissioner uses a number of tools to fulfill these responsibilities. She conducts evaluations, audits and follow-ups, leads investigations and prepares performance report cards. Only by using the full range of tools at her disposal can she determine whether federal institutions comply with the obligations under the Act.

The next three chapters deal with these issues. Chapter 6 looks at the assessment of key institutions* in the management of official languages and the implementation of government initiatives related to the *Action Plan for Official Languages*. The following chapter reviews the performance of over 30 institutions as well as success stories. Chapter 8 describes investigations, audits and follow-ups.

The data in these three chapters lead to some general observations. First, the federal government does particularly well in developing official languages plans and policies. A significant number of institutions have the necessary infrastructure to move this issue forward. Thus, each of these administrative tools is not an end in itself, but rather a means. It does not guarantee results.

The federal administration has also demonstrated a good ability to establish a number of technical processes related to its official languages obligations. For example, bilingual signage, including posters in meeting rooms encouraging employees to express themselves in their language of choice, is widely used within the government. However, these are some of the simplest and least demanding processes—and essentially amount to good display practices. More than 35 years after the adoption of the *Official Languages Act*, such static means are not enough. We must aim higher—much higher.

The real challenge facing public institutions is to fully integrate linguistic duality within their organizational culture. From this perspective, admittedly, there remains a long way to go. For instance, with regard to service to the public—a key indicator—the data clearly points to a levelling off and, even in some cases, a decline in the quality of service offered. Similarly, with respect to language of work, higher levels of performance are proving difficult to achieve. In other words, it cannot yet be said that the two linguistic groups enjoy equal treatment.

Moreover, a review of all the data gathered points to the fact that several institutions are still at the education and awareness stages. While these are certainly essential elements, they are largely inadequate if not accompanied by other equally forceful measures.

That being said, results vary from institution to institution. Some have achieved superior performance or shown initiative with respect to official languages. Other institutions,however, do not give this issue a high enough priority, despite repeated interventions from the Commissioner.

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* Key institutions are: Privy Council Office, Public Service Human Resources Management Agency of Canada, Canadian Heritage, Justice Canada, and the Public Service Commission of Canada.

The fact remains that many federal institutions have a fragmented perception of the *Official Languages Act*. Too often, this results in an unconnected series of rules with a minimalist implementation. This issue was dealt with in an earlier chapter on the regulatory framework. The common elements linking the related notions of "service to the public," "language of work," "community vitality" and "promotion of linguistic duality" must be made more evident.

It is widely recognized that the world as a whole is greater than the sum of its parts, simply because the parts do not add up, but are correlated. Similarly, experience teaches that the same is also true of the *Official Languages Act*. The real success of its implementation depends on an overall appreciation of all its parts. It is only when the Act is implemented in this way that all its riches will be revealed.

6

CHAPTER **SIX**
MIDTERM REPORT ON THE ACTION PLAN AND ROLES OF KEY INSTITUTIONS IN THE MANAGEMENT OF OFFICIAL LANGUAGES

MIDTERM REPORT ON THE ACTION PLAN AND ROLES OF KEY INSTITUTIONS IN THE MANAGEMENT OF OFFICIAL LANGUAGES

INTRODUCTION

A number of institutions within the federal public service play leading roles in the implementation of the *Official Languages Act* (the Act). These are called key institutions, since they are responsible for providing guidance to federal departments and other agencies. They also play crucial leadership and coordination roles in implementing the Act. Most are responsible for helping to deploy major government initiatives related to the *Action Plan for Official Languages*. The manner in which they meet these responsibilities has a decisive impact on progress (or setbacks) throughout the federal public service.

This chapter addresses two themes related to the roles of key institutions.

First, the report takes stock of the implementation of the *Action Plan for Official Languages* (2003), following the Commissioner's comments on the Action Plan in the last two annual reports. In the 2004-2005 report, the Commissioner praised the efforts of a number of federal agencies to keep their commitments under the Action Plan, and she deplored the fact that other agencies had gotten off to a very slow start and noted a lack of consistency and coordination. In 2005-2006, the federal government published the *Update on the Implementation of the Action Plan for Official Languages* (Midterm Report); it is therefore timely to offer an overall assessment of the Action Plan's implementation since 2003.

In the second part of this chapter, the Commissioner delivers her first assessment of the work of key institutions based on a number of specific criteria. How do these agencies carry out their roles and perform some of their official languages responsibilities? Are they active and visible in carrying out their duties? How do they provide guidance to federal institutions that report to them? These are some of the questions the Commissioner addresses.

ACTION PLAN AND MIDTERM REPORT

The *Action Plan for Official Languages* is a broad-based government initiative designed to give new momentum to Canada's linguistic duality and the vitality of official language communities. The Plan was initiated in 2003 and involves investments of more than $750 million over five years.

The Action Plan has three principal axes:

AXIS 1: Education — minority-language education and second-language education.

AXIS 2: Official Language Community Development — early childhood services, health, justice, immigration, economic development and community support.

AXIS 3: Public Service — communication and service delivery, language of work, and participation of English- and French-speaking Canadians in the federal public service.

In October 2005, the federal government published its Midterm Report, which takes stock of progress and challenges in implementing the Action Plan.

Of course, the Commissioner has been monitoring the implementation of the Action Plan from the outset. This section presents her assessment of accomplishments to date.

AXIS 1: EDUCATION

The largest portion of the Action Plan's budget is dedicated to education. However, tangible progress in this area is hardly noticeable halfway through the term of the Action Plan. For a considerable time, targeted investments designed to build on existing efforts were mired in intergovernmental discussions and negotiations. Substantial funding was finally freed up in the Fall of 2005. Therefore, systematic, concerted efforts to achieve educational objectives were slow at being initiated, but there is no room for stagnation in this area. Over the last three years, there has been a

disturbing downward trend in enrolments in core French programs[26]. Canadian Heritage has inserted in its agreements with the provinces and territories a clause requiring them to report on participation rates in minority-language and second-language education, thus following up on a recommendation put forth by the Commissioner in previous reports (since 2002-2003).

AXIS 2: COMMUNITY DEVELOPMENT

Although some sectors are still lagging, generally speaking, this is the area where there has been the most progress in implementing the Action Plan.

If a first prize were awarded, the health field would no doubt be the winner. Many projects have been developed to benefit the Francophone communities in four areas: recruitment, training, research and networking. These interventions helped increase the number of enrolments, which have tripled since 2003, in French-language training programs for health professionals. The Société santé en français has also created 17 regional networks made up of professionals, service and training institutions, government authorities and community organizations. Health Canada, through the Société santé en français, is funding 67 French-language health services improvement projects in all regions of Canada.

Progress in Anglophone communities has been just as impressive. Coordinated by the Quebec Community Groups Network, one provincial and nine local and regional networks have been established. Some 30 projects aimed at improving access and adapting services for the Anglophone community have been approved in 13 of Quebec's 16 regions. McGill University is coordinating a major project to provide English-language training for health professionals working with English-speaking clients. There have also been efforts to encourage English-speaking health professionals to set up practice in regions where the need for English-language services is acute.

On the subject of justice in French, the Access to Justice in Both Official Languages Support Fund provided resources to initiate 18 projects in 2003-2004 and 31 projects in 2004-2005. The network of associations of French-language legal professionals has received funding for the 2003-2008 period. Although the impact of these measures has not yet been clearly felt, these investments have benefited activities in the following areas: training, the development of legal and linguistic tools, consultation mechanisms and increased awareness of access to justice.

Early childhood development in minority communities is another major concern. It is particularly worth noting that clauses providing for the creation of child-care spaces for official language communities were included in agreements in principle negotiated with the provinces[27] under the Early Learning and Child Care Initiative. However, it is difficult to understand the delay in providing the funding necessary to launch planned pilot projects on child-care services for official language communities.

Agreements on literacy at the national and provincial levels have led to the development of many initiatives in support of Francophone communities, with the following objectives: training literacy trainers and workers; enhancing organizational capacity; research; promoting family literacy; developing and experimenting with models and approaches in family literacy; networking and partnership. Initiatives supporting the Anglophone community have been slower, however.

In the area of immigration (a target for the Francophone side only), the first two years have been taken up by strategic planning and implementation of a coordination and consultation infrastructure. There has been real progress, but efforts must continue in order to have long-term impact on communities.

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[26] See www.cpf.ca.

[27] It should be noted that the language clauses vary from province to province.

Economic development is a key component of community vitality. Until quite recently, initiatives in this area were too fragmented to have a significant impact on the structure of local economies. However, the recent integration of the Enabling Fund for human resources and economic development in the Action Plan now allows for better coordination of the work of departments active in the sector. It also calls for enhanced support in strategic economic development projects through the Coordinating Group on Economic Development and Employability (RDÉE) and the Community Economic Development and Employability Committees (the equivalent for the Anglophone community in Quebec).

AXIS 3: PUBLIC SERVICE

Studies by the Office of the Commissioner show that service delivery in both official languages has reached a plateau. The use of French as the language of work also remains problematic. (See the next chapter.)

Some breakthroughs in this area are nonetheless worth mentioning. First, in spite of the fact that it does not have sufficient resources to carry out its monitoring role, the Public Service Human Resources Management Agency of Canada has improved its capacity to measure progress within federal agencies. For example, the revision of official language policies in 2005 has clarified certain aspects of the implementation of the Act. Secondly, the use of imperative staffing (other than in clearly established exceptional circumstances) is a major step forward in the area of language of work. In addition, the Innovation Fund helps implement innovative projects that may be beneficial. However, the gap between the demand and supply of language training for public service staff is growing. The resources set aside by departments to meet this need are clearly insufficient to respond to the demand.

ACCOUNTABILITY FRAMEWORK

The Action Plan includes an Accountability Framework that requires departments to consult official language communities. Most of the organizations consulted agree that the Action Plan has promoted greater participation by communities. They particularly appreciated the work of the Privy Council Office in establishing candid, positive communications. The Action Plan has also led to renewed energy within communities.

A number of shortcomings remain, however. As the performance report cards show, certain institutions do not have strategic plans to coordinate their activities and to ensure appropriate targeting. Even existing strategic plans do not always clearly set out timelines. Finally, these plans, though essential, are only a first step, the means to an end. Whether they achieve convincing results remains to be seen.

PERFORMANCE MEASUREMENT FRAMEWORK

The Privy Council Office has developed a performance measurement framework under the Accountability plan, to be used to guide accountability and to evaluate the effectiveness of initiatives. The Commissioner is not convinced that the performance measurement framework adequately assesses the outcomes of the Action Plan. Several indicators are overly broad and insufficiently related to actual measures. More modest indicators closely linked to activities under the Action Plan would have been more appropriate.

Finally, the government itself admits in the Midterm Report that the implementation of the Action Plan has not been as transparent as it could have been. Data on activities and investments are not sufficiently accurate to allow for detailed accountability. In addition, some departments have delayed providing information without a valid explanation.

MIDTERM REPORT: VARYING RESULTS

The Action Plan has led to uneven progress, varying by sector and by linguistic community. Tangible results have been achieved for both language communities in such sectors as health services in the language of the minority, where high-quality projects have been implemented. Halfway through the term of the plan, however, significant shortcomings persist in certain areas. For instance, in the education sector, institutions have been very slow to implement initiatives, and action has repeatedly been delayed. In other sectors, such as literacy, clear results have been achieved, but only for the Francophone community.

As well, the federal government has acknowledged that additional measures are required in areas such as arts and culture, which are not covered by the Action Plan. The government also recognizes the need to reinforce the research component to respond better to the needs of official language communities. There will be catching up to do in some areas of the Action Plan, and the scope of work will need to be broadened. Once again, effective horizontal governance of these issues will be an essential element in the Action Plan's success.

ASSESSMENT OF KEY INSTITUTIONS

During 2005-2006, the Commissioner assessed the work of five institutions that play a central role in the area of official languages. Although their mandates differ, they have a basic responsibility in common: to set the tone and exercise strong leadership in official languages. Since leadership is a shared responsibility, the resulting action must be coordinated. This issue has been addressed at length in an earlier chapter dealing with horizontal governance.

The assessment targeted the following agencies:

- The **Privy Council Office**[28], which plays a central role in the implementation of the government's Action Plan and also supports the Minister of Official Languages.

- The **Public Service Human Resources Management Agency of Canada**, which manages the official languages program for all institutions covered by the Act regarding service to the public, language of work and equitable participation.

- **Canadian Heritage**, which coordinates the implementation of Part VII of the Act, designed to foster the development of official language communities in a minority setting and the promotion of English and French in Canadian society.

Methodology

For the purposes of this assessment, the Office of the Commissioner developed a framework of **six assessment criteria** common to all institutions:

- **Visibility of official languages mandate.**

- **Appropriate guidance.**

- **Attention to outcomes in the field.**

- **Consultation of communities as part of its mandate.**

- **Self-assessment of performance.**

- **Creation of a workplace conducive to the use of both official languages by staff.**

This exercise is not intended to be a comprehensive assessment of all official languages responsibilities of key institutions, nor an assessment of horizontal coordination.

- **Justice Canada**, which provides legal advice to the government and its institutions and has a monitoring role in ensuring the respect of official languages in the development of bills, regulations, guidelines and policies.

- The **Public Service Commission**, which takes on the important role of monitoring the implementation of linguistic provisions in public service staffing.

OBSERVATIONS

The following general observations are supported by examples drawn from individual reports on key institutions. These reports and other details about the exercise can be found on the Web site of the Office of the Commissioner (www.ocol-clo.gc.ca/archives/ar_ra/2005_06/key_institutions_cle_e.htm).

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28 In February 2006, the Official Languages Branch, which is responsible for coordinating the management of official languages within the federal government, was transferred from the Privy Council Office to the Department of Canadian Heritage.

In the context of this exercise, the Commissioner sought to better understand how key institutions **make their mandate visible in matters of official languages**. It is encouraging to find that key institutions generally do a good job in this area. Each one makes appropriate use of its Web site and annual report to publicize its mandate.

The second assessment benchmark was the responsibility of each key institution to **provide guidance**. The Commissioner examined whether key institutions provide appropriate guidance to the federal administration under their specific official languages responsibilities. Some successes were observed. For example, the Privy Council Office is to be commended for having sent its first reminder to federal institutions following the adoption of Bill S-3. It reminds them of their responsibility to take measures to implement Part VII of the Act. In other respects, Justice Canada rigorously prepares case summaries and analyses jurisprudential trends in language rights for its network of legal counsel who, in turn, support government departments. Another example: the Human Resources Management Agency provides guidance to the federal public service by offering interpretations of its policies and directives and providing training for managers. The Commissioner did note a number of areas for improvement, however. For example, Canadian Heritage should be more affirmative in providing guidance on implementing Bill S-3 to all institutions subject to the Act.

Do key institutions **monitor outcomes** in the field? Have they created appropriate mechanisms to survey and evaluate implementation outcomes in areas where they provide guidance to the federal public service? Although the Commissioner noted some efforts in this area, most of the work clearly remains to be done. The Privy Council Office, for example, has created a performance measurement framework to help it evaluate the effectiveness of initiatives taken by institutions targeted by the Action Plan.[29] However, more sustained effort is needed to ensure that institutions are serious about following up and that

they consult official language minority communities consistently. In addition, it must also intervene with parties concerned to ensure that key institutions subject to the Action Plan fulfill their commitments completely and in a timely manner.

Do key institutions **consult communities** in carrying out their mandate? If so, how? Although the answers to this question vary, some institutions perform well, especially the Privy Council Office, which formally consults official language minority communities twice a year: once involving senior officials of institutions targeted by the Action Plan, and once with the ministers responsible for the same institutions. As well, Justice Canada consults official language communities through the Advisory Committee—Justice in Official Languages.

The Commissioner also sought to determine whether key institutions **evaluate their own performance**. Do they use independent evaluators? Do they evaluate the leadership they show in the area of official languages? Here again, the results are mixed. On the one hand, the Commissioner found good practices in some institutions. Canadian Heritage, for example, has assessed some aspects of its programs and implemented a mechanism to determine the effectiveness of its leadership. Other institutions have developed or implemented management tools. On the other hand, the Commissioner has found that some institutions, including the Public Service Human Resources Management Agency, could do a better job of evaluating their leadership within the federal public service in the area of official languages.

The final assessment benchmark for key institutions dealt with the **creation of a workplace conducive** to the use of both official languages. How do institutions model the creation of such a workplace? The Public Service Commission, for one, has offered information sessions for managers and staff on language of work, and it stands out for the high bilingual capacity of its senior managers (97%) and its supervisors (95%) in bilingual positions.

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[29] The institutions targeted by the Action Plan are: Canadian Heritage, the Treasury Board Secretariat (the Public Service Human Resources Management Agency of Canada has taken over Secretariat responsibilities under the Action Plan), Health Canada, Human Resources Development Canada (now known as Human Resources and Social Development Canada), Industry Canada, Justice Canada, Citizenship and Immigration Canada, and the Privy Council Office (Intergovernmental Affairs).

CONCLUSION

This section has provided an opportunity to present the assessment exercise of the work of key institutions against a number of benchmarks related to their roles in the area of official languages. Key institutions perform well in some areas, but need to improve in others.

Although not a benchmark in the Commissioner's assessment, skill in horizontal governance appears to be an essential condition for key institutions to exercise strong and coordinated leadership.

This was the first assessment of key institutions conducted by the Office of the Commissioner. There will certainly be more. Over the coming years, assessments will focus more closely on the outcomes produced by key institutions' systems, infrastructures and leadership.

7

CHAPTER **SEVEN**
PERFORMANCE REPORT CARD FOR INSTITUTIONS
AND SUCCESS STORIES

PERFORMANCE REPORT CARD FOR INSTITUTIONS AND SUCCESS STORIES

INTRODUCTION

This chapter is partly a result of a recommendation by the Senate Standing Committee on Official Languages, which requested that the successes and lapses in the implementation of the *Official Languages Act* (the Act) be better known. It consists of two main sections.

The first presents an annual report card on the performance of federal institutions. It aims to describe and increase awareness of the activities of certain federal institutions in implementing the Act. At the same time, the Commissioner aims at increasing the accountability these institutions assume for linguistic duality in Canada.

The second, "Showcase of Success Stories," highlights the contribution of federal councils in advancing official languages in Canada this year. The 2005-2006 exercise also identifies a number of federal institutions that have distinguished themselves by reason of their commitment and initiatives. Finally, the Commissioner pays tribute to a senior federal executive by awarding the Leon Leadership Award for 2005-2006.

PERFORMANCE REPORT CARD FOR FEDERAL INSTITUTIONS

This is the second edition of the Commissioner's Report Card for Federal Institutions. (See tables on pages 67 to 71.)

Firstly, it should be noted that this year's report card includes three additional federal institutions. Agriculture and Agri-Food Canada now figures in the "Economy, Transport and Security" portfolio, while Social Development Canada and the Canadian Museum of Civilization Corporation have been included into the "Social, Cultural and Other Institutions" portfolio.

Methodology

Performance is measured against 13 basic criteria grouped under five factors. Each basic criterion applies to all institutions subject to the Act, regardless of their respective mandate. The criteria were established following consultations with several stakeholders. A relative weighting has been assigned to each of the 13 criteria to calculate an overall score for each institution. It was also possible to calculate an overall score for all of the institutions according to the factors that were examined. The detailed scoring guide describes the methodology used by analysts to score institutions. The guide can be found at:

www.ocol-clo.gc.ca/archives/ar_ra/2005_06/rating_guide_notation_e.htm

All institutions evaluated last year are still part of the report card in 2005-2006, with the sole exception of the Public Service Commission, which was assessed this year in terms of its coordination and leadership role in the area of appointments to bilingual positions in the public service.[30] The scope of the report card will broaden over time to record changes in institutional performance and the degree of commitment of the federal public service to official languages.

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[30] See the section on the roles of key institutions in Chapter 6.

METHODOLOGICAL CONSIDERATIONS

It is worth noting that the methods used to gather data varied according to the factor being assessed. First, OCOL employees carried out direct field observations to measure the service provided to the public in the language of the linguistic minority: visual active offer, active offer and quality of in-person service and over the telephone. For other factors, our office used other sources of information (interviews, study of relevant documents and analysis of statistical data on the composition of the workforce and its bilingual capacity). In the case of service to the public and equitable participation, greater emphasis was placed on results. In regard to other factors, structural mechanisms, in particular, were examined.

Finally, this performance evaluation looked at a limited number of federal institutions, that is, over 30 out of approximately 200 in total.

PRESENTATION OF RESULTS

The results are presented in a manner that permits quick comparisons between institutions with similar characteristics. The "Economy, Transport and Security" portfolio is presented on pages 67, 68 and 69 of the report card, and the "Social, Cultural and Other Institutions" portfolio on pages 70 and 71.

The results of last year's evaluation are also shown to highlight changes in institutions' performance. The results are presented here in summary; more detailed information on the various institutions is presented in fact sheets posted on the OCOL Web site.[31]

The emoticons summarize the results:

☺☺ Exemplary
☺ Good
☺ Fair
☹ Poor
☹☹ Very Poor

The left hand column sets out the evaluation criteria and their relative value. The overall score is a combination of scores for each of the evaluated items. Changes in performance are highlighted in colour for ease of reading.

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[31] www.ocol-clo.gc.ca/archives/ar_ra/2005_06/list_institutions_liste_e.htm

PORTFOLIO: ECONOMY-TRANSPORT-SECURITY

■ decline
■ improvement

	Border Services		Fisheries and Oceans		Public Works		Canada Post		Canadian Forces		RCMP		Revenue	
	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006
MANAGEMENT														
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	😐	😐	☹	😐	😐	☹	☺	☺	☺☺	☺☺	☹	☹	☺☺	☺☺
b) Visibility of official languages in the organization (5%)	😐	😐	😐	😐	☺	☹	😐	☺	☺	☺	😐	😐	☺☺	☺☺
c) Complaints (5%)	☹	☹	☹	😐	☹	☹☹	😐	☹	☹☹	☹☹	☹	☹	☺☺	☺☺
SERVICE TO THE PUBLIC – PART IV														
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	😐	😐	☺	☺	😐	☺	😐	😐	☹	☹	☺	😐	☺	😐
b) Findings on active offer and service delivery (15%)	😐	😐	☹	☹	☹	☹☹	😐	☹	☹☹	☹	☹☹	☹	😐	😐
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	😐	😐	☹	😐	😐	😐	☺	☺	☺	☺	☹	☹	😐	😐
d) Bilingual services quality monitoring (4%)	☺	☺	☺	☺	😐	😐	☺☺	☺☺	😐	😐	☹	😐	☺☺	☺☺
LANGUAGE OF WORK – PART V														
a) Adequate bilingual supervision and language of work policy (12.5%)	😐	😐	😐	😐	☺	☺	😐	😐	☹	☹	☺	☺	😐	😐
b) Establishment of an environment conducive to both official languages (12.5%)	😐	😐	😐	😐	☺	☺	☺	☺	😐	😐	😐	☹	☺☺	☺☺
EQUITABLE PARTICIPATION – PART VI														
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺☺	☺☺	☺	☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺☺
b) Percentage of Anglophone participation in Quebec (5%)	☺☺	☺☺	☹	☹	☹	☹	😐	😐	N/A*	N/A*	☺☺	☺☺	😐	😐
DEVELOPMENT OF OL MINORITY COMMUNITIES AND PROMOTION – PART VII														
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	😐	😐	☺	😐	☺	☺	☺☺	☺☺	☺	☺	😐	😐	☺☺	☺☺
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	😐	😐	☺	😐	☺	☺	☺☺	☺☺	☹	☺	☹	☹	☺☺	☺☺
OVERALL RATING:	😐	😐	😐	☹	😐	☹	☺	☺	☹	😐	☹	☹	☺	☺

* Given that members of the Canadian Forces are very mobile, the representation of both language groups will not correspond to provincial demographic statistics.

PORTFOLIO: ECONOMY-TRANSPORT-SECURITY *(CONTINUED)*

■ decline
■ improvement

	Environment		Industry		Transport		Passport		Mortgage and Housing		Air Transport Security Authority		Business Development Bank	
	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006
MANAGEMENT														
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	😐	☺	☺☺	☺☺	😐	☺☺	😐	😐	☺	☺	😐	😐	☺	☺
b) Visibility of official languages in the organization (5%)	😐	☺	☺	☺	☺	☺	😐	😐	☺☺	☺	😐	☺	☺	☺
c) Complaints (5%)	😐	😐	☹	☺	😐	😐	😐	☺	☺☺	☺☺	☺	☹	☺☺	☺☺
SERVICE TO THE PUBLIC – PART IV														
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	😐	😐	☺	☺	☺	☺	☺	☺	😐	😐	☺☺	☹	☺☺	☹
b) Findings on active offer and service delivery (15%)	☹☹	☹☹	☹	☹	☹	😐	😐	😐	☹	☹☹	☹	☹	☹☹	☹
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	☺	☺	😐	😐	☹	☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺	☺☺	☺☺
d) Bilingual services quality monitoring (4%)	😐	😐	😐	😐	☺	☺☺	☺	☺	😐	😐	☺	😐	😐	☺
LANGUAGE OF WORK – PART V														
a) Adequate bilingual supervision and language of work policy (12.5%)	☺	☺	☺	☺	😐	☺	☹	☹	☺☺	☺☺	☹	😐	☺	☺
b) Establishment of an environment conducive to both official languages (12.5%)	☹	😐	😐	😐	😐	☺	😐	😐	☺☺	☺☺	😐	😐	☺	☺
EQUITABLE PARTICIPATION – PART VI														
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺	☺	☺☺	☺☺	☺	☺	☺☺	☺☺	☺☺	☺	☺	☺
b) Percentage of Anglophone participation in Quebec (5%)	☺☺	☺☺	☺	☺	😐	☺	☺	☺	😐	😐	N/A*	N/A*	☺☺	☺☺
DEVELOPMENT OF OL MINORITY COMMUNITIES AND PROMOTION – PART VII														
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	😐	😐	☺	☺	☹	😐	😐	😐	☺	☺☺	😐	😐	☺☺	☺☺
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	😐	😐	☺	☺	☹	😐	☹	😐	☺	☺	☹	☺	😐	☺
OVERALL RATING:	☹	😐	😐	😐	☹	😐	😐	😐	☺	☺	😐	😐	😐	☺

* No staff in Quebec (excluding NCR).

PORTFOLIO: ECONOMY-TRANSPORT-SECURITY (CONTINUED)

■ decline
■ improvement
☒ not assessed in 2004-2005

	Food Inspection Agency 2004-2005	Food Inspection Agency 2005-2006	NAV CANADA 2004-2005	NAV CANADA 2005-2006	Tourism Commission 2004-2005	Tourism Commission 2005-2006	VIA Rail 2004-2005	VIA Rail 2005-2006	Macdonald-Cartier Airport 2004-2005	Macdonald-Cartier Airport 2005-2006	Agriculture and Agri-Food 2004-2005	Agriculture and Agri-Food 2005-2006
MANAGEMENT												
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	😐	☺☺	😐	☺	☹	☹	☹	😐	☹	☺	☒	☺
b) Visibility of official languages in the organization (5%)	☺	☺	😐	😐	😐	☹	😐	☺	😐	😐	☒	☺
c) Complaints (5%)	☹	☺☺	☺	☺	☹	☹	😐	😐	☹	☺	☒	😐
SERVICE TO THE PUBLIC – PART IV												
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	😐	☺	☺☺	☺	☹	😐	☺☺	☹	☺☺	😐	☒	😐
b) Findings on active offer and service delivery (15%)	☹☹	☹☹	☺☺	☺	☺☺	☺☺	☹	☹	☺	☺	☒	☹☹
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	😐	☺	😐	😐	☹	☹	😐	😐	😐	☺☺	☒	☹☹
d) Bilingual services quality monitoring (4%)	😐	☺	😐	😐	😐	😐	😐	😐	😐	☺	☒	☺
LANGUAGE OF WORK – PART V												
a) Adequate bilingual supervision and language of work policy (12.5%)	😐	☺	☹	☹	😐	😐	☹	☺	😐	☺	☒	😐
b) Establishment of an environment conducive to both official languages (12.5%)	😐	☺	☹	☹	☹	☹	😐	😐	😐	☺	☒	😐
EQUITABLE PARTICIPATION – PART VI												
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺☺	☺☺	☺	☺	☺☺	☺☺	☺☺	☺☺	☒	☺☺
b) Percentage of Anglophone participation in Quebec (5%)	☹	☹	☺	☺☺	N/A*	N/A*	☺☺	☺☺	N/A*	N/A*	☒	☺
DEVELOPMENT OF OL MINORITY COMMUNITIES AND PROMOTION – PART VII												
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	😐	☺	☹	☹	☹	☹	😐	😐	N/A**	N/A**	☒	☺
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	😐	😐	☹☹	☹	☹	☹	😐	😐	N/A**	N/A**	☒	☺
OVERALL RATING:	☹	😐	☹	😐	☹	☹	😐	😐	😐	☺	☒	😐

* No staff in Quebec (excluding NCR).
** Part VII of the Act does not apply to the Ottawa Macdonald-Cartier International Airport Authority.

PORTFOLIO: SOCIAL-CULTURAL-OTHER INSTITUTIONS

■ decline
■ improvement
⊠ not assessed in 2004-2005

Legend: ☺ = good · ☺☺ = very good · 😐 = neutral · ☹ = poor · ⊠ = not assessed. Shaded cells indicate decline (blue) or improvement (gold).

	Health Canada		Human Resources		Social Development		CBC/Radio-Canada		Citizenship and Immigration		Statistics	
	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006
MANAGEMENT												
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	☺	☺	☺	☺	⊠	😐	☺	😐	☺☺	☺☺	☺☺	☺☺
b) Visibility of official languages in the organization (5%)	☺	☺☺	☺	☺	⊠	☺	☺	☺	☺☺	☺☺	☺	☺
c) Complaints (5%)	😐	😐	☹	😐	⊠	☺☺	☺	☺	☺	☺	☺☺	☺☺
SERVICE TO THE PUBLIC – PART IV												
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	😐	😐	😐	☺	⊠	☺	☺☺	☹	☺	☺	☺	☺
b) Findings on active offer and service delivery (15%)	☹	☹	☹	😐	⊠	😐	😐	☹	☹	☹	😐	☺
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	☺	☺	☺	☺	⊠	☺	☺	☺	☺	☺	☺☺	☺☺
d) Bilingual services quality monitoring (4%)	☺	☺☺	☺	☺	⊠	☺☺	☺	😐	😐	😐	☺☺	☺
LANGUAGE OF WORK – PART V												
a) Adequate bilingual supervision and language of work policy (12.5%)	😐	☺	☺	😐	⊠	😐	😐	☺	☺	☺	☺	☺
b) Establishment of an environment conducive to both official languages (12.5%)	😐	☺☺	😐	😐	⊠	☺	😐	😐	☺	☺	☺	☺☺
EQUITABLE PARTICIPATION – PART VI												
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺☺	☺☺	⊠	☺☺	☺☺	☺☺	☺☺	☺☺	☺	☺
b) Percentage of Anglophone participation in Quebec (5%)	😐	😐	☹	☹	⊠	☹	😐	😐	☺☺	☺☺	☹☹	😐
DEVELOPMENT OF OL MINORITY COMMUNITIES AND PROMOTION – PART VII												
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	☺☺	☺☺	☺☺	☺☺	⊠	☺☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺☺
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	☺☺	☺☺	☺	☺☺	⊠	☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺☺
OVERALL RATING:	😐	☺	😐	😐	⊠	☺	☺	😐	☺	☺	☺	☺☺

PORTFOLIO: SOCIAL-CULTURAL-OTHER INSTITUTIONS (CONTINUED)

■ decline
■ improvement
☒ not assessed in 2004-2005

	Parks		National Arts Centre		National Capital Commission		National Film Board		Canadian Museum of Civilization		Overall Average	
	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006
MANAGEMENT												
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	☺	☺	☹	☹	☺	☺	😐	😐	☒	😐		
b) Visibility of official languages in the organization (5%)	☺	☺	☺	☺	☺	☺	☺☺	☺☺	☒	☺	70%	73%
c) Complaints (5%)	☺	☺	☺☺	☺☺	☺	☺	☺☺	☺☺	☒	☺		
SERVICE TO THE PUBLIC – PART IV												
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	☺☺	☺	☺☺	☺☺	☺☺	☺	☺☺	☺☺	☒	☺		
b) Findings on active offer and service delivery (15%)	☹	☹	☺☺	☺	☺	☺	☺	☺	☒	☺☺		
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	☺	☺	😐	😐	☺	☺☺	😐	😐	☒	😐	62%	61%
d) Bilingual services quality monitoring (4%)	☺	☺☺	☺☺	☺	☺	☺	☺	😐	☒	😐		
LANGUAGE OF WORK – PART V												
a) Adequate bilingual supervision and language of work policy (12.5%)	☺	☺	☺	☺	☺	☺	☺☺	☺☺	☒	☺	65%	69%
b) Establishment of an environment conducive to both official languages (12.5%)	☺	☺☺	😐	😐	☺	☺	😐	😐	☒	😐		
EQUITABLE PARTICIPATION – PART VI												
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺☺	☺☺	☺	☺	☺	☺	☒	☺	83%	83%
b) Percentage of Anglophone participation in Quebec (5%)	☹☹	☹☹	N/A*	N/A*	N/A*	N/A*	☺☺	☺☺	☒	N/A*		
DEVELOPMENT OF OL MINORITY COMMUNITIES AND PROMOTION – PART VII												
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	☺☺	☺☺	😐	☺	☺	☺☺	☺	☺	☒	☺		
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	☺	☺☺	😐	☺	☺☺	☺☺	☺☺	☺☺	☒	☺	74%	78%
OVERALL RATING:	☺	☺	😐	☺	☺	☺	☺	☺	☒	☺	69%	71%

* No staff in Quebec (excluding NCR).

FINDINGS AND ANALYSIS

General findings

An analysis of the report card allows the overall institutional performance to be rated according to the factors examined:

- **Program management** – Overall, institutions obtained a performance rating of 73%, deemed "fair." A slightly higher mark would place them in the category of "good."

- **Service to the public** – Institutions obtained a collective grade of 61%, barely attaining the "fair" category. This disappointing result may indicate why the offer and availability of bilingual service to the Canadian public, in person or over the telephone, is not improving. This issue is discussed later in this chapter.

- **Language of work** – Institutions registered a grade of 69% for their efforts to reach their language-of-work objectives. This performance is considered "fair."

- **Equitable participation** – With respect to equitable participation, the institutions earned a "good" performance of 83%.

- **Development of official language communities and promotion of equal status of English and French** – Institutions obtained an overall performance grade of "good." Their rating of 78% is partly explained by the fact that 15 of the 31 institutions evaluated were already required to develop an action plan and report on these matters to Canadian Heritage. Thus, they were better prepared in terms of the evaluation criteria used. Emphasis must now be placed on results, following the adoption of Bill S-3, which mandates federal institutions to take positive steps to contribute to the development of communities and the promotion of linguistic duality in Canadian society.

Grading of performance factors

Exemplary	90-100%
Good	75-89%
Fair	60-74%
Poor	45-59%
Very Poor	44% and less

In light of these general findings, the Commissioner believes that it is useful to examine more closely the two factors registering the poorest institutional performance, namely, service to the public and language of work.

Service to the public

Bilingual capacity

Obviously, an essential element in offering good service is adequate bilingual capacity on the part of employees in federal institutions.

This year, the Commissioner asked all institutions being evaluated to provide data on the bilingual capacity of staff designated to offer bilingual service directly to the public. Most did so, but some were unable to, which casts doubt on their ability to serve the public properly and meet their linguistic obligations.

In addition to ensuring bilingual capacity, institutions must take additional measures to guarantee and respect the equality of English and French in service delivery. For example, ongoing monitoring of the quality of bilingual service should be more anchored in the culture of the federal public service. Too often, the outcomes of bilingual service are not evaluated and staff and managers responsible for service delivery are not sufficiently accountable. The same can be said of services delivered by third parties or in partnership. Finally, with a few exceptions, field observations of in-person service have not shown significant improvements this year.[32]

Active Offer

Active offer requires those delivering services to indicate to members of the public (verbally, visually and otherwise) that they can address employees and receive services in both official languages. Employees must ensure that the public is comfortable in dealing with federal institutions in the language of their choice.

An analysis of data collected during this evaluation confirms yet again that the active offer of bilingual services is not yet truly part of the service culture of organizations. In fact, active offer in person is practiced less than one time in four. The situation is scarcely better in terms of other forms of active offer.[33] Institutions subject to the Act must ensure that staff assigned to serve the public is properly trained in providing active offer and is evaluated for compliance.

On a regional basis, our observations show that visual active offer has clearly declined in Quebec. In the National Capital Region, visual and active offer seem to also have lost some ground. Results concerning active offer by staff are also not encouraging in Prince Edward Island and Alberta, for example.
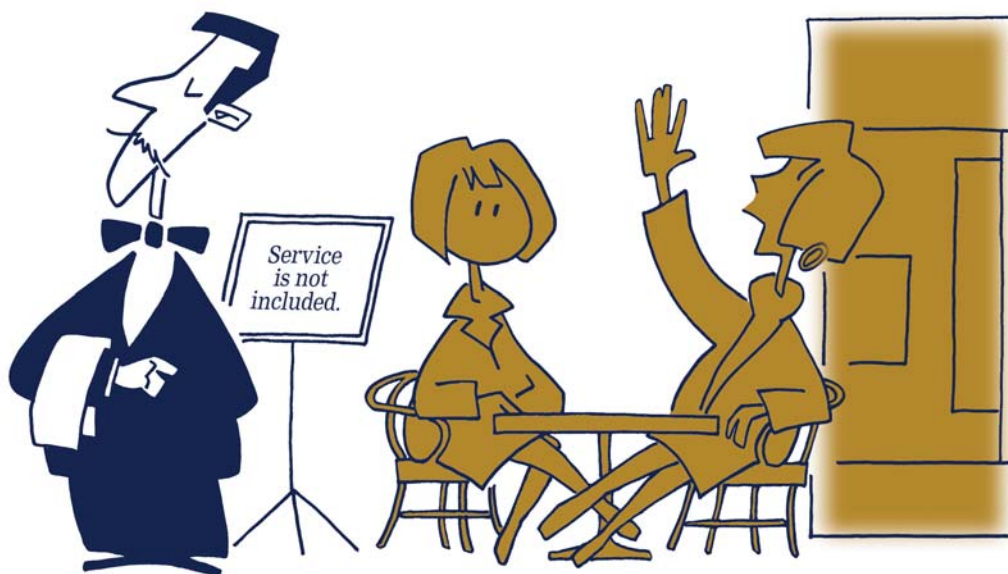
"IT'S TIME TO MOVE FROM A STANDARD OF ROUTINE SERVICE TO A CULTURE OF SERVICE EXCELLENCE"[34] [TRANSLATION]

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[32] Results for each institution are posted on the Web site of the Office of the Commissioner (www.ocol-clo.gc.ca/archives/ar_ra/2005_06/inperson_observations_enpersonne_e.htm).

[33] i.e. recorded telephone messages on telephone lines advertised as bilingual service points in BUROLIS, in telephone directories or in minority language media, as well as greetings by attendants who answer such lines.

[34] *Vers une nouvelle relation entre le gouvernement et les citoyens*, Summary of the colloquium proceedings, CEFRIO, Quebec, May 2005.

In-person service

Overall, observations by the Office of the Commissioner show that in-person service has not really improved over the last year. Nationally, it is estimated again this year that service delivery in the minority official language is adequate three times out of four. This finding leads the Commissioner to conclude that the quality of bilingual services offered to the public at the national level is stagnating.[35]

The following table shows the results of observations by province and territory, as well as last year's results for comparison. For each evaluated item, the left-hand figure shows the number of successful observations, and the right-hand figure shows the total number of observations.[36]

Table 1
Results by region: Observations on in-person service

REGION	VISUAL ACTIVE OFFER		ACTIVE OFFER BY STAFF		ADEQUATE SERVICE	
	2004-2005	2005-2006	2004-2005	2005-2006	2004-2005	2005-2006
N.L.	3/5	10/12	1/5	5/12	3/5	4/12
N.S.	9/18	15/24	5/18	4/24	10/18	12/24
P.E.I.	7/8	10/17	0/8	1/17	3/8	8/17
N.B.	25/26	32/36	7/26	8/36	24/26	30/36
Quebec	40/50	30/73	10/50	7/73	40/50	44/73
NCR	22/23	28/39	16/23	15/39	23/23	30/39
Ontario	44/58	50/74	15/58	19/74	37/58	42/74
Manitoba	10/13	16/23	2/13	11/23	4/13	13/23
Saskatchewan	13/14	22/28	4/14	15/28	7/14	15/28
N.W.T.	2/6	2/4	0/6	1/4	3/6	2/4
Alberta	16/22	10/21	3/22	2/21	17/22	10/21
B.C.	15/21	16/25	3/21	8/25	17/21	18/25
Yukon	2/3	4/6	0/3	2/6	2/3	5/6

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[35] The sample used for field data collection was established by Statistics Canada and was primarily designed to collect representative information in order to evaluate the performance of each institution.

[36] It should be noted that the Office of the Commissioner did not carry out any observations on in-person service in Nunavut.

What about service delivery over the telephone? The following table shows results for services delivered over the telephone in each province and territory.[37]

Table 2
Results by region:
Observations on telephone service

REGION	ACTIVE OFFER	ADEQUATE SERVICE
N.L.	9/10	4/10
N.S.	18/25	18/25
P.E.I.	12/16	11/16
N.B.	31/33	31/33
Quebec	43/74	59/74
NCR	32/37	31/37
Ontario	59/75	56/75
Manitoba	11/20	12/20
Saskatchewan	14/28	17/28
N.W.T.	2/4	2/4
Alberta	14/22	16/22
B.C.	19/29	16/29
Yukon	3/6	4/6

New Brunswick stands out in terms of active offer and delivering service over the telephone in the minority official language. Newfoundland and Labrador also garners a positive review for actively offering service in both official languages. However, this latter province must ensure that it has sufficient infrastructure to deliver the expected service in the minority official language.

The mediocre performance in some provinces is disappointing. After all, many of the telephone lines checked were answered by an automated system or an answering machine. Yet, it would be so simple to set up bilingual messages. Officers from the Office of the Commissioner even found that some telephone

numbers advertised as offering bilingual service turned out to be unilingual lines offering services only in the language of the majority.

For the Commissioner, this is an area of zero tolerance. Promoting the equality of English and French necessarily requires appropriate advertising of office addresses and telephone numbers where services of equal quality are offered in the official language of choice.

Language of Work

The Commissioner's earlier studies[38] clearly show that technical measures—such as offering workplace documents in both languages or providing language training for managers and supervisors who do not meet the linguistic requirements of their positions—are not enough. Strong leadership is needed to create a culture of respect for and acceptance of the linguistic values that lie at the heart of the *Official Languages Act*. The study on language of work in the National Capital Region showed that English often prevails in both verbal and written communications, mainly because many supervisors lack adequate French language skills, leading to an organizational culture in which

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[37] Data on "active offer" do not distinguish between various types of initial contact (automated system, answering machine or attendant). The "adequate service" column reflects the number of occasions where the service was delivered in the minority official language with a level of quality comparable to the service delivered in the majority language.

[38] Office of the Commissioner of Official Languages, *Making It Real: Promoting Respectful: Co-existence of the Two Official Languages at Work* (April 2005) and Office of the Commissioner of Official Languages, *Walking the Talk: Language of Work in the Federal Public Service* (March 2004).

working in English is a well-established habit. On the other hand, in bilingual regions in Quebec, French dominates as the language of work in departments, except for Crown corporations, where a higher proportion of employees are English-speaking than in government departments, and the use of both languages is more evenly balanced.

It is encouraging to see that almost all departments evaluated have improved the bilingual capacity of senior management. At Passport Canada, however, only 60% of senior managers in bilingual positions meet the linguistic requirements of their positions. This institution has much catching up to do.

Another positive finding is that the bilingual capacity of supervisors in bilingual regions has improved, with over half of all institutions recording progress in this area. The situation has remained stable for some institutions, and three show a slight decrease. The Canadian Air Transport Security Authority has slipped in this area.

Another promising finding: some institutions are following up more closely on the linguistic skills of supervisors in bilingual positions.

However, efforts must continue to encourage the effective use of both languages and promote the equality of English and French in the workplace. Senior management plays a central role in enforcing the right of staff to work in the official language of their choice. This requires that senior officials put into effect mechanisms to evaluate the implementation of a language-of-work policy, just as they would do for any other program, and hold public service employees accountable.

COMPARATIVE ANALYSIS OF INSTITUTIONAL PERFORMANCE

On the whole, the data gathered (see tables on pages 67 to 71) for this evaluation leads to the conclusion that there is a slight shift in the right direction. Nine institutions saw their overall grade climb to a higher category, while three saw their grades fall.

Statistics Canada deserves to be cited for its "exemplary" performance. This is in no small part due to the attentive leadership of Chief Statistician Dr. Ivan Fellegi, who was the first recipient of the Leon Leadership Award created by the Commissioner at the beginning of her mandate.

Thirteen other institutions received an overall score of "good," including, for the first time, **Health Canada**, the **Business Development Bank of Canada** and the **Ottawa Macdonald-Cartier International Airport**. However, **CBC/Radio-Canada**, which was ranked "good" last year, was downgraded this year. This year, **Fisheries and Oceans** and **Public Works and Government Services Canada** join the ranks of "poorly" performing institutions.

Program Management

Gains in program management achieved by the **Canadian Food Inspection Agency**, **Health Canada** and the **Ottawa Macdonald-Cartier International Airport** deserve mention. On the other hand, **Public Works and Government Services Canada** has lost ground. It is worth mentioning that the Office of the Commissioner conducted an audit of program management in that Department this year. It revealed that the Department must show stronger leadership if it hopes to improve its performance in this regard.

- Canadian Food Inspection Agency
- Health Canada
- Ottawa Macdonald-Cartier International Airport

Service to the Public

Regarding service to the public, **Transport Canada**, **Statistics Canada** and **Human Resources and Skills Development Canada** have made progress, while **Canada Post** and the **CBC/Radio-Canada** have slipped. It is disappointing to see the very poor results posted by **Public Works and Government Services Canada** and the **Canada Mortgage and Housing Corporation**.

- Transport Canada
- Statistics Canada
- Human Resources and Skills Development Canada

Language of Work

The following institutions have taken further initiatives to create a workplace conducive to the use of both languages: **Parks Canada**, **Statistics Canada**, **Health Canada**, **Canadian Food Inspection Agency**, the **Ottawa Macdonald-Cartier International Airport** and **Transport Canada**. The results are less encouraging at **Public Works and Government Services Canada** and the **Royal Canadian Mounted Police**.

- Parks Canada
- Statistics Canada
- Health Canada
- Canadian Food Inspection Agency
- Ottawa Macdonald-Cartier International Airport
- Transport Canada

The case of **National Defence** deserves mention. For several decades, successive commissioners have been noting in their investigations and annual reports the mediocre performance of this institution regarding language of work. Yet again this year, the Commissioner has found poor performance in the use of both official languages at Department Headquarters in Ottawa.[39] It is time for this institution to roll up its sleeves and move beyond the planning stage. It should aim for full implementation of the Act.

Development of Official Language Communities and Promotion of Equality of English and French

The *Official Languages Act* and the Accountability Framework on Official Languages impose obligations in terms of development of official language minority communities and promotion of equality of English and French in Canadian society. Institutions subject to the Act are required, among other obligations, to ensure that their strategic planning, policy-making and program development processes take this commitment into account. Institutions joining the "exemplary" category are: the **National Capital Commission**, **Parks Canada** and **Human Resources and Skills Development Canada**.

- National Capital Commission
- Parks Canada
- Human Resources and Skills Development Canada

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[39] See details at www.ocol-clo.gc.ca/archives/sst_es/2005/dnd_mdn/dnd_mdn_e.htm.

In conclusion, the following institutions show the most improvement over the previous year: **Transport Canada**, the **Canadian Food Inspection Agency** and the **Ottawa Macdonald-Cartier International Airport**. The Commissioner congratulates these institutions and encourages them to keep up the good work.

- Transport Canada
- Canadian Food Inspection Agency
- Ottawa Macdonald-Cartier International Airport

SHOWCASE OF SUCCESS STORIES FOR 2005-2006

LEON LEADERSHIP AWARD FOR 2005-2006

As has been the practice for the last few years, the Commissioner solicited nominations for an award recognizing the head of an institution in the federal public service who stands out in the area of leadership on official languages.
After reviewing the nominations, the Commissioner is pleased to award the Leon Leadership Award for 2005-2006 to **Mr. Alan Latourelle, Director General, Parks Canada Agency**.

Since Mr. Latourelle assumed his position in 2002, the Agency has made considerable efforts to integrate both official languages fully in its operations and to promote Canada's linguistic duality.

Despite its status as a separate employer, the Parks Canada Agency has retained all Treasury Board policies, which are well ingrained in the organization's culture. Under Mr. Latourelle's leadership, the Agency has even adopted two directives that go beyond public service requirements. It is the policy of Parks Canada that all PCX (or EX equivalent) positions be designated bilingual in every region of the country. The Agency also uses imperative staffing for all PCX positions in regions designated bilingual for language of work.

Meetings of the Executive Committee take place in both official languages, since all participants have the language skills required. Monthly meetings of senior agency managers, chaired by Mr. Latourelle and involving some 75 people, are always held in both official languages. This style of chairmanship creates a climate conducive to the use of both official languages within the Agency.

Parks Canada systematically surveys visitors to gauge their satisfaction and to evaluate the availability and quality of services in both official languages.

In addition, at the Minister's round table—a biannual public consultation of national stakeholders and partners—the Agency proactively ensures significant participation by organizations representing both of Canada's linguistic communities.

Under Mr. Latourelle's leadership, the Agency has taken many initiatives to promote Canada's linguistic duality. One such initiative is "Parks Canada in schools," a program designed to provide teachers throughout the country with course materials concerning protected heritage areas managed by the agency. Parks Canada also seized the opportunity of the 400th anniversary of the arrival of French settlers in Canada in 2004 to create a lesson plan for high-school students in order to encourage greater knowledge of individuals, events and places of national historic importance related to the French presence in Canada.

The Commissioner congratulates Mr. Latourelle for his leadership in creating a culture of respect of linguistic duality within his organization and seeking to promote this value throughout Canadian society.

SUCCESS STORIES FOR 2005-2006
1) Federal councils

Federal councils are comprised of senior departmental officials from federal departments and institutions in regions. This year, the Commissioner salutes their work and their heightened interest for official languages. For about six years, federal councils have played a more dominant leadership role in the provision of integrated and improved services. The Commissioner also wants to highlight the important role the councils play in the horizontal governance of official languages.[40]

Pacific Federal Council

The Official Languages Committee of the Pacific Federal Council produced a bilingual DVD, titled *Employee Orientation to Official Languages in British Columbia*. This tool, intended for both new and existing staff, includes a history of the Francophone community in British Columbia and addresses the role of central agencies in the area of official languages while illustrating what active offer of service in English and French means. Four hundred copies of the DVD were distributed in departments and agencies in British Columbia.

Last year, the Committee also produced a mouse pad showing a few basic expressions in English and French, along with a pronunciation guide for the main phrases used in active offer of service. Three other federal councils have adopted the same concept. The mouse pad was so successful that an identity card displaying several of the same phrases was also designed. Twenty thousand cards were distributed in British Columbia for federal government employees.

The Official Languages Committee of the Pacific Federal Council also sponsors on-line, Internet based learning maintenance courses. Four courses allowed 25 participants to update their knowledge of French. The courses are designed for employees who work shifts, who often travel on business or who live in areas where no courses are offered. This pilot project, open to employees across Western Canada, was made possible thanks to the Regional Partnership Fund of the Public Service Human Resources Management Agency of Canada.

New Brunswick Federal Council

The Official Languages Committee of the New Brunswick Federal Council organized the first Official Languages Week in the province. Celebrating the value of official languages, under the theme "Official Languages, Our Treasure", the week's events dealt with the obligations and rights of public servants regarding language of service and language of work. This activity helped over 500 federal public servants from across the province gain a better understanding of the *Official Languages Act* and the tools at their disposal.

Alberta Federal Council

In November 2005, the Alberta Federal Council organized a lunch event to set up a network of program officers in several departments with a mandate to support the Francophone community. The aim was to share information, improve understanding of each officer's programs and create personal contacts to help departments offering funding programs comply with section 41 of the *Official Languages Act*.

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[40] Chapter 2 of this report deals entirely with the issue of horizontal governance.

Quebec Federal Council

The Quebec Federal Council created a recognition program to reward the most exemplary contributions of federal public servants in Quebec in the area of official languages. In 2005, the Federal Council awarded its first prize to Ms. Élisabeth Châtillon, former Deputy Commissioner of the Canada Revenue Agency for the Quebec Region, for her initiative, entitled "Quality Management System - Official Languages." This innovative project promotes the use of both languages in the workplace and also raises awareness of the values of linguistic duality and respect for others. Other institutions, such as Citizenship and Immigration Canada and Transport Canada, have developed a similar model and adapted it to their own setting.

Nova Scotia Federal Council

The Nova Scotia Federal Council, together with a number of departments and agencies, is offering interdepartmental sessions for learning retention and introduction to conversational French in Halifax-Dartmouth and Sydney. The learning retention sessions are designed for individuals with a valid B or C level in oral interaction, while the introduction to French sessions are designed for those with a basic knowledge of spoken French. One hundred and fifty one employees from both federal and provincial levels of government registered for the Fall/Winter 2005-2006 sessions.

Ontario Federal Council

The Ontario Federal Council held its first Forum on Official Languages last January 23 and 24 at Niagara-on-the-Lake. Nearly 80 attendees from different organizations and departments throughout the province took part in numerous activities, including: conferences, a discussion with the leaders of various activity sectors, and a session on best practices. Forum results will lead to the development of recommendations aimed at highlighting official languages in Ontario.

Manitoba Federal Council

The Société franco-manitobaine, the provincial French Language Services Secretariat and the Manitoba Federal Council jointly created the Prix Ronald-Duhamel, to be awarded annually to a public servant or team of public servants in a federal or provincial organization that distinguish themselves in promoting the vitality of Manitoba's Francophone community. The partners awarded the prize for the first time at Les Rendez-vous de la Francophonie, in March 2006, to Edmond Labossière (provincial government representative) and Mike Styre (federal government representative) for their contribution to the establishment of the Bilingual Services Centres in Manitoba.

Newfoundland and Labrador Federal Council

The Official Languages Committee of the Newfoundland and Labrador Federal Council collaborated with Service Canada and several other federal departments on an initiative that established a Service Canada mobile office for Francophones of the Port-au-Port Peninsula. Thus, a few days a week, the citizens of Black Duck Brook, Mainland and Cape St. George receive federal government services in their language, in their own community. It is interesting that this service came about from a community consultation held in 2003.

2) Federal Institutions

The Commissioner congratulates certain institutions that have shown leadership in different aspects of the implementation of the *Official Languages Act*. Here are the Success Stories for 2005-2006.

Canada Revenue Agency

A Tax Services Office in the Quebec Region found a way to help its auditors work in English in order to retain their learning. Every year, under an agreement with the Toronto Centre office, the Eastern Quebec office audits a number of major files from the Toronto Region. Auditors thus have an opportunity to improve their oral communication in their second language in the areas of tax, audit and accounting.

In addition, the Toronto East Tax Services Office created a French Toastmasters Club to help employees in bilingual positions maintain their language skills. The club encourages participation by bilingual employees from other government offices located in Scarborough, and had 17 members in the winter of 2006.

For its part, the Pacific Regional Office helped design a new promotional brochure for the Association franco-yukonnaise by translating material from French to English. The bilingual brochure helps the Association in its efforts to raise awareness of the presence and achievements of the Francophone community in the territory.

In addition, on the occasion of the 60th anniversary of the Fédération des Francophones de la Colombie-Britannique, the Agency provided translation of a souvenir booklet to support the federation in promoting this project.

Canadian Food Inspection Agency
The official languages team at the Atlantic Operations Centre launched a language training and development program related to succession planning within the organization. The Centre was able to create a pool of fully bilingual candidates who will be ready to apply for bilingual positions in future. That initiative was made possible thanks to the support of the Agency's Development Fund.

The Canadian Food Inspection Agency has also invested considerable resources in improving its employees' skills in official languages. In particular, the Agency developed and implemented a language training program to support employees who wished to improve their skills in their second official language. A number of employees have taken advantage of the program and the Agency has observed significant growth in demand.

Natural Resources Canada
The Minerals and Metal Sector of Natural Resources Canada offers an internal language training program to encourage daily, continuous use of the second language and improve the linguistic capacity of staff. The program

also offers a range of other services, such as coaching for employees who give speeches or presentations in their second language, workshops on a variety of topics, and private lessons. The sector also organizes cultural activities throughout the year, especially as part of Les Rendez-vous de la Francophonie. All staff are eligible, regardless of classification, language profile or job linguistic requirements. This year, the program is delivering four 10 week sessions to close to 200 employees.

Canadian Heritage
Canadian Heritage developed an on-line tool entitled "Making Your Organization Bilingual," which encourages and helps volunteer, private- and public-sector organizations offer bilingual services. Through this Web site, Canadian Heritage fosters the exchange of best practices. This tool is currently being promoted across the country.

3) Encouraging initiatives in other sectors of Canadian society
The Commissioner also wishes to congratulate the organizations and governments that distinguished themselves throughout the year through their special efforts or innovative measures in official languages.

A modern look for Saskatchewan's francophonie
Saskatchewan has given itself a major promotional strategy, whose objective is to make the province's francophonie better known, both to the French-speaking population and the majority. A coalition of private, government and community-based organizations has been established with a view to promoting a dynamic, inclusive and modern image of the French language and culture in Saskatchewan. Grouping representatives of the Francophone population and as well as the community at large, the Coalition hopes to increase the participation by the citizens of this province in all facets of the francophonie, whether it be first- or second-language education or in the number of activities that are held within the French-speaking community. Last March in Saskatoon, the Coalition launched its five-year campaign, named *Francofièvre*, in front of a crowd of 1,400 young students from the province's immersion and French schools.

Francophone immigration in Manitoba: It's everyone's business

Manitoba Premier Gary Doer and Finance Minister Greg Selinger joined a Franco-Manitoban economic mission to Alsace, France, last year. In total, more than 75 people from all sectors took part in this delegation—funded by the federal and provincial governments—that aimed at achieving concrete results for the community. The Franco-Manitoban community has since witnessed a tangible increase in Francophone immigration within the province's business sector and expanded co-operation with that region of France with respect to early childhood and health services in French. Francophone immigration remains at the forefront and continues to make progress, which is a sign of this community's vitality.

Sherbrooke Police Service

Following the merger in 2002 of the city of Sherbrooke and neighbouring municipalities such as Lennoxville (which includes a sizeable Anglophone community), 30 Sherbrooke police officers volunteered to sign up for English courses. This laudable initiative will allow the Sherbrooke Police Service to offer better service in English to the region's Anglophone population.

Community Partnership in Manitoba

The Manitoba Federal Council, the provincial French Language Services Secretariat and the Société franco-manitobaine organized a federal provincial-community forum on Manitoba's Francophone community in March 2006 as part of the Rendez-vous de la francophonie. This forum, entitled *ConverGence : Mieux se connaître pour mieux travailler ensemble*, was designed to enlist public servants in changing their organization culture to meet the linguistic obligations of their respective governments. The forum facilitated dialogue between public servants and community representatives and helped explore new mechanisms for collaboration.

Municipalities Make Progress on Languages

As many stores in regions with Francophone majorities have no French signage, three Eastern Ontario municipalities, Clarence-Rockland, Casselman and La Nation, adopted municipal bylaws this year requiring new businesses opening in their jurisdictions to post signs in both official languages, giving English and French equal prominence.

Last August, the City of Montréal, in its role of World Book Capital 2005, appointed English-speaking journalist Josh Freed its Ambassador, in recognition of the cultural contribution of its English-speaking population. In September, following a special agreement between Ontario and Quebec municipalities, the annual congress of the Association française des municipalités de l'Ontario (AFMO) took place both in Kirkland Lake, Ontario and Rouyn-Noranda, Quebec. The congress discussions focused on "Conventions Without Borders: Common Challenges," and included, among other things, the promotion of economic and cultural development in official language communities and a study of concrete steps to take to publish bylaws in English and French.

Laskin Moot Court Competition: Partnership between the Association des juristes d'expression française du Manitoba and the University of Manitoba

In February 2006, teaming up with the Association des juristes d'expression française du Manitoba, the University of Manitoba participated for the first time in the Laskin Moot Court Competition. This national moot competition, focusing on constitutional law, is open to Canadian law students. Every year, almost all law schools (including both civil and common law) participate in the moot. As part of this prestigious competition, all teams are required to provide teams to plead in both official languages. Renowned judges and lawyers also participate in the competition.

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CHAPTER **EIGHT**
INVESTIGATIONS AND AUDITS

INVESTIGATIONS AND AUDITS

INTRODUCTION

Every year, the Commissioner receives complaints from the public regarding the application of the *Official Languages Act*. Her role is to analyze the validity of these complaints and to work closely with the institutions involved to address the issues that are raised. She also carries out audits and follow-ups and makes recommendations for lasting solutions.

This chapter is divided into three sections. The first presents an analysis of complaints received in 2005-2006. The second describes various categories of complaints examined during this period that are considered to be of particular interest. The third section provides an account of audits and follow-ups completed in 2005-2006.

ANALYSIS OF COMPLAINTS

The types of complaints change from one year to the next. The following is a detailed analysis for 2005-2006.

INFORMATION REQUESTS

The Compliance Assurance Branch received 492 information requests in 2005-2006, an increase of 29% from the previous year (373 in 2004-2005). Only those information requests received by the Compliance Assurance Branch are presented here; general information requests received at OCOL are not included. Of this number, 43% (213) came from English-speakers and 57% (282) from French-speakers.

COMPLAINTS
Below is a breakdown of the complaints filed over the last year:

- a total of 939 complaints, representing a 19% decrease from the previous year (1,151);

- 74% of the complaints (694) were admissible, approximately the same percentage as in previous years;

- as in previous years, most of the complaints (86%) came from Francophones;

- the number of complaints filed by Anglophones fell from 213 in 2004-2005 to 127 (a decrease of 41%). However, this follows a 47% rise between 2003-2004 and 2004-2005 and, consequently, signals a return to more usual levels.

The current number of complaints received is in line with the general trend of the last four years.

COMPLAINT INVESTIGATION PROCESS

A complaint is deemed admissible when it relates to an obligation covered by the *Official Languages Act*, involves a federal institution subject to the Act, and concerns a specific incident. If a complaint is admissible, it is investigated to determine whether there was a contravention of the Act (the complaint is founded) or no contravention of the Act (the complaint is unfounded).

At the end of this process, both the complainant and the institution are informed of the Commissioner's decision and are given the opportunity to comment. The Commissioner may make recommendations and follow up to ensure that these recommendations have been implemented.

When appropriate, OCOL works with the institution against which the complaint was lodged to find a quick resolution to the problem. This year, 26% of admissible complaints were handled through a rapid resolution process.

ANALYSIS OF COMPLAINTS

Figure 1 shows the origin of admissible complaints by region.

The majority of admissible complaints came from the National Capital Region (NCR) and the Atlantic provinces. This is consistent with previous years.

THE 10 MOST TARGETED INSTITUTIONS

This year, 357 of the 694 admissible complaints (51%) concerned 10 institutions. In general, these institutions are in close contact with the public. Table 1 provides a detailed breakdown of admissible complaints against these 10 institutions. It should be pointed out that although these complaints are admissible, they are not necessarily founded.

Figure 1
Number of admissible complaints by region
April 1, 2005 to March 31, 2006
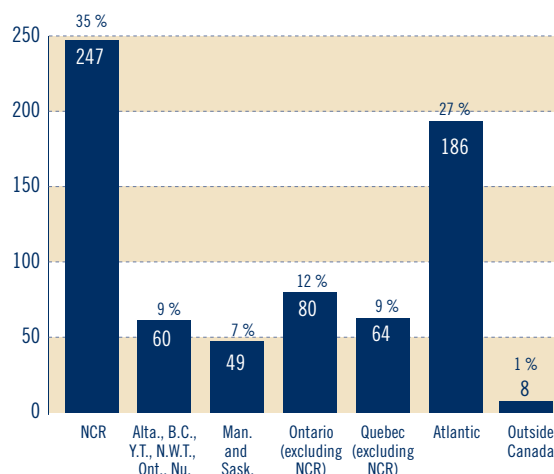
Table 1
Number and status of admissible complaints against the 10 most targeted institutions
April 1, 2005, to March 31, 2006

DEPARTMENT/ INSTITUTION	TOTAL ADMISSIBLE COMPLAINTS	FOUNDED	UNFOUNDED	UNDER INVESTIGATION	OTHERS[41]
Air Canada	69	21	9	33	6
Canada Post Corporation	58	32	5	21	0
Public Works and Government Services Canada	41	23	1	17	0
Canada Revenue Agency	35	15	5	15	0
Department of National Defence	34	8	7	19	0
Halifax International Airport	30	0	0	30	0
Human Resources and Skills Development Canada	26	6	5	15	0
Canada Border Services Agency	25	5	1	14	5
Environment Canada	20	6	1	13	0
Royal Canadian Mounted Police	19	0	1	18	0

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41 The category "Others" includes complaints withdrawn by the complainant during the investigation. It also includes complaints that OCOL decided to abandon for one of three reasons: the complainant failed to provide sufficient information; the investigation revealed that the complaint did not fall within the purview of OCOL; or the complaint is pending a decision by a third party.

ADMISSIBLE COMPLAINTS BY MAJOR CATEGORY

Of the admissible complaints made during 2005-2006:

- 456 complaints about language of service, a decrease from last year (587), represented 66% of admissible complaints lodged;

- 111 complaints (16%) were about language of work;

- 14 concerned equitable participation;

- there has been a 14% increase in complaints about the language requirements of positions (section 91 complaints), up to 64 this year;

- 6 complaints concerned the promotion of English and French (Part VII of the Act).

Figure 2
Admissible complaints by major category

- ☐ Language of work
- ■ Language requirements of positions
- ☐ Equitable participation
- ☐ Promotion of English and French
- ■ Language of service
- ■ Others

111 (16%)

14 (2%)

64 (9%)

6 (1%)

43 (6%)

456 (66%)
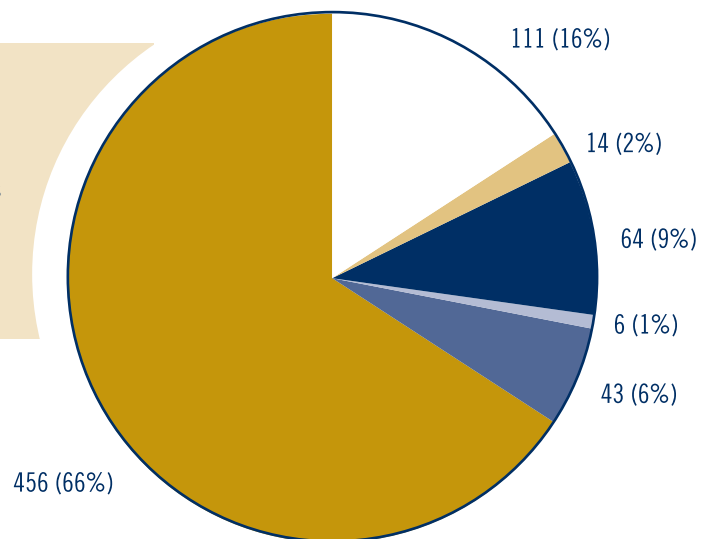
The following table presents the number of complaints by province/territory and by major category.

Table 2
Number of admissible complaints by province/territory and by major category
April 1, 2005 to March 31, 2006

PROVINCE/ TERRITORY	ADMISSIBLE COMPLAINTS	SERVICE TO THE PUBLIC	LANGUAGE OF WORK	LANGUAGE REQUIREMENTS OF POSITIONS	PROMOTION OF ENGLISH AND FRENCH	EQUITABLE PARTICIPATION	OTHERS
Newfoundland and Labrador	3	3	0	0	0	0	0
Prince Edward Island	42	36	0	3	0	0	3
Nova Scotia	78	37	3	6	0	0	32[42]
New Brunswick	63	41	6	12	1	3	0
Quebec	64	37	18	7	1	1	0
National Capital Region (Quebec)	50	18	25	6	0	1	0
National Capital Region (Ontario)	197	105	55	27	2	6	2
Ontario	80	74	3	0	2	0	1
Manitoba	35	33	0	2	0	0	0
Saskatchewan	14	12	0	1	0	1	0
Alberta	29	23	0	0	0	2	4
British Columbia	25	24	1	0	0	0	0
Yukon	5	4	0	0	0	0	1
Northwest Territories	0	0	0	0	0	0	0
Nunavut	1	1	0	0	0	0	0
Outside Canada	8	8	0	0	0	0	0
TOTAL	694	456	111	64	6	14	43

Note: Approximately 75% of complaints are admissible. Complaints that are not investigated are referred to an appropriate institution or refused because they do not fall under the jurisdiction of the *Official Languages Act* or its Regulations.

The category "Others" mainly includes complaints regarding notices, administration of justice and discrimination as a result of lodging a complaint.

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[42] The high number of complaints from Nova Scotia under the category "Others" is the result of notices published by the Halifax International Airport in English-language newspapers and not published in French-language newspapers.

SERVICE TO THE PUBLIC

The five major categories of admissible complaints about service to the public were:

- written communications (22%);

- person to person communication (19%): receptionists, customs officers, postal workers, police officers, etc., who do not actively offer services in both official languages or who do not provide services in the language of choice of the client;

- communications in the media (14%): nearly all of these complaints were about the lack of advertising in official language minority publications;

- ground services for the travelling public (13%);

- telephone communications (12%).

LANGUAGE OF WORK

OCOL processed 111 admissible complaints regarding language of work, most of which came from the National Capital Region (NCR). Of these complaints, 43 (39%) concerned internal communications and 13 (12%) involved professional development.

Figure 3

Number of admissible complaints about language of work, by language of complainants and region April 1, 2005 to March 31, 2006

■ Francophones
■ Anglophones
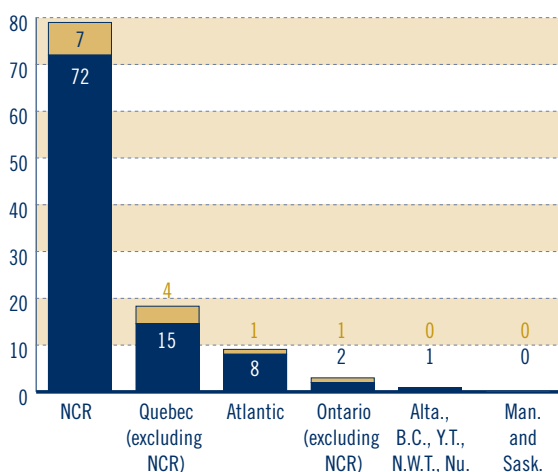
EQUITABLE PARTICIPATION

This year, there was a significant decrease in admissible complaints (from 45 to 14) concerning the lack of equitable participation of the two official language groups in the public service. This decrease marks a return to more usual levels after the increase last year, resulting from the April 2004 implementation of the Treasury Board's new policy on imperative staffing.

LANGUAGE REQUIREMENTS OF POSITIONS

This year, 9% of admissible complaints involved language requirements of positions, approximately the same proportion as last year.

PROMOTION OF ENGLISH AND FRENCH

As shown in Table 2, six admissible complaints identified contraventions of Part VII of the Act, which sets out the government's commitment to support the development of Canada's English and French speaking minorities and to foster the full recognition and use of English and French in Canadian society. This is a decrease compared with the last three years, but represents a return to previous levels.

COMPLAINT ANALYSIS BY THEME

This section provides an overview of some cases processed in 2005-2006. These cases are organized according to five themes that emerged from the hundreds of complaints analyzed:

- public safety and security;

- Canada's image;

- minority press issues;

- consultations with official language minority communities; and

- language training.

PUBLIC SAFETY AND SECURITY

The *Official Languages Act* clearly states the obligation to provide services in the user's language of choice in designated offices. It is particularly important that federal institutions comply with this obligation when the health, safety or protection of the population is at issue. Following investigations by OCOL, many institutions have put stronger measures in place to meet this obligation.

• **Presentation of safety instructions on ferry boats**

OCOL received a complaint regarding the unilingual English presentation of safety instructions and unilingual English signs showing the location of emergency exits aboard the Halifax-Dartmouth ferry. Following OCOL's investigation, Transport Canada arranged to have presentations in both official languages and ensured that English and French signs on safety measures were installed side by side.

• **Commissionaires**

Commissionaires are often the first point of contact between the public and a government department, since their duties include control of visitor access to government buildings. Following complaints criticizing the absence of bilingual services in many departments, OCOL investigated the administration of commissionaire services in federal government buildings. The investigation established that the federal government's policy grants the Canadian Corps of Commissionaires (CCC) the right of first refusal for commissionaire services inside a federal building. If the CCC is unable to provide the service requested, federal organizations may look elsewhere. However, because the procedure for establishing language requirements was vague, the CCC accepted requests but failed to provide staff with the required language skills.

The findings of this investigation prompted Public Works and Government Services Canada (PWGSC), the organization responsible for negotiating contracts, to review the government's contract with the CCC. The CCC must, in the future, assign bilingual commissionaires if an organization is required to fulfill this obligation. If it is unable to meet this requirement, it must refuse the contract. PWGSC has also modified the content of its Web site to inform organizations of their official language responsibilities, particularly regarding the hiring of commissionaires.

Another positive development is the notable effort made by Passport Canada in meeting its responsibilities. The organization instituted a series of proactive measures to raise awareness among commissionaires assigned to their offices and to ensure they had the skills required to provide front-line services to people waiting for a passport. The Commissioner congratulates Passport Canada on this initiative.

INSTITUTIONS MUST REQUIRE THAT BILINGUAL COMMISSIONAIRES BE ASSIGNED (WHERE REQUIRED).

- **Environment Canada's meteorological Web site**

OCOL received complaints regarding Environment Canada's meteorological services Web site, which published weather warnings that were often more detailed in English than in French. In response to the investigation, Environment Canada now publishes the information in both official languages in the same degree of detail simultaneously.

- **Canadian Air Transport Security Authority (CATSA)**

The evaluation of CATSA, the organization responsible for pre-boarding checkpoints at airports, is far less encouraging. Although it received a detailed report containing seven recommendations in 2004, a follow-up in 2005 revealed that these had not been fully implemented. CATSA is currently working on instituting mechanisms to monitor whether pre-boarding services are provided in both official languages in airports where there is significant demand, but the issue is far from resolved. Indeed, it is still difficult to hire and retain bilingual pre-board screening officers.

CATSA must require that its subcontractors respect the language clauses in their contracts and find a way to ensure adequate bilingual services. OCOL will periodically review CATSA's official language situation.

CANADA'S IMAGE

The Government of Canada has made a strong commitment to foster full recognition and use of both official languages within Canadian society. Such a commitment requires federal organizations representing the country at home or abroad to demonstrate, promote and fully support Canada's linguistic duality.

OCOL RECEIVED COMPLAINTS REGARDING ENVIRONMENT CANADA'S METEOROLOGICAL SERVICES WEB SITE.

- **Foreign Affairs Canada**

Over the last year, OCOL received complaints regarding the lack of services in one official language or the other. In Bangkok, it was not always possible to obtain services in French following the tsunami that hit Southeast Asia in December 2004. In Tunis, the capital of Tunisia, an English speaking client was unable to receive services in English from receptionists at two embassy offices. Following an investigation, Foreign Affairs Canada agreed to remind all mission leaders of their linguistic obligations.

The Commissioner also urged the Department to develop more comprehensive guidelines to guarantee Canadians abroad access to services in their language. Department heads cannot limit themselves to simply motivating or coaching their staff, encouraging them to fulfill their linguistic obligations. They must take concrete measures to provide services in both official languages.

• Department of National Defence (DND)

In 2005, DND deployed the Disaster Assistance Response Team on two occasions: to help victims of the tsunami in Southeast Asia, and to provide assistance when an earthquake hit Pakistan. Television viewers noted that the identification badge on uniforms bore only the English acronym, DART. Following an investigation, DND designed and ordered new bilingual badges that reflect the Canadian reality.

Incidents of this kind lead the Commissioner to wonder what could have caused a failure of this sort in the first place. Why did DND wait for complaints from citizens to act? One of the fundamental principles of the *Official Languages Act* requires that all federal institutions, without exception, be proactive in recognizing and demonstrating the equal status of both official languages.

• Web sites

Web sites play a decisive role in projecting Canada's image as a bilingual country around the world, as well as within its own borders. Unfortunately, this is not always well understood by third-party organizations that publish information provided or funded by a federal institution. For example, organizations in Manitoba benefiting from Health Canada's Community Action Program for Children launched a Web site in which information on projects funded by the federal government was initially not available in French. Following an investigation, the site is now produced in both official languages.

MINORITY PRESS

This is another area where federal institutions are required to take all measures necessary to assert equal respect of both language groups. The *Official Languages Act* requires that federal institutions publish their notices and advertisements to the public in both official languages. The Treasury Board's *Policy on the Use of Official Languages for Communications with and Services to the Public*, which came into effect on July 15, 2005, replaced the *Guidelines on the Use of Media*. The goal of these two publications is to ensure that institutions understand their obligations regarding the use of both official languages in their notices and advertisements. Therefore, the onus is on these institutions to take the necessary measures in this regard.

Unfortunately, there is no evidence that the new policy has achieved its goal of reducing the number of complaints. This year, OCOL received a total of 65 complaints regarding minority press, an increase from last year (59 in 2004-2005), although less than observed in 2003-2004 (70) and 2002-2003 (108).

When she receives complaints regarding minority press, the Commissioner immediately informs the federal organization concerned. She therefore expects that if the complaint is founded the organization will take corrective action and quickly publish the information in minority language newspapers while this information is still current and relevant. This year, the approach proved successful in 40% of cases.

CONSULTATIONS WITH OFFICIAL LANGUAGE COMMUNITIES

Part VII of the *Official Languages Act* commits the Government of Canada to assisting the development of official language minority communities as well as fostering the full recognition and use of both official languages within Canadian society. To date, however, although all institutions covered by the Act are subject to Part VII, only 34 of them are required to submit an action plan to Canadian Heritage. Moreover, since the adoption of Bill S-3 in November 2005, all federal institutions are now required to take positive measures to achieve the objectives set out in this Part of the Act. In the event of failure to fulfill this obligation, complainants—after having lodged a complaint with the Commissioner—will now be able to turn to the courts directly for redress. This should result in increased awareness and greater concern for compliance on the part of federal institutions, which are required to consult official language communities before implementing policies or programs affecting them. The need to raise awareness of the needs of official language communities clearly emerges from some of the complaints presented below.

When Indian and Northern Affairs and the Privy Council Office initiated talks with the government of the Northwest Territories on the possible transfer of responsibilities for natural resources, OCOL received a complaint criticizing the lack of attention to the minority language community's concerns. At the very beginning of its investigation, however, OCOL discovered that the federal organization had already established a plan that provided for consultation with official language communities, which it was preparing to implement. OCOL consequently concluded that the complaint was unfounded.

Conversely, when the Canadian Forces proposed moving the Recruitment Centre in Bathurst to Miramichi, the decision was announced without consulting the region's official language community. Following a complaint and meetings between the various parties, the Forces decided to keep the Centre in Bathurst.

If an institution does plan consultations, it should not take shortcuts. Canadian Heritage organized a series of workshops in Saskatchewan to commemorate the province's centennial. Representatives from various minority language groups in the province were invited to take part in consultations, but only the workshop held in Regina offered interpretation services. Since it was not possible to obtain interpretation services in time for the other workshops, the complaint was deemed founded. Although Canadian Heritage agreed to consult the province's minority language groups more closely to meet their needs in future consultation sessions, this Part VII complaint added to the existing frustration, since Part VII sets out very specific responsibilities for Canadian Heritage in this area.

LANGUAGE TRAINING

The Commissioner noted in the last Annual Report that the level of commitment with respect to language training varies considerably from one department to another. Most complaints on this issue concern difficulties experienced by individuals with regard to their own language training. However, in the context of the new imperative staffing policy (under which candidates are, as a rule, required to meet the language requirements of their positions before being appointed), many unilingual federal public servants have become concerned about their opportunities for advancement unless more generous access to language training is provided. OCOL also receives comments from a number of institutions about their own internal practices concerning language training, which indicate that this training is offered exclusively to employees hired (often many years earlier) on a non imperative basis who hold bilingual positions for which they still do not meet the language requirements.

Without a doubt, departments must occasionally make difficult decisions on how resources are assigned and they cannot always provide training on demand. However, the Commissioner feels that these decisions must be integrated in a coordinated approach that encompasses recruiting, training, professional development, and succession planning. Meeting language requirements must be among the skills desired of public servants, just like other generally sought competencies. The Commissioner urges government departments to establish policies on language training that include this training as professional development and take into account future legislative obligations (pursuant to both Parts IV and V of the Act). In this way, departments could earmark resources for language training and implement accountability mechanisms to assess the results of these programs. Moreover, government departments must require employees who have received training to actively use their acquired skills and to maintain these skills through regular use on the job.

AUDITS AND FOLLOW-UPS

Every year, the Commissioner performs, and follows up on, audits of a number of federal institutions. In all cases, these audits have a well defined scope; they do not constitute a complete audit of compliance with the Act. In general, the audits concern the following issues:

Official Languages program management, service to the public, language of work, development of minority language communities, and promotion of equality of English and French.

OCOL completed three audits in 2005-2006.

Public Works and Government Services Canada[43]

PURPOSE OF THE AUDIT

Review the management of the Official Languages Program at Public Works and Government Services Canada, including the commitment, accountability and leadership of senior managers regarding linguistic duality within the Department.

FINDINGS

Although some mechanisms have been implemented, the integration of official languages in the organizational culture is incomplete. Senior management must provide truly effective leadership to ensure complete integration and sound management of the Official Languages Program.

The Commissioner made 12 recommendations to improve the management of the Department's Official Languages Program.

Department of National Defence[44]

PURPOSE OF THE AUDIT

Determine whether the Department of National Defence (DND) and the Canadian Forces (CF) have succeeded in creating a work environment conducive to the use of English and French at Headquarters.

FINDINGS

While senior management has taken some steps to show leadership on and commitment to language of work, greater emphasis should be placed on carrying out commitments. At Headquarters, Anglophones and Francophones are not treated equitably in terms of language of work, and Francophones do not enjoy working conditions that foster the use of their language.

National Defence is currently reviewing a number of its official languages policies and the CF Official Languages Model, and intends to adopt a new official languages strategic plan in 2007. Beyond policies and strategic plans, National Defence should concentrate its efforts on the core of this problem, which has been ongoing for years—namely a lack of commitment to creating an organizational culture that truly accords French the same respect as English, more than 35 years after the *Official Languages Act* was enacted. It is time for this institution to take the necessary measures once and for all.

The Commissioner has issued 12 recommendations to DND and the CF for improving language of work at Headquarters.

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43 See www.ocol-clo.gc.ca/archives/sst_es/2005/works_travaux/work_travaux_e.htm.

44 See www.ocol-clo.gc.ca/archives/sst_es/2005/dnd_mdn/dnd_mdn_e.htm.

Canada Border Services Agency[45]

PURPOSE OF THE AUDIT

Review the delivery of services in both official languages at designated bilingual border crossings.

FINDINGS

Visits from OCOL auditors in the field revealed very mixed results in terms of active offer and in-person service delivery at designated bilingual border processing booths, at secondary inspection, inside the offices, and on the telephone.

The Agency has adopted some positive practices at border crossings in southern Ontario, but these have not yielded the desired results. If the Agency really wishes to improve its performance, it must at the very least develop a formal mechanism to assess the number of bilingual positions required to meet public demand at every designated bilingual border crossing across the country.

The Commissioner has issued 12 recommendations to help the Canada Border Services Agency improve all of the services (customs, immigration and food inspection) it is required to provide in both official languages at designated bilingual border crossings.

During 2005-2006, the Commissioner performed follow-up studies on two reports involving more than one institution.

Follow-up report *Bridging the Digital Divide: Official Languages on the Internet* [46]

FOLLOW-UP OBJECTIVES

Follow-up on the Commissioner's recommendations in two studies published in 2002 dealing with official languages on government Internet sites and linguistic duality on external sites.

Recommendations stemming from the two reports focus on three themes: encouraging the general availability of Internet tools in French; ensuring that government sites have quality English- and French-language content; and encouraging the government to implement a solid governance framework for official language issues on government sites.

RESULTS

Of the 28 recommendations in the two initial reports, almost half have been implemented or are about to be, five have been partially implemented, and six others have not been addressed. In addition, the Commissioner added six new recommendations to meet new challenges.

Federal government sites generally meet the requirements of the *Official Languages Act*, although there are still some significant failures. The use of automatic translation software to develop English and French content has, in some cases, led to the posting of totally unacceptable documents.

The government has undertaken a number of initiatives to bridge the digital gap between English- and French-language content. Canadian Heritage, in particular, has established language criteria for the creation of cultural Web sites subsidized by the Department. In addition, the Department now offers an impressive bilingual cultural site entitled Culture.ca.

A major grant from Industry Canada was used to establish the Language Technologies Research Centre, which will conduct research for the creation of techno-linguistic tools to be available on the Internet.

The digital gap still exists however, and the government must continue its efforts to ensure full official language compliance on government sites and promote the creation of French-language content.

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[45] See www.ocol-clo.gc.ca/archives/sst_es/2005/border_frontaliers/border_frontaliers_e.htm.

[46] See www.ocol-clo.gc.ca/archives/sst_es/2005/lang_internet/lang_internet_2005_e.htm.

Follow-up report *For Rent: The Search for Bilingual Services in Businesses in Federal Buildings in the NCR* [47]

FOLLOW-UP OBJECTIVES

Evaluate progress since a 2004 study on the offer of bilingual services by commercial tenants in federal buildings in the National Capital Region (NCR).

That study revealed that many commercial tenants in federal buildings in the NCR were providing inadequate services in both official languages. As part of that study, the Commissioner made recommendations to three institutions: the National Capital Commission (NCC), Public Works and Government Services Canada (PWGSC), and Canadian Heritage.

RESULTS

Since the first audit, the level of bilingualism in businesses located in NCC buildings has improved, especially in Ontario, where all services and print materials reviewed showed significant progress. NCC's success proves that effort and leadership in the area of linguistic duality are always successful.

However, bilingualism has deteriorated in PWGSC buildings. Senior management at PWGSC must take up this issue and exercise the necessary leadership to implement corrective measures as soon as possible.

FOLLOW-UP WITH INSTITUTIONS

The Commissioner congratulates the NCC for following up on the recommendations in the initial report.

PWGSC, on the other hand, has taken action on only some of the recommendations in the initial report and has not taken action on some of its commitments to the Standing Senate Committee on Official Languages and to the Commissioner.

The Commissioner believes that Canadian Heritage is showing weak leadership in this area, and encourages the Department to more actively promote bilingualism in the NCR as well as linguistic duality in private-sector contexts.

CONCLUSION

This chapter confirms once more that leadership and determination do pay off in the area of official languages. Institutions that take the Commissioner's investigations, audits and follow-ups seriously are able to take corrective measures for the benefit of the whole of Canadian society. If institutions such as Passport Canada and the National Capital Commission have been able to put their house in order, then so can all the other institutions.

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[47] See www.ocol-clo.gc.ca/archives/sst_es/2006/lease_baux/lease_baux_2006_e.htm.

CONCLUSION

CONCLUSION

If there is one general conclusion to be drawn from the preceding pages, it is that linguistic duality is rooted more deeply than ever in the collective spirit of Canadians. It is a fundamental feature of Canada's personality and contemporary identity. However, the decisions and actions of political and public service leaders are not always in accordance with this core value of our society. Equality between English and French is far from being achieved. It is clear that the federal government still has many challenges to address.

The passage of Bill S-3 was no doubt a high point in the area of official languages in 2005-2006. The amendments made by Parliament to the *Official Languages Act* (the Act) represent a historic breakthrough for language rights in the country. The Government of Canada and official language minority communities now have better tools to build their communities' future and to promote progress toward true equality in the status and use of English and French in Canadian society.

Horizontal governance is one of the tools that must from here on play a predominant role in managing official languages. The development of official language communities and the promotion of linguistic duality require a more dynamic relationship between the federal public service and civil society. It is no longer an option for federal institutions simply to consult communities: they must truly share decision making with all stakeholders, so that all may fully contribute to developing policies and programs that affect them.

As well, any serious examination of official languages issues raises the need to revamp the regulatory framework. The 1992 *Official Languages Regulations (Communications with and Services to the Public)* were drafted in a bygone era and are no longer appropriate. These regulations must be modernized, and the time has come to reflect on the possibility of adopting new regulations to better define the implementation of obligations set out in other parts of the Act.

In this context of renewal, community vitality is another key notion. Vitality is what gives a community its vigour, strength and ability to develop to its full capacity. We need to increase our understanding of community vitality and promote empowerment through research and knowledge. Community vitality must also be addressed through an inclusive process in which all stakeholders—official language communities, public institutions and researchers—actively contribute.

We must also situate our official languages framework in the context of Canada's changing society. It would be difficult today to discuss linguistic duality without underscoring the decisive influence of the interweaving of English and French cultures, the recognition of Aboriginal peoples and the contribution of immigration. Linguistic duality and cultural diversity are core values in Canadian society. They must be reflected more adequately and promoted more vigorously, both in Canada and abroad.

Finally, it goes without saying that the Canadian government is the moving force in the area of official languages and that Canadians expect federal institutions to fulfill their obligations under the *Official Languages Act*. The latter section of this report deals with ensuring the compliance of federal institutions with these obligations. Based on an analysis of all the investigations, studies and audits, it can be said that the government has been fairly successful in creating plans and a number of administrative processes to meet its obligations. This progress is supported in the report. Although the necessary means are now in place, convincing results have yet to be seen. We must conclude that linguistic duality is not yet truly integrated in the organizational culture of most public institutions. Overall, the impression is that of a work unfinished. Unfortunately, too often the Act is misunderstood and applied by the federal public service as a series of unconnected rules.

A FINAL WORD

Beyond laws, regulations, studies and investigations, there gleams in the distance a vision of a country founded on justice and equality, a Canada where everyone has an equal opportunity to develop and find fulfillment in either official language.

Many stakeholders must commit to the achievement of this vision—from politicians to public service leaders, from communities to individuals.

We must look to a future in which Canadians fully embody and experience the value of linguistic duality. A future in which each gesture by our leaders—politicians and public servants—communicate that value. A future in which all of our choices, both individual and collective, are aligned with that vision.

In short, through our concerted efforts, we will achieve the diverse and inclusive country that we seek.

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