

**THE OFFICIAL LANGUAGES IN CANADA:
FEDERAL POLICY**

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CANADA

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THE OFFICIAL LANGUAGES IN CANADA:
FEDERAL POLICY*

ISSUE DEFINITION

Since the time of the Royal Commission of Inquiry on Bilingualism and Biculturalism, federal official languages policy has been linked to the preservation of Canadian unity. The enshrinement of language rights in the Constitution in 1982 opened a new chapter in the evolution of these rights in Canada. Since that time, language issues have continued to attract public interest and have even led to tension. On the one hand, demands for implementation and full enforcement of the language rights protected under the Constitution have given rise to conflicts between official language minorities and their respective provincial governments; from time to time, these conflicts have resulted in court challenges, some of which have reached the Supreme Court. On the other hand, a significant majority of Canadians continue to base their attitudes toward Canada's linguistic duality on false perceptions of federal official languages policy. This means that opposition to so-called official bilingualism has crystallized into a perception that bilingualism is imposed on all Canadians; however, since the obligations under the *Official Languages Act* apply first and foremost to federal institutions, the federal approach to official languages is based on the principle of institutional bilingualism.

Institutional bilingualism is the capacity of the government and its institutions to communicate with the public, and within these institutions, in the two official languages. According to the Canadian model, the responsibility assumed by the federal government to communicate with its citizens is coupled with a commitment to serve its citizens in their own official language. Having adopted French and English as official languages, the government recognizes that it must adjust linguistically to the needs of the public. In doing so, the government confirms that it is not up to the citizens to adjust linguistically to the workings of government.

* The original version of this Current Issue Review was published in November 1993; the paper has been regularly updated since that time.

This Current Issue Review will examine the three basic components of federal official languages policy:

- language rights protected under the Constitution;
- the *Official Languages Act, 1988*; and
- the official languages support programs delivered by the Department of Canadian Heritage.

It will also present a summary of the Action Plan for Official Languages announced by the federal government on 12 March 2003.

BACKGROUND AND ANALYSIS

A. The Charter and Its Effects on Language Matters

1. Language Rights Protected Under the Constitution

With the passage of the *Constitution Act, 1982*, the concept of official languages was enshrined in the Constitution. Section 16 of the *Canadian Charter of Rights and Freedoms* (the Charter) establishes English and French as the official languages of Canada, with equal status and equal rights and privileges with respect to their use in the institutions of the Parliament and the Government of Canada. Sections 17, 18 and 19 set out the principle of equality of the two official languages in the proceedings of Parliament, parliamentary papers, and courts established by Parliament. Section 20 deals with the use of English or French in communications between members of the public and federal institutions. Section 23 deals with minority language education rights. In addition, section 24 provides that anyone whose Charter-protected rights or freedoms have been infringed or denied may apply to a court of competent jurisdiction to obtain remedy. (The text of sections 16 through 23 of the Charter is included at the end of this paper.)

At the express request of New Brunswick, sections 16 through 20 of the Charter apply to that province; however, for section 20, an important exception applies, i.e., the right to receive communications or services from any office of an institution of the Legislature or Government of New Brunswick in English or French is not subject to any limitation based on sufficient demand or the nature of the office. As well, the Legislative Assembly of New

Brunswick passed a constitutional amendment in December 1992; Parliament passed a constitutional amendment in February 1993. This amendment to the Charter is an extension of New Brunswick's *Act Recognizing the Equality of the Two Official Linguistic Communities*, passed in 1981 by the Legislative Assembly of that province. It proclaims that New Brunswick's English-speaking and French-speaking linguistic communities have equal status, rights and privileges, in particular the right to the separate educational and cultural institutions necessary to preserve and promote them. The amendment also confirms the role of the Legislature and Government of New Brunswick in preserving and promoting this status and these rights and privileges.

As might be expected, the years following the coming into force of the Charter were characterized by numerous court challenges aimed at enforcing the spirit and the letter of the supreme law of Canada with respect to language rights.

2. Interpretation and Implementation of Language Rights Protected Under the Constitution

The Court Challenges Program was essential to the development of jurisprudence on language rights protected under the Constitution. This program, introduced in 1978, provided financial assistance to official language minorities wishing to have their constitutional rights clarified and asserted through the courts (section 133 of the *Constitution Act, 1867* and the *Manitoba Act, 1870*); since 1982, it has also covered the language rights set out in sections 16 through 23 of the Charter. Lastly, since 1985, it has also applied to individuals and groups challenging federal legislation, policies and practices in test cases invoking: section 15 of the Charter, concerning equality rights; section 27, on Canadians' multicultural heritage; and section 28, on equality of the sexes. The program, funded by the federal government, was involved in test cases of national importance. For example, it helped ensure that French-speaking Manitobans' language rights, which had been denied since the *Official Language Act* of 1890, were recognized by the courts and the Legislative Assembly of Manitoba; it also furthered the battle to enforce the minority language education rights enshrined in section 23 of the Charter.

B. Implementation of the Official Languages Policy in Federal Institutions

1. The *Official Languages Act, 1988*

The *Official Languages Act* of 1969 followed up on the recommendations of the Royal Commission of Inquiry on Bilingualism and Biculturalism for broadening the scope and application of section 133 of the *Constitution Act, 1867*. The purpose was to give English and French equal status, not only in Parliament and before the courts of Canada (as provided by section 133), but throughout the federal administration as well.

The *Official Languages Act* had not been amended since its passage in 1969, despite several requests by the Standing Joint Committee on Official Languages and the Commissioner of Official Languages. The coming into force of the Charter in 1982 made reform more urgent. The government had to adapt federal legislation to the Charter, and it had to define the terms and conditions of implementing the Charter. It also wished to provide a broader legislative basis for its language policies and programs. In light of the scope of the amendments being considered, the government opted to repeal the existing statute and replace it with Bill C-72. The new statute is also entitled the *Official Languages Act* (the Act).

Parliament remedied one weakness of the former statute – its declaratory nature – by making the Act enforceable. The Act introduces court remedy in the Federal Court; under certain conditions, this remedy may be applied for by the plaintiff alone or jointly with the Commissioner of Official Languages, who is also authorized to apply to the courts for a remedy.

A general provision also corrects another shortcoming of the former statute, i.e., its lack of primacy over other federal statutes. This general provision states that the provisions of Parts I to V of the Act – which deal with the proceedings of Parliament, legislative and other instruments, the administration of justice, communications with and services to the public, and language of work – have primacy over all other federal legislation or regulations except the *Canadian Human Rights Act*, because the principles underlying these Parts flow directly from the Constitution.

The Act requires the Minister of Canadian Heritage and the President of the Treasury Board to report annually to Parliament on their respective responsibilities concerning official languages. It also requires Parliament to strike a parliamentary committee specifically responsible for following up on the implementation of the Act and its accompanying regulations and instructions, and on the implementation of reports by the Commissioner of Official Languages, the President of the Treasury Board, and the Minister of Canadian Heritage.

In the Act, Parliament specifically provided for eight cases in which implementation may give rise to regulations, particularly concerning health and safety, communications and services, language of work, and equitable participation. The government began to draw up regulations on communication with and services to the public fairly soon after the Act was passed.

2. *The Official Languages (Communications with and Services to the Public) Regulations*

The Act defines the responsibilities of federal institutions concerning communication with and services to the public. The government adopted the *Official Languages (Communications with and Services to the Public) Regulations* on 16 December 1991; this event marked the conclusion of a parliamentary process begun on 8 November 1990 with the tabling of proposed draft regulations in the House of Commons. The Regulations clarify the language obligations of federal organizations and specify the circumstances in which Canadians may expect to be served in the official language of their choice.

The Regulations guarantee service to the majority in its own language. “Official language majority” and “official language minority” are defined in relation to the total population of a province or territory. The Regulations complete key provisions of the Act concerning federal offices where there is “significant demand” for service in both official languages, those where the “nature of the office” makes service in both official languages reasonable, and contracted services for travellers.

The Regulations on “significant demand” include provisions based on census data on the size of the minorities (either absolute size, or number and proportion, whichever is appropriate) and, where local demographic data are not relevant, provisions based on the volume of demand in the minority language. The Regulations on the “nature of the office” apply to specific federal services, regardless of level of demand, and include provisions on health and safety signage, national parks, embassies, the main federal offices located in the Northwest Territories and the Yukon, and popular national or international exhibitions.

The Regulations on contracted services at facilities for travellers apply to federal airports, railway stations and ferry terminals where demand is significant. Services covered include restaurant, car rental, foreign exchange and air carrier services provided at these facilities. The Regulations also specify the terms and conditions of providing these services.

Most provisions in the Regulations came into effect on 16 December 1992, with the most recent coming into effect on 16 December 1994. The Regulations apply to all institutions covered by the *Official Languages Act*, including departments, Crown corporations, and Air Canada (under the *Air Canada Public Participation Act*). They do not apply to federal offices located in the National Capital Region or to federal head offices, both of which are already required to serve the public in both official languages by a provision of the Act.

In 2001, the Commissioner published a summary of the audits carried out between 1996 and 2000 on federal offices designated to deliver services in both official languages.⁽¹⁾ The summary revealed that the situation had not improved since 1994 (in nearly 30% of cases, service in French was not available). The Commissioner then made 22 recommendations to political and administrative authorities intended to ensure that the provision of services of equal quality in both English and French becomes an integral part of the corporate culture of federal institutions. Nearly one year after the release of this report, a follow-up was conducted to monitor the implementation of the recommendations by the Treasury Board Secretariat, to which most of the recommendations applied. Four of the 22 recommendations have already been implemented, 13 are in the process of being implemented and 5 have not been.

3. Review of the Federal Government's Official Languages Policies

On 20 November 2003, the Honourable Lucienne Robillard, then President of the Treasury Board, announced new directions for official languages. This renewal exercise, begun in August 2002, aimed to reduce the number of policies, and clarify roles and responsibilities. Six new policies will come into force on 1 April 2004:⁽²⁾

- **Official Languages Policy Framework;**
- **Policy on Language of Work;**
- **Policy on Official Languages for Human Resources Management;**
- **Directive on the Linguistic Identification of Positions or Functions;**

(1) Office of the Commissioner of Official Languages, *National Report on Service to the Public in English and French: Time for a Change in Culture*, 2001.

(2) See Treasury Board Secretariat, "New Policies Instruments (Effective April 1st, 2004)," *Official Languages Policies*, http://www.tbs-sct.gc.ca/ollo/common/policies-politiques_e.asp, consulted on 15 January 2004.

- **Directive on the Staffing of Bilingual Positions; and**
- **Directive on Language Training and Learning Retention.**

The new policies will introduce significant changes to bilingualism standards in the federal public service. Firstly, imperative staffing⁽³⁾ will be the norm for all bilingual positions. The new policies will also tighten the rules on bilingualism for managers in the federal public service; from now on, all bilingual positions will have to be filled by bilingual persons. Imperative staffing will become mandatory for the staffing of bilingual positions at the EX-03 and EX-02 levels in bilingual regions, and also in unilingual regions if the incumbents supervise staff holding bilingual positions in bilingual regions. Implementation will be done progressively: in 2005 for EX-03s and in 2007 for EX-02s.

The changes will also affect language training. It will become a professional development tool for employees who want to advance their careers and eventually fill a bilingual position. Institutions should encourage this type of training and integrate it into employees' professional development plans, taking into account available resources. Members of the EX category who are appointed to bilingual non-imperative positions will typically have to take any required language training before assuming the duties of their new position. Non-EX employees appointed to bilingual non-imperative positions will have to take language training as soon as possible after appointment.

C. Official Languages Support Programs of the Department of Canadian Heritage

Section 41 of the *Official Languages Act* sets out the federal government's commitment to "enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society." Under section 42 of the Act, the Minister of Canadian Heritage is responsible for encouraging and promoting a coordinated approach to the fulfilment of this commitment by federal institutions. Currently, the Department of Canadian Heritage is carrying out its responsibilities through programs and activities in three broad areas: federal-provincial/territorial cooperation; support to linguistic communities; and promotion and dialogue.

(3) Imperative staffing is the requirement that the person about to be appointed meet the language requirements of the position at the time of appointment.

1. Federal-provincial/territorial Cooperation

a. The Official Languages in Education Program

Since 1970, the federal government has cooperated with the provinces to allow members of the official language minority communities to study in their own language and enable young Canadians to learn French or English as a second language. **The Official Languages in Education Program (OLEP) is one of the Department of Canadian Heritage's largest in financial terms. The OLEP is widely regarded as a model of effective and harmonious federal-provincial cooperation in an area of provincial jurisdiction. Over the past 10 years, approximately \$2 billion has been invested in the program. Under bilateral agreements, the federal government reimburses the provincial and territorial governments for part of the additional expenditures they incur to provide education in the minority official language (programs and services, program development, teaching materials, teacher training, and student assistance) and to allow students speaking the majority official language (francophones in Quebec and anglophones in the rest of the country) to learn their second official language.**

These agreements entail action plans with performance indicators meant to keep the public apprised of the measures implemented and results achieved in the area of official languages in education. The action plan approach was adopted in February 2000, in response to ongoing criticism regarding the lack of accountability on the part of provincial governments and the lack of information available to the public with regard to the use of federal funds and the results achieved.

A protocol governs the general functioning of the OLEP and determines the federal government's financial investment. The protocol is signed with the Council of Ministers of Education (Canada), the body that represents the education interests of the provinces and territories in dealings with the federal government and internationally. The current protocol covers the fiscal years 1998-1999 through 2002-2003 and commits the Department of Canadian Heritage to a budget of \$880.8 million. In the coming months, the Department will begin negotiating with the provinces and territories for the ratification of a new protocol. In 2002-2003, the OLEP was the subject of an evaluation and external audit.

b. Federal Support for School Governance and Post-Secondary Education

The federal government offers the provincial and territorial governments financial support for implementation of school governance by the francophone minority and consolidation of the network of post-secondary institutions offering instruction in French.

c. Agreements on Delivery by the Provinces and Territories
of Services in the Language of the Minority

The federal government funds provincial and territorial governments that want to: create new services or improve existing services in the minority language; and promote greater understanding between the country's two linguistic communities. Multi-year agreements with the federal government with respect to health and social services, legal services and municipal affairs are in effect in almost every province and territory. **Action plans describing planned measures and expected results are annexed to the bilateral agreements. These agreements are generally signed for a five-year period, and costs are shared equally between the two levels of government.**

2. Support to Official Language Minority Communities

a. Direct Support to Organizations and Institutions

The Department of Canadian Heritage launched an initiative in 1994 to reposition direct support to official language minority communities. This made it possible to institute new mechanisms for cooperation and funding in a context of diminishing resources. The adopted approach, i.e., Canada-community agreements, encourages individual communities to take greater control.

A Canada-community agreement is an agreement reached between the Department of Canadian Heritage and the organization(s) representing a provincial or territorial official language minority community. Such an agreement: sets multi-year funding for the entire community and outlines the Department's commitments related to community development, federal-provincial cooperation and interdepartmental coordination; establishes the mechanisms through which community organizations together set their own priorities and suggest how available funds should be allocated; and creates a forum in which the community and the Department can review priorities and discuss the distribution of available funds.

For the five-year period 1999-2000 to 2003-2004, \$137,570,000 was allocated to Canada-community agreements; that is, an average of \$27,514,000 a year divided among the organizations representing official language minority communities. Pursuant to each of the 15 agreements, a minimum of 20% of funding must go to projects and the balance to financing the community organization's yearly activities.

The Support for Official-Language Communities program, under which the Canada-community agreements are funded, was evaluated by the Office of the Auditor General in 2001. The Office identified a number of key areas in which the program needs significant improvements: its management framework, performance information, project assessment, and analysis of the results achieved.⁽⁴⁾

b. National Strategy for the Implementation of
Sections 41 and 42 of the *Official Languages Act*

On 16 August 1994, the Minister of Canadian Heritage announced that Cabinet had approved the establishment of an accountability framework for the implementation of sections 41 and 42 of the 1988 version of the Act. This government initiative followed appeals by the Commissioner of Official Languages and organizations representing official language minority communities for more vigorous leadership by the Department in fostering interdepartmental cooperation.

The measures announced target key institutions in areas of intervention that are vital to official language minority communities and that have the greatest impact on their development, notably institutions involved in the areas of economic, human resource and cultural development. **Each of the 30 designated institutions is required to develop an action plan for the implementation of section 41, taking into account the specific needs of official language minority communities.** Ministers responsible for key institutions must submit these plans to the Minister of Canadian Heritage and report once a year to him/her on the results attained. Finally, the Minister of Canadian Heritage's annual report on official languages must highlight the action plan of each key federal institution and the results attained during the previous year.

(4) Office of the Auditor General, "Chapter 5 – Voted Grants and Contributions: Program Management," December 2001, pp. 49-55.

On 18 November 1996, the Minister of Canadian Heritage published the government's response to the Second Report of the Standing Joint Committee on Official Languages. Acknowledging the need for greater accountability, the government announced that the Treasury Board Secretariat would henceforth encourage federal departments and agencies to include activities relating to the implementation of section 41 of the *Official Languages Act* in their strategic planning and evaluation processes. On 20 March 1997, the Minister of Canadian Heritage and the President of the Treasury Board signed a memorandum of agreement making this new partnership official.

A new program announced in the 1999 Budget, the Interdepartmental Partnership with the Official-Language Communities (IPOLC) program, encourages federal departments and agencies to promote the implementation of section 41 in their respective programs. With an annual budget of \$5.5 million for five years, the IPOLC provides financial leverage to facilitate the establishment of sustainable partnerships and new methods of cooperation, by strengthening the organizational culture of the federal and community partners. Since the program's inception in 2000-2001, agreements have been signed between the Department of Canadian Heritage and various federal institutions, including Health Canada, the Atlantic Canada Opportunities Agency, Telefilm Canada, the Canada Council for the Arts and Industry Canada. In 2001-2002, IPOLC's total contribution to the realization of activities under the various agreements totalled \$5,326,257, with federal partners investing \$6,466,704.

Despite the efforts made by the government since 1994, dissatisfaction persists with regard to its implementation of commitments under sections 41 and 42 of the *Official Languages Act*. Demolinguistic data from the 2000 Census indicate a constant decline in the proportion of official language minority communities in relation to the national population. The organizations representing these communities see this as a sign that Part VII must be strengthened in order to halt the demographic erosion.

For more than 10 years, the Office of the Commissioner of Official Languages has deplored federal institutions' laxity in following through on the intent of Part VII of the Act. In her *Annual Report 2002-2003*, the Commissioner of Official Languages recommends that the government clarify the legal scope of the commitment set out in section 41 of the *Official Languages Act* and take the necessary action to carry out its responsibilities effectively under this provision.

Since 1988, however, the federal government has not seen fit to substantially strengthen measures for implementing Part VII, despite the existence of jurisprudence that, since 1996, has supported a broader and more liberal interpretation of language rights and subjected the *Official Languages Act* to the same rules of interpretation as the 1982 *Canadian Charter of Rights and Freedoms*. The most recent decision is *Péninsule acadienne (forum des maires) v. Canada (Food Inspection Agency)*, rendered by the Federal Court on 8 September 2003. According to this ruling, Part VII is legally binding and can result in the making of orders. On 14 October 2003, Justice Canada appealed the decision. From a legislative point of view, it should be mentioned that Senator Jean-Robert Gauthier tabled Bill S-11 during the 2nd session of the 37th Parliament, with a view to recognizing the “enforceability” of section 41 of the *Official Languages Act*.

3. Promotion and Dialogue

The Department of Canadian Heritage funds a range of activities for promoting linguistic duality and greater understanding between anglophones and francophones. These activities are divided into the following components: summer language bursaries, official language monitors, language acquisition development, administration of justice in the two official languages, support for linguistic duality, and cooperation with the voluntary sector.

D. The Action Plan for Official Languages (12 March 2003)

On 25 April 2001, the Prime Minister of Canada assigned responsibility for official languages issues to the Honourable Stéphane Dion, President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs. In carrying out his mandate, Mr. Dion was to develop a new blueprint for action to strengthen the official languages program.

On 12 March 2003, following two years of consultations, the Minister announced his action plan, entitled *The Next Act: New Momentum for Canada’s Linguistic Duality. The Action Plan for Official Languages*.⁽⁵⁾ The Action Plan revolves around three major axes: education, community development and the federal public service. In the area of education, additional funding was announced for education in the French and English

(5) Government of Canada, *The Next Act: New Momentum for Canada’s Linguistic Duality. The Action Plan for Official Languages*, 2003.

minority languages and second-language instruction. The second axis focuses on measures in seven priority areas to promote community development: early childhood development, health, justice, immigration, economic development, the strengthening of intergovernmental cooperation or partnerships with the provinces and territories, and community living. The third axis focuses on strengthening bilingualism at all levels of the federal public service. The main pillar of the Action Plan is the accountability framework, which makes official languages a priority for the government and for public servants. This accountability framework clarifies the responsibilities of departments and agencies, and aims to enhance coordination among the organizations involved. In financial terms, the federal government is committed to investing \$751.4 million over five years to support the plan's implementation. As shown in Table 1, half of this investment will be in the field of education.

TABLE 1	
FINANCIAL COMMITMENTS – ACTION PLAN FOR OFFICIAL LANGUAGES	
Canadian Heritage	
<i>Education</i>	\$381.5M
<i>Community Support</i>	\$33.5M
Treasury Board Secretariat	\$64.6M
Health Canada	\$119.0M
Human Resources Development Canada	\$29.3M
Industry Canada	\$53.0M
Justice Canada	\$48.0M
Citizenship and Immigration Canada	\$9.0M
Privy Council Office, Intergovernmental Affairs	\$13.5M
TOTAL	\$751.4M

PARLIAMENTARY ACTION

The principal measures adopted over the years by Parliament with respect to official languages are set out below in the chronology.

CHRONOLOGY

- July 1969 - The *Official Languages Act* received Royal Assent.
- June 1973 - Parliament passed a special *Resolution on Official Languages in the Public Service*, reiterating the principles of the 1969 statute and confirming the right of public-sector workers to work in the official language of their choice.
- June 1978 - Bill C-42 received Royal Assent. It amended the *Criminal Code* to give accused persons the right to be heard by a judge or by a judge and a jury who speak their official language, whether this is English or French.
- May 1980 - Parliament created a Special Joint Committee on Official Languages, responsible for evaluating progress made in the 10 years since the passage of the *Official Languages Act*.
- December 1981 - Parliament passed a *Proposed Resolution for a Joint Address to Her Majesty Concerning the Constitution of Canada*, including a *Charter of Rights* that incorporated the language rights provided for in the *Official Languages Act* and other new rights related to minority language education.
- October 1983 - Parliament unanimously passed a resolution on the language rights of francophone residents of Manitoba; another resolution on the same subject was passed on 24 February 1984.
- May 1984 - Parliament struck the Standing Joint Committee on Official Languages Policy and Programs; in February 1986, this Committee became the Standing Joint Committee on Official Languages.
- July 1988 - The new *Official Languages Act* received Royal Assent.
- December 1989 - The Standing Committee of the House of Commons on Human Rights and the Status of Disabled Persons tabled a report unanimously recommending renewal of the Court Challenges Program until 31 March 2000.
- May 1990 - In its response to this Committee report, the Minister of State (Multiculturalism and Citizenship) agreed on behalf of the government to renew the Program until 1995.
- June 1990 - The Standing Joint Committee on Official Languages tabled a unanimous report urging the government to table the proposed draft regulations in Parliament as soon as possible.

- October 1990 - The Commissioner of Official Languages tabled a special report in Parliament urging the government to table the proposed draft regulations on communications with and services to the public immediately and then, with due diligence, to table all the regulations required under the Act.
- November 1990 - The proposed draft regulations on the delivery of federal services to the public in both official languages were tabled in Parliament.
- May 1991 - The Standing Joint Committee tabled its report, including dissenting opinions, on the proposed draft regulations on the delivery of federal services to the public in both official languages.
- The House of Commons struck the Standing Committee on Official Languages, which replaced the Standing Joint Committee on Official Languages.
- February 1992 - In its budget, the federal government announced the elimination of the Court Challenges Program.
- June 1992 - The Standing Committee of the House of Commons on Human Rights and the Status of Disabled Persons tabled a report entitled *Paying Too Dearly*, in which it unanimously recommended that the Court Challenges Program be maintained and restructured in the form of a Foundation. In December 1992, the Minister of Multiculturalism and Citizenship indicated that the government was not able to re-establish this Program.
- February 1993 - Parliament passed a constitutional amendment, previously passed by the Legislative Assembly of New Brunswick in December 1992; it proclaimed in the Charter the equality of that province's English-speaking and French-speaking communities.
- January 1994 - The House of Commons amended Standing Order 104 and established a Standing Joint Committee on Official Languages.
- June 1996 - The Standing Joint Committee on Official Languages tabled a report entitled *Implementation of Part VII of the Official Languages Act*, which made two recommendations for rectifying the shortcomings noted in the implementation of the strategy announced in August 1994.
- November 1996 - The Minister of Canadian Heritage published the government's response to the Second Report of the Standing Joint Committee on Official Languages, announcing that the Treasury Board Secretariat would henceforth be involved in making federal departments and agencies more accountable in implementing Part VII of the *Official Languages Act*.

- April 1997 - The Standing Joint Committee on Official Languages tabled in Parliament its Third Report (*The Application of the Official Languages Act in the National Capital Region*), accompanied by dissenting opinions from the Bloc Québécois and the Reform Party.
- August 1999 - The fifth Commissioner of Official Languages, Dr. Dyane Adam, took up her duties.
- June 2000 - The Standing Joint Committee on Official Languages tabled its Third Report to Parliament, an interim report entitled *Implementation of Part VII of the Official Languages Act*.
- March 2001 - The Federal Court, Trial Division, ruled that measures taken by the Department of Justice Canada to implement the *Contraventions Act* do not adequately protect all of the quasi-constitutional language rights guaranteed in Part XVII of the *Criminal Code* and Part IV of the *Official Languages Act*.
- April 2001 - The Prime Minister of Canada asked Mr. Stéphane Dion, Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada, to coordinate all issues related to official languages within the federal government. An action plan was to be established by 2003.
- June 2002 - The Federal Court of Canada, Trial Division, rendered a decision in *Quigley v. Canada (House of Commons)* that the House of Commons had contravened its obligations as stated in the *Official Languages Act* because it had failed to ensure that its proceedings were broadcast in both official languages. The Board of Internal Economy of the House of Commons decided to appeal the decision.
- October 2002 - The Senate dissociated itself from the former Standing Joint Committee on Official Languages and created its own standing committee on official languages.
- November 2002 - The House of Commons created its own standing committee on official languages.
- December 2002 - Justice John Richard, Federal Court of Appeal, dismissed the appeal filed by the House of Commons in June 2002. The Federal Court of Appeal upheld the ruling that the House of Commons must provide television broadcasts of its proceedings in both official languages.**

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**EXCERPTS FROM THE *CANADIAN CHARTER*
*OF RIGHTS AND FREEDOMS***

OFFICIAL LANGUAGES OF CANADA

16

- (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.
- (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.
- (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

17

- (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
- (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

18

- (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.
- (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

19

- (1) Either English or French may be used by any person in, or any pleading in or process issuing from, any court established by Parliament.
- (2) Either English or French may be used by any person in, or any pleading in or process issuing from, any court of New Brunswick.

20

- (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where
- (a) there is a significant demand for communications with and services from that office in such language; or
 - (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.
- (2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

21

Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

22

Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

MINORITY LANGUAGE EDUCATIONAL RIGHTS**23**

- (1) Citizens of Canada
- (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
 - (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,
- have the right to have their children receive primary and secondary school instruction in that language in that province.
- (2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

- (3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province
 - (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
 - (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.