

## **FACT SHEET**

### **ADOPTION OF BILL S-3 - AN ACT TO AMEND THE OFFICIAL LANGUAGES ACT (PROMOTION OF ENGLISH AND FRENCH)**

#### **Amendments to the *Official Languages Act***

- Bill S-3, *An Act to Amend the Official Languages Act (promotion of English and French)*, received Royal Assent on November 24, 2005.
  
- This Bill amends Part VII of the *Official Languages Act* (OLA) and its scope. Part VII of the OLA states the federal government's commitment to enhance the vitality of the English and French linguistic minority communities in Canada, support their development and foster the full recognition and use of both English and French in Canadian society.
  
- S-3 modifies the OLA in three ways (see full text)
  - it reinforces the federal government's commitment to promote English and French by adding, in section 41(2), the obligation of federal institutions to take positive measures to implement this commitment. The same section reiterates the well-established legal principle stating that the implementation of the federal commitment shall be carried out while respecting the jurisdiction and powers of the provinces.
  
  - section 41(3) authorizes the Governor in Council to make regulations prescribing the manner in which federal institutions' duties are to be carried out;
  
  - finally, section 77 makes Part VII of the OLA enforceable, meaning that the obligations stated in this part of the OLA can be the subject of court remedies.
  
- The responsibilities of the Minister of Canadian Heritage remain unchanged. These are, as stated in sections 42 and 43 of the OLA, to encourage and promote a coordinated approach for the implementation by federal institutions of the commitments set out in section 41 (section 42) and to take such measures as the Minister considers appropriate to advance the equality of status and use of English and French in Canadian society (section 43).

#### **Context**

- The *Official Languages Act* as amended is consistent with the initiatives of the Government of Canada over the last two decades which target increasing federal institutions' accountability.
- Indeed, Part VII of the OLA, which sanctions the federal commitment towards the development of Anglophone and Francophone minorities in Canada and the recognition of linguistic duality in Canadian society was introduced in the revised 1988 *Official Languages Act*.
- Since 1994, federal institutions, whose activities are deemed crucial to the development of official-language minority communities, have been called upon to take special measures to implement the federal government's commitment as stated in Part VII of the *Act*. There are now 34 designated federal institutions.
- In 2003, within the context of the *Action Plan for Official Languages*, the Government adopted an *Accountability and Coordination Framework for Official Languages* which set out all federal institutions' responsibilities under Part VII of the OLA. These responsibilities include, in particular, consulting official-language minority communities on policy and program issues that concern them.
- Most recently, in October 2005, the Government tabled the *Management Framework for the Official Languages Program*, which seeks to establish horizontal management of federal institutions' initiatives pertaining to official languages.

### **Impact**

- The adoption of Bill S-3 constitutes an important stage in the evolution of Canadian official languages policy and the development of official-language minority communities.
- Federal institutions have long had the obligation to take measures to implement their responsibilities under Part VII of the OLA. As the amended OLA essentially makes an obligation to take positive measures enforceable, federal institutions are called upon to evaluate and to reinforce, as the case may be, their work under the Government's current policy framework. Federal institutions will need to be well informed of their obligations under the amended OLA and to ensure that their employees are aware of their specific responsibilities as set out in the *Accountability and Coordination Framework for Official Languages*.
- Official-language minority communities can, following submission of their case to the Commissioner of Official Languages, seek court remedies if

they believe there has been a breach of obligations as stated in Part VII of the OLA.

- The amended OLA authorizes drafting regulations in respect of federal institutions, prescribing the manner in which any duties under Part VII must be carried out, in particular for the implementation of the federal commitment. Such an initiative could only be envisaged in the longer term, if only because of the scope of the regulation making process. For example, as stated in the OLA, the Government would consult the Anglophone and Francophone minorities and, where appropriate, members of the public on proposed regulations which would also be laid before the House of Commons.
- Important progress has been achieved through the implementation of the *Action Plan for Official Languages*. Interdepartmental coordination as well as dialogue with the communities have intensified through, among other things, ministerial consultations held annually since 2003. The Government is thus confident that federal institutions will rise to the occasion and will fulfill their important responsibilities in promoting English and French in Canada. It will indeed support their efforts through, in particular, the work of the Privy Council Office, Canadian Heritage, Justice Canada, Treasury Board Secretariat and the Public Service Human Resources Agency of Canada. These organizations will share their expertise and resources in order to support the implementation by all institutions of this federal commitment.