

**STRATEGIC PLAN  
IMPLEMENTATION OF SECTION 41 OF  
THE OFFICIAL LANGUAGES ACT  
COMMUNITY COMPONENT  
2004-2009**

**JUSTICE CANADA**

## TABLE OF CONTENTS

Context and Framework of the Strategic Plan.....	3
1. The Strategic Planning Environment .....	4
2. Mission and Strategic Directions of Justice Canada .....	5
3. Community Component: Identified Needs .....	6
4. The Mission of the Department of Justice concerning the Implementation of Section 41 - Community Component .....	6
5. Objectives of the Strategic Plan.....	7
6. Targeted Outcomes and Performance Indicators.....	7
7. Strategic Axes .....	9
8. Prioritized Programs and Services for the Implementation of Section 41 – Community Component.....	10
9. The Coordination Mechanism for Official Languages in the Department of Justice .....	10
10. Consultation Mechanisms for the Communities .....	10
11. Resources Dedicated to the Implementation of Section 41 – Community Component .....	11
12. Operational Framework .....	12

## Context and Framework of the Strategic Plan

In September 2002, personnel in the Department of Justice Canada, responsible for the implementation of Section 41 of the *Official Languages Act*, undertook a strategic planning process.

On March 12, 2003, the Government of Canada published an action plan entitled: *The Next Act: New Momentum for Canada's Linguistic Duality – The Action Plan for Official Languages*.

Section 41 of the *Official Languages Act* states: *The Government of Canada is committed to: (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and (b) fostering the full recognition and use of both English and French in Canadian society.*

Given the extensive responsibilities assigned to the Department of Justice of Canada by the Federal government and because of the required involvement of many of its sectors following the publication of the *Action Plan for Official Languages*, the Department of Justice has developed two distinct, interrelated and parallel components for the implementation of Section 41 of the Official Languages Act.

### Access to Justice in Both Official Languages

One component will specifically target the subject of access to justice in both official languages and the needs of the defendants and persons using the judicial system. *The Action Plan for Official Languages* introduces the strategic axes in that area (4.2.3 – Justice, p. 45). Justice Canada has developed a results-based management and accountability framework (RMAF) centred on results aimed specifically at the implementation of access to justice initiatives. The RMAF received Treasury Board approval.

### Community Component

This other component deals more specifically with the needs of the official language minority communities concerning access to the Departmental programs as well as the participation of these groups in the development of policies in the area of justice in Canada.

Such a choice from the outset reduces the risk of scattering resources and ensures that the individuals responsible for the Community Component will be able to concentrate their efforts, energies and available resources to achieve definite results responding to the priority needs identified by minority communities and Justice Canada.

### **This Strategic Plan covers only the Community Component of the implementation of Section 41 of the Official Languages Act of Justice Canada.**

First, it offers a number of conclusions concerning the implementation of Section 41 in the Department between 1994 and 2002. Then, it reviews the Department's mission and general objectives to which the implementation of Section 41 of the *Act* must be directly linked. It determines the priority needs identified following consultations with the communities. It develops a specific mission for the Community Component of the implementation of Section 41 as well as the general objectives retained. It defines the direct, intermediate and ultimate outcomes as well as the most significant performance indicators.

This plan offers strategic axes for the persons responsible for its implementation, as well as for the prioritization of Departmental programs and services. The plan covers several operational aspects such as the Department's coordination mechanism in the area of official languages,

consultation mechanisms with the communities and the resources dedicated to the implementation of Section 41 - Community Component.

The Strategic Plan will serve as a guide to the annual Status Report of Justice Canada during the next five years, that is, from 2004-2005 to 2008-2009.

There will be an administrative evaluation to measure the progress in the implementation of section 41 conducted by the Office of la Francophonie, Justice in Official Languages and Bilingualism. The Office will work with the targeted programs to insert indicators in relation to section 41 in the ongoing performance measurement and monitoring strategy of their program.

## **1. The Strategic Planning Environment**

### **Accountability Framework**

In August 1994, the Government of Canada approved the adoption of an accountability framework for the implementation of Section 41. The main elements are as follows:

- *Initially, measures will target a certain number of key institutions in areas of intervention which are vital to the minority-language communities and have the greatest impact.*
- *Each key institution develops an action plan for the implementation of Section 41 which takes into account the specific needs of the official language minority communities.*
- *The action plans are developed in consultation with official language minority communities in order to identify community needs and allow institutions to take these into account in their activities.*
- *Ministers responsible for key institutions transmit these plans and report on the results attained once a year to the Minister of Canadian Heritage.*
- *The Annual Report on Official Languages given by the Minister of Canadian Heritage will include a section on the implementation of this governmental commitment. The Annual Report will highlight the action plan of each key federal institution and the results attained during the previous year.*

### **Findings concerning the implementation of Section 41 at Justice Canada: 1994-2002**

An environmental scan undertaken in the fall of 2002 revealed the following findings:

Internal reach concerning the implementation of Section 41 is high in the field of the administration of justice but nearly non-existent in the field of social policy orientation. The exception is a few Senior Managers who have more in-depth knowledge of official language minority communities.

Reach within the communities is very limited. In general, the official language community groups have very limited knowledge of Justice Canada programs and services. This situation is not limited to official language communities. The Department carried out a study in December 2000 which concluded that the Canadian public as a whole has limited knowledge of Justice Canada's programs and services. This study recommended that Justice Canada implement public awareness strategies to create a better understanding of how the Department's programs and services contribute to the protection and well-being of the Canadian population.

The level of success of official language minority groups applying for funding in various programs is low. The communities have a limited knowledge of the terms and conditions of the various programs.

Both official languages are used in all Justice Canada publications. Also, the Department supports some majority groups per year in publishing and making available in both official languages the products of their projects such as videos, pamphlets and information tools (10 to 15 projects a year).

The administration of justice is an area of shared jurisdiction. The Department exercises little influence with the provinces and territories concerning the active offer of services in the language of the minority in areas dealing with the social policy orientation of Justice Canada.

There are two levels of need related to the communities in the implementation of Section 41. One level concerns access to justice in both official languages. The other level concerns the social policy orientation of the Department.

To date, most Section 41 implementation efforts have dealt with the first level related to access to justice. Less effort has occurred concerning the social policy needs.

Certain groups and certain segments of the communities are disadvantaged or could be considered disadvantaged. These include women suffering from aggression and violence, ethnocultural communities, youth and seniors. The needs of the "at risk" groups are more closely linked to the social policy orientation of Justice Canada. In certain instances, the needs of these groups also link to access to justice in both official languages.

Justice Canada has implemented an important number of projects and activities related to the linguistic duality component of Section 41. The Department has implemented very few initiatives on the first part of Section 41 relating to the vitality of the communities. The limited resources allocated to the coordination of the implementation of Section 41 is one factor among others that could explain the level of progress achieved by November 2002.

This summary analysis confirms the necessity of undertaking the development of a strategic plan.

## **1. Mission and Strategic Directions of Justice Canada**

The Mission of the Department of Justice is to:

- *support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;*
- *provide high-quality legal services and counsel to the government and to client departments and agencies; and*
- *promote respect for rights and freedoms, the law and the Constitution.*

The Department of Justice has developed three strategic directions to implement this mission.

**Serving Canadians:**

*We will strive to make the justice system relevant, accessible and responsive to the needs of Canadians and we will provide effective stewardship of that system.*

**Providing High Value and Making Choices:**

*In an environment where our workload is increasing and the needs of government and our clients are changing, we will focus on efficiently and effectively delivering cutting edge leadership and excellence in those areas of law and policy that are integral to the role of government or that are focused on emerging government priorities.*

**Capitalizing on Our Strengths:**

*We will integrate the law and policy dimensions of our work to better meet the needs of government. We will use our presence across Canada and in all departments to generate timely and strategic advice for the government. We will work together, share information and knowledge, and create an enabling work environment.*

## **2. Community Component: Identified Needs**

Following Departmental consultations and an analysis of the documentation, an effective and efficient implementation of Section 41- Community Component should address more specific needs in four areas:

1. The Department of Justice must be better acquainted with the different needs of the clientele in the official language minority communities: The identified groups are the following:
  - groups working in the area of family violence;
  - ethnocultural communities (new Canadians, immigrants, francophone refugees living in minority communities);
  - women;
  - youth;
  - seniors;
  - children.
2. The official language communities and their intermediary organizations must be more aware of Departmental programs and services.
3. The administration of justice is a shared jurisdiction. As such, there is a need for cooperation between the federal and provincial-territorial organizations and agencies working in the area of justice.
4. The official language minority communities and the different government organizations working in the area of justice must be more aware of the possible impact of issues in the justice system on the vitality of these communities.

## **3. The Mission of the Department of Justice concerning the Implementation of Section 41 - Community Component**

The Department of Justice is responsible for a wide variety of issues in the overall implementation of Section 41 of the *Act*.

In response to the coordination and accountability framework of the federal government action plan for official languages, the mission of the Department of Justice with regards to the community component in the implementation of section 41 is the following:

To provide and demonstrate leadership in implementing the commitment specified in section 41 of the *Official Languages Act*.

More specifically, the Department:

1. will seek out and facilitate the participation of official language minority communities in the design, development, implementation and evaluation of our programs, policies and services, so that their needs may be identified and taken into consideration.
2. To achieve these goals, the Department will raise its employees awareness of the situation of minority language communities in order to enable them to develop effective relations with these communities so that their needs are identified and considered, and their necessary participation ensured.

## 5. Objectives of the Strategic Plan

Within the parameters of its mission and guiding principles, the objectives of Justice Canada concerning the implementation of Section 41 of the *Official Languages Act* – Community Component, are the following:

1. Establish a sustainable relationship between the Department of Justice and the official language minority communities as well as with the organizations representing them.
2. Support the preparation of useful information, tools and resources for the official language minority communities in the area of justice.
3. Promote the creation of local, regional and national partnerships to implement the initiatives related to justice in the minority language.
4. Foster the participation of the official language minority communities in Departmental consultations leading to the development of policies, programs and services in the area of justice.

## 6. Targeted Outcomes and Performance Indicators

The Strategic Plan targets **three direct outcomes**.

**Direct Outcome One: The recognition of the government's commitment in section 41 as a key dimension to take into account in the implementation of programs and services of the Department.**

The performance indicators are:

- the Senior Managers' level of knowledge of the Department's commitment concerning the implementation of Section 41;
- the Departmental Executives and Senior Managers' level of knowledge of the communities' needs;

- the Department's level of consideration of these needs in the development of its programs and services;
- the level of consideration of these needs in the development of Departmental mechanisms of accountability for the Department and for senior management.

**Direct Outcome Two: An increased understanding of Departmental programs and services by the official language minority communities.**

The performance indicators are:

- the ongoing and regular sharing of information concerning the implementation of Section 41 of the *Act* between the Department's representatives and the communities.
- the community organizations' level of awareness of the terms and conditions of the Departmental programs.

**Direct Outcome Three: An increased understanding by the communities, as well as by the Department, of the impact of the implementation of its policies in the area of justice on the development of these communities.**

The performance indicators are:

- the level of awareness of the impact of Departmental policies on the development of official language minority communities, from the very first phases of their development up to their implementation;
- the level of awareness of the impact of the delivery of the Department's services on the development of the communities.

The Strategic Plan targets **one intermediate outcome**:

**An increased cooperation, with the participation of the official language minority communities, between the Department of Justice of Canada and the provincial and territorial departments of justice in the implementation of initiatives contributing to the development of communities in the area of justice.**

The performance indicators are:

- the level of influence exercised by the federal government on the provinces and territories in the area of justice concerning the development of official language minority communities;
- the number of governmental initiatives implemented in the area of justice taking into account the needs of the official language minority communities;
- the level of incorporation of Section 41 of the *Official Languages Act* in the policies of the Department of Justice of Canada as well as in the policies of the provincial and territorial departments responsible for administering justice.
- the number of new partners of the majority language participating in initiatives promoting the development of official language minority communities in the area of justice.

**Ultimate Outcomes**

The Strategic Plan targets **one ultimate outcome**:

**Programs and services in the area of justice are available in the minority language and are comparable to those offered in the majority language.**

The performance indicators are:



- the adequacy of programs and services offered in the minority language;
- the utilization level of programs and services by members of the official language minority communities.

The Department of Justice cannot achieve ultimate outcomes alone. It aims to achieve these outcomes by joining with many other interested parties in its efforts. The evaluation of progress towards these ultimate outcomes is part of the responsibilities described in Annex A of the federal government's *Action Plan for Official Languages* and will be part of the horizontal coordination described in sections 31 to 44 of that annex.

## **7. Strategic Axes**

In order to transform these outcomes into concrete actions, the Department will focus on five specific strategic axes.

### **7.1 Inform the official language minority communities about the programs, services and policies of the Department of Justice.**

Some examples:

- Implement a communication plan with the official language minority communities.
- Inform the community groups, on a regular basis, of projects, initiatives and programs that may be of interest to them.

### **7.2 Inform the managers of the Department of Justice of the needs of the official language minority.**

Some examples:

- Identify the national and regional justice issues affecting the communities.
- Implement strategies contributing to the different action plans of the Department's diverse sectors responding to the needs of minority communities.

### **7.3 Establish consultation and collaboration mechanisms with the official language minority communities.**

Some examples:

- Develop close ties with minority communities through the network of coordinators of Part VII of the *Act*.
- Develop close ties with the community news media.

### **7.4 Promote the communities' participation in the development of Departmental policies and programs that can contribute to their development.**

Some examples:

- Increase the communities' participation in the Public Legal Education and Information Program.
- Call upon eligible persons to sit on various Departmental consultation committees as well as on other Departmental committees.

**7.5 Collaborate with departments and agencies involved in the area of justice, at the federal as well as the provincial and territorial levels, in the implementation of initiatives supporting the development of communities.**

Some examples:

- Include clauses regarding the implementation of Section 41 in federal, provincial and territorial agreements.
- Offer recommendations regarding initiatives in support of the development of communities.

**8. Prioritized Programs and Services for the Implementation of Section 41 – Community Component**

All of Justice Canada programs and services are called upon to implement Section 41. The five programs and services retained as priorities are:

1. **The Family Violence Initiative.**
2. **Youth Justice Renewal Initiative.**
3. **Child-centred Family Justice Strategy.**
4. **Public Legal Education and Information Program.**
5. **Access to Justice in both Official Languages Fund.**

The National Coordinator for the implementation of Section 41 will meet with the managers of these programs during the first year of the Strategic Plan to determine the outputs of each program that can contribute to the development of minority communities.

Staff responsible for the implementation of Section 41 – Community Component will rely on the Department's Research and Statistics Division in order to conduct the necessary research and analyses.

**9. The Coordination Mechanism for Official Languages in the Department of Justice**

The federal government's *Action Plan for Official Languages* outlines the responsibilities of the Department of Justice concerning the implementation of initiatives regarding the *Act* in general and Part VII in particular. The Department will develop an internal mechanism to coordinate the efforts of various branches implicated in the implementation of all the initiatives related to the official languages. This coordination mechanism, as well as the role of the National Coordinator of Part VII of the *Act*, will be added to the Strategic Plan later.

**10. Consultation Mechanisms for the Communities**

The choices made in the Strategic Plan demonstrate how the Department of Justice intends to prioritize actions to address the needs of official language minority communities. The environmental scan also confirms the need to carry out an awareness campaign within the Department itself before approaching other parties interested in justice at the federal level.

In order to facilitate the implementation of this Strategic Plan, the Department will establish one consultation committee (with two working groups), for the francophone and anglophone minority communities. The mandate of the committee will be the following:

- Facilitate ties between the official language minority communities and the Department of Justice of Canada.
- Facilitate the dissemination of information regarding the activities of each of the organizations that are committee members.
- Facilitate the participation of official language minority communities in the Department's planning process.
- Facilitate the coordination of activities within the organizations that are committee members.
- Facilitate improved access to Departmental programs and services by the official language minority communities.
- Collaborate, as needed, with government agencies and departments working in the area of justice in Canada, informing them of the official language minority communities' needs and possible initiatives that could meet their needs.

The members of these consultation committees will be nominated during the first year of the implementation of the Strategic Plan, in consultation with the interested parties in the community, within the Department, and other interested parties in the area of justice.

## **11. Resources Dedicated to the Implementation of Section 41 – Community Component**

A team, composed of four (4) persons will be responsible for implementing this Strategic Plan. These team positions are:

- A Senior Policy Analyst who assumes the role of National Coordinator of Part VII of the Official Languages Act (already appointed);
- Two Program Officers, level PM4 (positions to be filled);
- One administrative position, level AS2 (position to be filled).

An amount of \$200,000 is budgeted annually to support the consultation mechanisms.

Furthermore, the Department has established a network of regional coordinators who will perform tasks related to the implementation of this plan as part of their current responsibilities. There is one coordinator for each of the following regional offices.

- Vancouver Regional Office;
- Prairies Regional Office;
- Ontario Regional Office;
- Quebec Regional Office;
- Atlantic Regional Office;
- Northern Region Office;

Finally, the Department has designated program coordinators to implement Part VII in the five prioritized programs.

## **12. Operational Framework**

The team responsible for implementing Part VII will report to the General Counsel responsible for the *Office of Francophonie, Justice in Official Languages and Bijuralism*. This person reports directly to the Department's Associate Deputy Minister.