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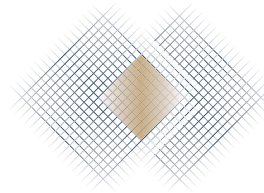
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The texture of Canada

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 thirty-third Annual Report of the Commissioner of Official Languages covering the period between April 1st, 2003 and March 31st, 2004.

Yours respectfully,



Dyane Adam
October 2004

The Speaker of the House of Commons Ottawa

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October 2004



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Summary

The Citizens' Report

The Citizens' Report

This report is for all Canadians. It also speaks to everyone who believes in language equality in Canada. It is for those who made complaints over the past year so that their language rights would be respected. It is for everyone who expects the government to clearly demonstrate its commitment in the day to day implementation of the *Official Languages Act*.

For the past four years, the Commissioner has tabled annual reports that called upon the Government of Canada to exercise immediate political and administrative leadership in the area of official languages. The initial assessment was harsh, but fair. Budget cuts in the 90s had led to a significant erosion of language rights and threatened the progress made in earlier decades.

It seemed obvious that official language governance could benefit from a major kick-start and much-needed improvements. The government reacted and got down to work. After two years of effort and consultation with official language communities, it produced an *Action Plan for Official Languages* in March 2003.

During its first year, implementation of the Plan was quite slow. While there were real achievements, there were also delays in funding minority language instruction and second language teaching, even though these two activities are among the Plan's priorities.

The Government of Canada is responsible for providing bilingual services, and respecting and promoting linguistic duality in Canada. It now also has the additional responsibility of meeting the commitments set out in its Plan, all the while respecting the established deadlines. Any delay or slowdown on this front



could seriously harm official language communities, not to mention the social fabric of Canada. First and foremost, action means getting results. Results will be much more apparent to the government – and to ourselves – once efficient accountability measures have been implemented.

A new synergy and a new, constructive attitude are developing in the country with regard to bilingual services and the promotion of official languages. Consultation between the Government of Canada and the provinces and territories is necessary to establish greater equality of opportunity. The provinces and territories have increased their commitment, particularly in the areas of health and justice. Without this commitment, the availability of essential public services in French and in English would essentially be limited to services from the Government of Canada. In this context, federal leadership in promoting our official languages is of paramount importance.

As spokespersons for the average citizen, Members of Parliament have an individual and collective responsibility to promote the equal status of our two official languages. The same holds true for members of the Senate, who historically have been the defenders of minorities. Their leadership in this area is crucial. They must speak to Canadians and make sure they fully understand what is at stake. Explaining the importance of our official languages to our citizens also means stressing the need to advance toward linguistic equality while listening to their concerns, suggestions and expectations.

Although the responsibility for implementing official language policies and directives lies mainly with the employer and managers, federal employees also have a role to play in respecting both official languages. Those in bilingual positions must be active and vigilant in ensuring that clients are served in the language of their choice.

Federal employees working in designated bilingual regions should feel free to use the language of their choice. The majority language group should be open-minded and promote the equitable use of each official language in the workplace. This will enable the federal public service to be seen as a model of inclusion and respect for all Canadians.

Above all, citizens expect one thing: results. They care little about plans developed at the highest level. They want – we repeat – results. When the federal administration takes too long to implement language policies, it sows seeds of doubt in the minds of our citizens. People want to see the promised improvements take shape close to home, in their daily lives and in their communities.

The climate of linguistic harmony that most Canadians are trying to create is also important to newcomers. Few countries expect immigrants to play a major role in the economic and social development of their adopted country as quickly as Canada does. Their integration into Canadian society is certainly accelerated through the rapid acquisition of English or French, or even both.

In short, defending linguistic equality is everybody's business. This equality must guarantee justice and fairness for all. In that sense, learning both of Canada's official languages is simply another step toward the social inclusion of the entire Canadian community. And it opens doors to the world.

1

Chapter One

Governance of
Official Languages



Ernest Renan, the great historian, once said that a nation is a great solidarity.¹ Canada is a remarkable example of this solidarity. Paradoxically, one of Canada's great strengths is the ability to agree on each other's diversity – our different origins, political opinions, and beliefs. Canadians also agree² on the importance and advancement of English and French as official languages while respecting the identities, cultures and rights of all citizens.

Canadians all know one truth: that being open to sharing and partnering with one another is to participate in building a fairer country and a world where we are all neighbours. They understand that economic and human development are not incompatible; rather, they strengthen each other.

As we build our future, it is important to establish and promote national, provincial and local strategies that will effectively preserve and enrich our linguistic and cultural heritage. In other words, we should adopt principles of good governance that allow Anglophones and Francophones from all backgrounds to work together toward a common future.

In this regard, the Government of Canada has a clear responsibility: to act as the project manager. It must work with the provinces, territories and society as a whole – with all our fellow Canadians – to ensure progress toward the equal status and use for both of our official languages. This progression toward equality is hardly a new idea. It is a very Canadian idea, born of conciliation and compromise – an ideal that can lead to more harmonious, inclusive and therefore more productive relations among all our citizens.

This year, we wanted first to share with our readers some thoughts on the governance of official languages. We will then look at the major events or changes in governance in this area during the past twelve months. Finally, we will comment on the need for ongoing, forward-looking leadership at the federal level so that linguistic equality is maintained in a changing Canadian society.

Governance of Official Languages

What does “governance” really mean? Governance is the political, administrative and legal framework used to implement the *Official Languages Act*. Beyond that, governance is also the collective, concerted and interactive action required of all political and social players to implement common objectives that citizens can support and carry out in their daily lives.

In a way, governance is the machine that allows us to govern ourselves collectively. Like any large machine, it is made up of many parts that work together to make it move. What are the workings of this social machine?

- ◆ *On the political level:* key players such as Parliament and parliamentary committees, and the government.
- ◆ *On the administrative level:* institutions such as the Privy Council Office, the Public Service Human Resources Management Agency, Canadian Heritage and Justice Canada, that guide, co-ordinate and oversee the implementation of the *Act* by the government as a whole.

[1] Ernest Renan, *Discours et conférences (Speeches and Seminars)*, Paris, Calmann Lévy, 1887.

[2] See data on support for bilingualism in Chapter Five of this report.

- ◆ *On the legal level:* the language provisions of the *Constitution Act* of 1982 and court decisions clarifying the meaning of both the *Official Languages Act* and its *Regulations* on bilingual communications and services. In a broad sense, we can also include Treasury Board's official language policies and guidelines.

The workings of governance evolve constantly: the gears turn and each motion impacts another part of the mechanism. For example, court interpretations of language rights, especially those of the Supreme Court of Canada, have a major impact on the scope of the provisions of the *Act* and government actions. Quite often, court interpretations with respect to the right to minority language education have been decisive.

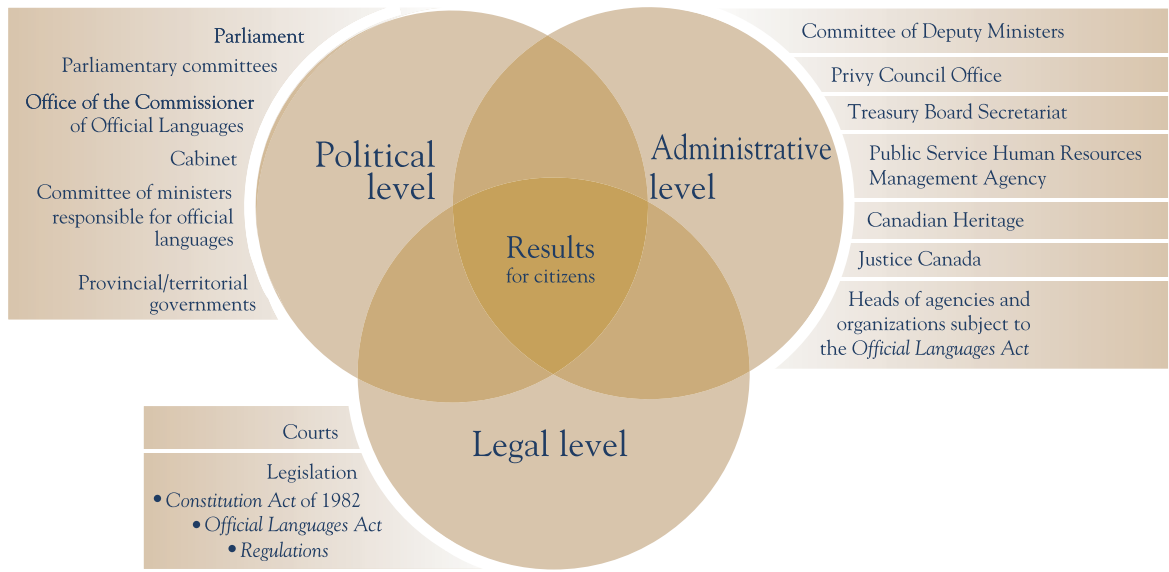
The machinery is complex and impressive. The engine hums and turns, but what does it produce at the end of the day? Our evaluation of this issue is based

on a few simple criteria drawn from our vision of how government should act to promote our linguistic values: with responsibility, consistency, efficiency, public participation and transparency.

The principle is simple. Under the Constitution, English and French are Canada's official languages. Citizens therefore have the right to expect that Parliament and the Government of Canada will protect and defend linguistic duality.

Canada's Anglophone and Francophone communities, be they members of the majority or the minority in their respective provinces or territories, want recognition and respect in their everyday lives. They expect their federal and provincial or territorial governments, to the extent it is possible, to provide essential public services in their language to support their development and to level the playing field in terms of opportunities available to both linguistic groups. Communities also

The Governance Machine



expect all levels of government to encourage progress towards achieving linguistic equality, as prescribed in the Constitution.

Progress in this regard depends on the quality of governance of official languages in Canada. Effective governance means a process of participation, interaction, negotiation and co-ordination among the various players who come together and pool their know-how and resources in an effort to eventually achieve language equality. As a case in point, it is important for the Government of Canada to continue encouraging federal-provincial-territorial agreements on education, but agreements in other sectors such as health are also worth pursuing. Furthermore, community players must not be left out, hence the importance of encouraging Canada-community agreements.

Reconciling these interests and viewpoints should also make it possible to reach a broad consensus on common goals, their achievement and expected results. Dynamic dialogue among stakeholders should also allow ample room for consultation with, and the active participation of, all players within a civil society, including individual citizens.

Accountability, efficiency and consistency are indispensable in a good governance structure. If our official languages are truly to be at the core of the government system, their presence should not just be felt, but also assessed. Objectives should be clearly communicated and continually implemented. Managers should be designated and made accountable. For clear and transparent accountability, results should be carefully measured. Make no mistake: Canadians want results.

In the last Annual Report, the Commissioner welcomed the publication of the *Action Plan for Official Languages* in March 2003. In it, the Government of Canada clearly reaffirms its commitment to linguistic duality.

Despite some flaws, especially in the Accountability and Coordination Framework, the Action Plan is an excellent roadmap. Where are we one year later?

Steps Taken: Major Fine-Tuning

There were two major events in 2003-2004:

- ◆ In November 2003, the President of Treasury Board announced that new official language policies would come into effect on April 1st, 2004; and
- ◆ In December 2003, the new government reallocated responsibility for implementing the Official Languages Program by:
 - ◆ appointing a minister responsible for official languages; and
 - ◆ creating the Public Service Human Resources Management Agency. The Agency is responsible for the new *Public Service Modernization Act* as well as for official languages responsibilities previously under the Treasury Board Secretariat. (Since July 2004, the Agency reports to the President of Treasury Board.)

New official language policies

Although the new policies have their shortcomings, they do strengthen the capacity of federal institutions to function in both languages. Thus, imperative staffing becomes the norm for all bilingual positions except those at the entry level of the Executive group. A timetable has also been set for making bilingualism compulsory in most management-level positions. At the same time, language training will become more accessible.³ The Commissioner once again highlights the remarkable leadership shown by the President of Treasury Board of the time, the Honourable Lucienne Robillard, in drawing up these policies. The Commissioner expects the government to show the same leadership by quickly reviewing the remaining official languages policies, such as those relating to service to the public, and adapting them to current needs.

[3] Chapter Three of this report presents a detailed analysis of the revised policies.

RECOMMENDATION 1

The Commissioner recommends that the President of Treasury Board:

- quickly complete a review of remaining official language policies.
-

Changes in responsibility

A Minister responsible for official languages

The swearing in of a Minister responsible for official languages in December 2003 was a first in Canada's history. As the sole Minister entrusted with full responsibility for language issues, this Minister has a more central role to play than the co-ordination function assigned to his predecessor.

The Minister responsible for official languages will continue to be assisted by a committee of Ministers responsible for sectoral issues. We expect this committee to encourage leadership at the highest level and to support the implementation of the Action Plan, as the Commissioner had recommended last year. Since this committee's role is included in the Accountability and Coordination Framework, some continuity is assured.

Public Service Human Resources Management Agency

Reporting to the President of the Privy Council in 2003⁴, this new Agency will give a higher priority to human resource management.

Unfortunately, not much activity occurred following the transfer of responsibility for the Official Languages Program from the Treasury Board Secretariat to the Agency. This disrupted the implementation of the Program within the federal public service, especially the measures contained in the Action Plan. In fact, far too much time and energy were initially spent on studying mandates and distributing resources.

Another cause for concern is the fate of impact studies with respect to the consideration of official languages. When the Official Languages Program was under the Treasury Board Secretariat, executives reviewed proposals to create or change government programs to make sure that their linguistic impact had been considered. Since the creation of the Agency, matters are no longer clear. Nobody seems to know if proposals should undergo impact assessments or not. As a result, it is possible that the government could set up new programs without taking the language dimension into account.

This lack of consistency is of particular concern in the context of ongoing spending reviews affecting the federal bureaucracy as a whole. The government must quickly clarify the mechanism for approving proposals so that official languages receive full consideration, in accordance with the Action Plan. In short, the new official language management structure raises many questions. Canadians are right to be concerned and to wonder whether the "mechanics" have made all the right adjustments to the administrative machinery.

[4] Since July 2004, the Agency reports to the President of Treasury Board.

Implementation of the *Action Plan for Official Languages*

Despite its importance, the Action Plan is not the government's only tool in accomplishing its mission. To the degree that federal institutions properly assess the linguistic aspects of their many social, economic and cultural programs, they actively contribute to ensuring progress toward the equal status of languages. Nevertheless, implementing the Plan effectively is important because it can have a significant impact on government action overall in achieving equal status for both official languages.

Confirmation of the Action Plan and resource allocation

After reviewing the main changes in the governance system, let us now look at what was accomplished in the first year of the Plan's implementation. It is important to remember that this Plan was to gain lost ground and redress the negative effects of government transformations of the last decade.

The Commissioner notes that, generally speaking, the government has set the benchmarks needed to reach the goals of the Action Plan. But there are still not enough tangible achievements. Nevertheless, some Departments have adopted their own plans or drawn up strategies according to the new priorities.

When the Cabinet shuffle took place in December 2003, the government indicated that it would review budget allocations due to new priorities. This gave rise to concerns about maintaining the funding envelope provided for the Action Plan (\$751.3 million over five years). It was essential that the government not take back with one hand what it had given with the other.

Following intervention by the Commissioner and official language communities, the government dispelled these concerns:

- ◆ by restating its commitment to linguistic duality in the February 2004 Throne Speech; and
- ◆ by afterward confirming that the total budget for the Action Plan would remain unchanged and that funds would be invested according to established priorities.

In addition, a process was set up to ensure that Cabinet reports give more prominence to official languages.

In the last Annual Report, the Commissioner recommended that implementation of the Action Plan be strengthened by establishing an accountability framework; this would make it possible to assess steps taken and to identify achievements, to set up a framework for intergovernmental co-operation and to prepare a consultation strategy for linguistic majorities.

Some steps were taken in this direction, at times at the initiative of other stakeholders:

- ◆ In March 2004, the Privy Council Office hired a firm to prepare an accountability framework that is expected by early fall.
- ◆ Following a provincial initiative at the Ministerial Conference on Francophone Affairs, the government signed an intergovernmental co-operation agreement in September 2003 to ensure full implementation of the Action Plan.
- ◆ At the Symposium on Official Languages in March 2004, the Minister responsible for Official Languages announced that consultations would be held in co-operation with Canadian Parents for French on strategies needed to reach Action Plan objectives for learning French as a second language.

- ◆ The government undertook specific initiatives linked to Action Plan priorities, especially in the fields of health, justice, economic development of minority communities, and priorities related to creating an exemplary public service. These initiatives are analyzed in Chapters Two and Four.
- ◆ Consultations were held with communities to take their opinions into account and inform them of ongoing initiatives.

The importance of such consultations cannot be ignored. They involve other levels of government and put citizens at the heart of projects that concern them, no matter what level of government is responsible for implementing them.

The government is still on the starting blocks in the important field of education, which covers half of the investments under the Action Plan. Initiatives in this area have not been implemented, as the government has not yet reached agreements with its provincial and territorial partners. The situation is urgent. In the current context, any delay creates additional weaknesses and hinders any real progress in achieving the two key objectives of the Action Plan: increasing the proportion of bilingual secondary school graduates from 24% to 50%, and providing French language instruction to 80% of the target school population covered by section 23 of the *Canadian Charter of Rights and Freedoms*. According to the Action Plan, both objectives should be reached by 2013. There is no time to lose.

Results: A Sputtering Engine

Although the government took steps during 2003-2004 to advance linguistic duality, there has been more than one unpleasant surprise. Will the government succeed in achieving its goals by the established deadline?

The adoption of revised policies and the initiatives taken in some sectors, especially health, are steps in the right direction. However, the reassigning of responsibilities created some ambiguity and slowed the progress of several projects.

Moreover, most of the activities undertaken by the institutions described above were only set in motion toward the end of the year.

The delay in renewing framework agreements on education is a serious concern because it directly affects two major aspects of the Action Plan: support for minorities and the promotion of language duality among the majorities. What is missing with regard to this second key aspect is a clear, complete strategy and very active leadership on the part of Canadian Heritage.

The lack of political will in defining the scope of Part VII of the *Act* to make this section enforceable creates a climate of ambiguity and uncertainty about measures needed to foster minority development. Institutions subject to the *Act* must usually consider the needs of official language communities when drawing up policies and programs. This requirement would have a much larger impact if its binding nature were clearly established. Indeed, all institutions would have to take a much more searching look at the effect of their policies and programs to ensure that they support the development of the communities involved.

Clarification of Part VII of the *Act* needed

In the last Annual Report, the Commissioner again recommended that the government define the legal scope of the commitment set out in section 41 of the *Act* and take the necessary steps to effectively discharge its responsibilities under the *Act*. She repeated that it was important to confirm the binding nature of this commitment through legislative or regulatory channels.

The Commissioner is disappointed that the government, in the matter of the *Forum des maires de la péninsule acadienne*, preferred to use the courts to clarify the scope of Part VII. In its decision, the Federal Court declared that section 41 obliged the Canadian Food Inspection Agency to consult the Acadian community before transferring its employees (see details in Chapter Four).

This interpretation was contested by the government. It explained its position in Parliament as follows: “Part VII of the *Official Languages Act* is declaratory, in that it does not expressly include any substantive legal right or obligation; this Part of the *Act* asserts a commitment by the Government of Canada. As a result, Part VII is not justiciable, in that it does not provide for a legal remedy in cases of alleged breaches.”⁵

While recognizing that the legal scope of this commitment has been debated for several years, the government states that this does not in the least weaken its resolve to foster the vitality of minority communities.

The Commissioner does not share this point of view because the facts argue otherwise. For several years, the Commissioner has noted major ambivalence within the Government of Canada concerning the implementation of Part VII of the *Act* – it simply has no idea what it is expected to do. In the face of such disappointments, communities expect even more from a government that constantly reaffirms that it is really committed to enhancing their linguistic vitality.

The Commissioner believes that the new Accountability and Coordination Framework specifying the responsibilities of federal ministers and institutions under Part VII of the *Act* cannot be fully implemented if that part of

the *Act* is not binding. In the absence of a clear legal and regulatory framework, the federal administration’s enthusiasm will surely be curbed by other priorities or legal obligations. Furthermore, the allocation of necessary funds may be compromised even more if the Framework is not based on legal or regulatory obligations.

The time has come to act. It seems more reasonable to legislate than to go to court. In this context, it should be pointed out that the Senate, the traditional champion of minorities, had already passed Bill S-4 to clarify the government’s obligations in this matter. With the support of the Senate Standing Committee on Official Languages, Senator Jean-Robert Gauthier steadfastly sponsored Bill S-4. Unfortunately, it died on the order paper when Parliament was dissolved. Other possible avenues could be explored, such as the implementation of regulations that specify the scope of the government’s commitment and give Part VII of the *Act* the binding nature that is essential to achieve concrete results.

In the absence of these formal guarantees of public participation and transparency, communities will periodically have to turn to the courts – a drain on time and energy – to ensure that their language rights are respected.

RECOMMENDATION 2

The Commissioner recommends that the government:

- clarify the legal scope of Part VII through legislation or regulation by defining its compulsory nature as well as how federal institutions should implement it under the terms of section 41 of the *Act*.

[5] Answer given by the Honourable Bill Rompkey, Deputy Leader of the Government, in the Senate on February 25, 2004, to a question raised by Senator Jean-Robert Gauthier on February 16, 2004.

Spending reviews: staying on course

When the new government was appointed in December 2003, it announced a review of all spending on programs and activities to ensure that they were conducted efficiently and effectively. The Commissioner naturally supports the principle of sound management of public resources. Nevertheless, spending reviews of this kind should not lead to setbacks. A study by the Office of the Commissioner conducted on government transformations⁶, resulting from a similar exercise in the mid-90s, showed that the language rights of citizens had been eroded. The current exercise should not lead to a second setback.

As mentioned earlier, the guarantee that the budget for the Action Plan is to be maintained is encouraging. Many initiatives are underway while others are being planned. It is essential not only for the government to continue on course, but also increase its efforts.

However, the Action Plan is but one aspect of the government's commitment. It is essential that the federal bureaucracy also maintain expenditures in other areas – such as activities linked to the Official Languages Program or the effective delivery of bilingual services. Reducing the number of employees assigned to the Program in institutions or closing bilingual offices or points of service, could make an already weak network even weaker.

RECOMMENDATION 3

The Commissioner recommends that the government:

- maintain, in the context of the spending review, the resources allocated to the Official Languages Program as a whole.

Parliamentarians: key players in official language governance

Ensuring progress toward the equal status of both official languages is no easy task for a government that already has its hands full. It calls for determination. Parliamentarians, especially members of the House of Commons and Senate Committees, have set an example. They were particularly vigilant when they called on those responsible for implementing the Action Plan, along with managers of some institutions, to give an account of how the Act is enforced. They also invited the Commissioner on several occasions to hear her views about specific issues as well as the linguistic aspects of some proposed bills.

Standing Committee on Official Languages of the House of Commons

The Standing Committee on Official Languages of the House of Commons was particularly vigilant on health and immigration issues. It also studied the following issues:

- ◆ redrawing the boundaries of federal electoral ridings;
- ◆ National Defence and official languages;
- ◆ bilingual services provided by Canada Post;

[6] Office of the Commissioner of Official Languages, *Effects of Government Transformations on the Official Languages Program of Canada*, 1998.

- ◆ judicial appointments and bilingualism; and
- ◆ Francophone audiovisual production in minority environments.

Senate Standing Committee on Official Languages

The Senate Standing Committee on Official Languages also studied many files, including:

- ◆ access to justice in both official languages;
- ◆ Bill S-11, proposals to modify the *Official Languages Act*;
- ◆ Bill S-14, proposals to modify the *National Anthem Act* and to adopt a bilingual version of “O Canada!”; and
- ◆ review of the Northwest Territories *Official Languages Act*.

The Key to Good Governance

Keep the wheel steady and stay on course: this is the basis of good governance. The government is already behind schedule because it has spent an inordinate amount of time fine-tuning its internal mechanisms. The “pilot” must now resolve to make up for lost time. He must increase speed, but avoid the shallows.

- ◆ Increase speed to:
 - ◆ continue implementing the Accountability and Coordination Framework;
 - ◆ complete the full review of official language policies; and
 - ◆ renew the framework agreement for education without further delay.
- ◆ Avoid the shallows by:
 - ◆ investing the amounts provided for in the Action Plan; and
 - ◆ not cutting back in other sectors, especially the resources for program administration, in order to avoid weakening the overall Official Languages Program.

Appearances by the Commissioner of Official Languages

In 2003-2004, the Commissioner appeared eight times before the parliamentary committees of both Houses:

- ◆ before the Standing Committee on Official Languages of the House of Commons to discuss:
 - ◆ the Annual Report 2002-2003;
 - ◆ federal health responsibilities for minority official language communities;
 - ◆ language of work; and
 - ◆ the Main Budget Estimates for 2004-2005.
- ◆ before the Senate Standing Committee on Official Languages to discuss:
 - ◆ the *Report on Plans and Priorities*;
 - ◆ the *Action Plan for Official Languages*; and
 - ◆ Bill S-11, proposals to amend the *Official Languages Act* to clarify the scope of Part VII; and
 - ◆ the report of OCOL activities.

She also made recommendations to the Senate Standing Committee on National Finance for amendments to Bill C-25, proposals on public service modernization.

The year 2004-2005 will be another year full of challenges. The government needs to make progress on several key fronts: health, knowledge development, defence and security. It will succeed by relying on our society's basic strength – our language communities.

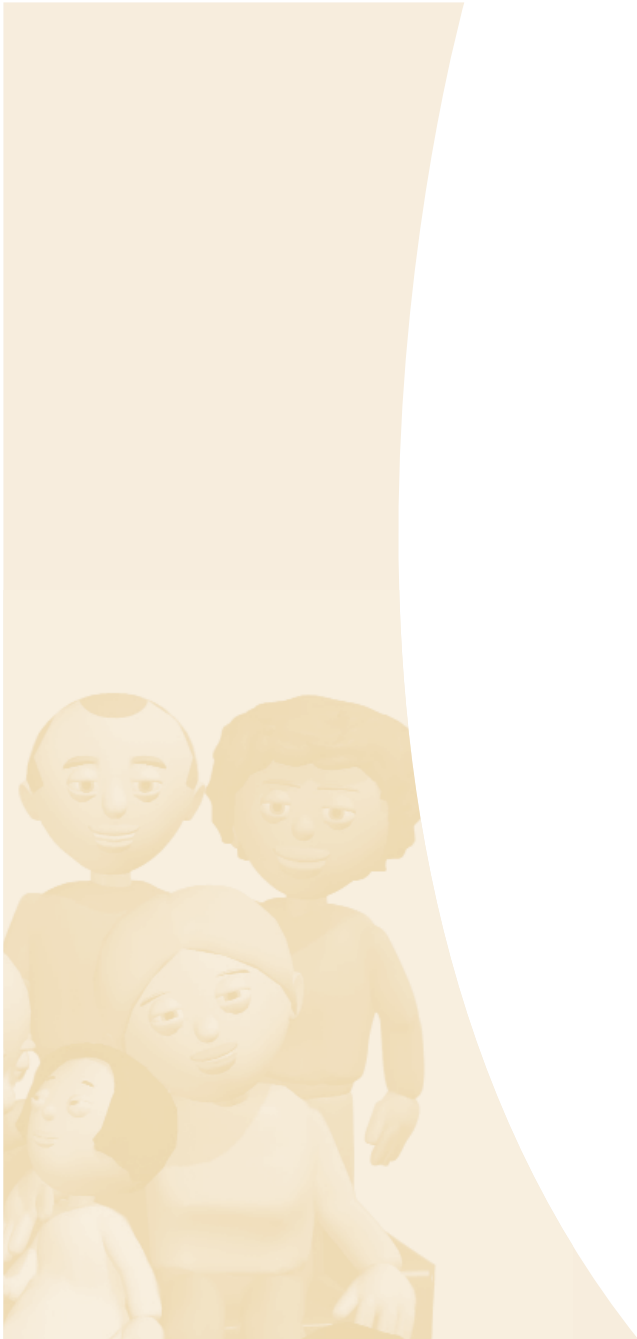
Linguistic duality is one of the central pillars in the construction of our shared future. As demonstrated by a recent study conducted by the Centre for Research and Information on Canada, for two out of three Canadians, "...living in a country with two official languages is one of the things that really defines what it means to be Canadian."⁷ Canadians contribute according to their abilities, by supporting government efforts to better serve citizens in the language of their choice and by encouraging their children to learn the other official language and become bilingual. For them, linguistic duality is a powerful ideal because it appeals to common sense, fairness, openness and generosity. Canadians fully recognize that a society aspiring to reflect these values is free and enlightened.

Political leadership is key to achieving this great co-operative endeavour: building a country that calls on the best in each of us. Such far-reaching reform of official languages cannot take shape through ambiguity and procrastination. It calls for daring. We are confident that the government can establish a new linguistic governance, more dynamic and positive than ever before, to benefit our two major language communities in all their richness and diversity.

2

Chapter Two

Service to the Public –
Getting Back On Track



The Objective: Flawless Service in Both Official Languages

What kind of federal services do citizens want? They want to go into a designated bilingual federal office without worrying whether it will be a hassle to obtain service in the official language of their choice. They want to be able to reach public servants by telephone quickly, using the official language of their choice, and feel respected. They do not want to wait longer than other clients to get the information they need because they speak the minority language. They want to access high quality, bilingual government Web sites. They want to find the information they need in their own community newspapers. They want to hear this information when they tune into their favourite radio stations when the government uses this medium to reach them.

As citizens and taxpayers, Canadians have the right to expect just as much rigour, initiative, leadership, responsibility and accountability from the federal bureaucracy in managing official languages as they can expect from other major federal social and economic programs.

The requirements for service to the public are very clear. Federal institutions must automatically provide quality service in both official languages in offices located in the National Capital Region, and in offices that are designated bilingual in the rest of Canada. And this holds true for all forms of communication with the public: by telephone, in person, in writing, over the Internet, etc. More specifically, federal institutions must:

- ◆ clearly inform citizens on where they can obtain service in their language;
- ◆ make an active offer of service so citizens know at the outset that service is available in both languages;

- ◆ have enough bilingual employees with adequate language skills;
- ◆ have established checks enabling them to assess whether services are offered in both official languages and that they are of the same quality; and
- ◆ make their managers accountable for reaching these objectives.

Measures Taken

Over the past year, the government has adopted several measures to improve services to the public. Most are related to the policies governing the provision of services. Let us take a closer look.

Accountability framework

There is a good accountability framework for managers, but we believe more emphasis should be placed on the language requirements needed for service to the public.

In a publication entitled *Results for Canadians – A Management Framework for the Government of Canada*, the Government of Canada announced its intention to put citizens at the core of all its programs and services. To implement this vision, the Treasury Board Secretariat published a Management Accountability Framework in 2003.

The framework lists what is expected of managers to improve organizational performance. It aims to assess efficient management in government Departments in the key sectors of human resources, accountability, financial management and values and ethics.

Among the key elements managers must keep in mind to ensure sound, modern management, we find “thinking about citizens first.” In other words, services should be “citizen-focused”, and policies and programs drawn up with the “looking out-looking in” approach. Unfortunately, the document does not clearly state that bilingualism is a basic element of citizen-focused services. The Secretariat missed a good opportunity to integrate this essential value into the culture of public service administrators and managers.

The framework also includes a list of indicators and measures that Departments and central agencies should use to assess progress. It is interesting to note that “bilingualism” is listed as one of the abilities called for in public servants, but it is not listed under “citizen-focused services.” Once again, the emphasis is on skills, not results. That said, one does not guarantee the other.

RECOMMENDATION 4

As this accountability framework will play an important role in identifying sectors, and in order to change an organizational culture which emphasizes process over results, the Commissioner recommends that the Treasury Board Secretariat:

- strengthen the Management Accountability Framework by:
 - reviewing it to emphasize the importance of official languages in performance-based indicators for citizen-focused services; and
 - developing very specific official language performance indicators.

Accountability: a weak link

Management accountability is an important link in obtaining results. It is also the weakest link. Judging by the complaints made to the Office of the Commissioner, recurrent problems bear witness to the fact that managers are not made to feel fully accountable for violations of the *Official Languages Act*. Control mechanisms must be established to measure management accountability and to know what is going on. In fact, very few institutions have internal auditing mechanisms that take the implementation of the *Act* sufficiently into account.

The Public Service Human Resources Management Agency should make greater efforts in this area as well. Only two audits have been conducted over the past two years: one on services provided at airports and the other on the availability of service over the telephone in both official languages in designated bilingual offices. At the time of writing, neither study had been made public.

The 2002 Treasury Board Secretariat study entitled *Attitudes Towards the Use of Both Official Languages Within the Public Service of Canada*⁸ revealed that public servants generally lacked awareness of their official language rights and obligations. For example, many public servants mistakenly believed that bilingual services must be offered throughout Canada. The Secretariat should improve employee training and underline their obligations regarding service to the public as well as the importance of respecting those obligations.

[8] *Attitudes Towards the Use of Both Official Languages Within the Public Service of Canada*, a study conducted by the Treasury Board Secretariat in co-operation with the Office of the Commissioner of Official Languages, Canadian Heritage, the Department of Intergovernmental Affairs and Communications Canada, September 2002.

RECOMMENDATION 5

To reinforce the requirement that managers report on the implementation of the Act and to increase awareness among public servants regarding the importance of respecting the public's language rights, the Commissioner recommends that the Public Service Human Resources Management Agency:

- establish effective results-based assessment mechanisms and appropriate employee training mechanisms by:
 - conducting more audits on the implementation of the Act in institutions;
 - requiring that institutions themselves conduct internal audits; and
 - ensuring that employees receive better training, with an emphasis on respecting language rights as a fundamental part of showing respect for the citizen.

Official language policy review: a step in the right direction

On November 20, 2003, the then President of Treasury Board announced changes to the government's official languages policy. The changes took effect on April 1st, 2004. In this section, we deal with changes that directly affect service to the public. (In Chapter Three, we will deal with the changes affecting language of work.)

A major change to these policies will hopefully result in the provision of better bilingual services in the future; that is, bilingual positions should be filled by candidates who already meet the language requirements.

For 30 years, the *Public Service Official Language Appointment Order (1973)* has made it possible to appoint a person who did not meet the language

requirements at the time a bilingual position was staffed. Persons without the necessary language skills who met other basic requirements were thus assigned to bilingual positions. In bureaucratic jargon, this is known as "non-imperative" staffing. The persons hired were given at least two years to acquire the necessary language skills at federal expense, thus fulfilling the requirements of the principle of merit.

"Imperative" staffing requires that candidates must possess all the qualifications for the position at the time of staffing, including language, in order to be considered. Imperative staffing is now the general guiding principle for managers when filling bilingual positions. Non-imperative staffing becomes an exception, to be justified in writing. In hiring people who are bilingual at the time of appointment, institutions will be better able to guarantee a good level of bilingual capacity, a prerequisite for offering services of equivalent quality in English and French.

The Commissioner is pleased to see that the government has adopted her recommendation concerning the generalized use of imperative staffing. Nevertheless, the Public Service Human Resources Management Agency will have to oversee this initiative carefully to ensure that the policy is followed.

The Commissioner continues to ask that a cut-off date be set to eliminate non-imperative staffing, which was originally intended as a transitional measure.

Review of designated bilingual offices

As provided for in the *Official Languages Regulations Respecting Communications With and Services to the Public* and in light of the data on the linguistic makeup of the population gathered in the 2001 Census, the Treasury Board Secretariat reviewed the list of government offices and points of service that must offer services in both languages.

Following a request from the *Fédération des communautés francophones et acadienne du Canada* (FCFA), the Secretariat set up a discussion group that included, among others, representatives of minority Anglophone and Francophone communities. The purpose of these discussions was to make sure that the interpretation of census data would not have a negative impact on the availability of services to the public in both official languages.

The outcome of this exercise was the creation of 162 new bilingual offices and the withdrawal of the bilingual status of 98 offices – a net increase of 64 bilingual offices overall among federal institutions.

Of the 98 offices no longer required to provide service in both official languages under the *Regulations*, 64 are post offices. Canada Post has been responsive to the concerns of official language minority communities by continuing to offer bilingual services at these 64 offices.

Innovation Fund

The *Action Plan for Official Languages* provides for the establishment of an innovation program, with funding of \$14 million over five years. The program is intended to improve bilingual services and lead to a more balanced use of both languages in the workplace. In October 2003, the President of Treasury Board announced funding of \$800,000 to finance 18 project proposals submitted by federal institutions under the program.

Many projects focus on developing new service models, such as single windows, to better serve community needs. In March 2004, federal institutions submitted a second round of project proposals for consideration and approval.

Results

Service to the public: not there yet

What happens on a daily basis when Canadians communicate with federal institutions? Are the objectives we mentioned previously adhered to? Are the institutions “thinking about citizens first” and about their language preferences, as called for in the management framework?

Let us look at the situation in light of some audit and investigation results.

Customs services: Welcome to Canada!

Since the early 90s, citizens have been complaining that they cannot receive service in French from customs officers at various border posts in southwestern Ontario (in particular, the Windsor-Detroit bridge), even though this region is one of the most important crossings between Canada and the United States.

Here is a sampling of actions taken by the Office of the Commissioner to date to have the situation rectified:

- ◆ 1994: The Office of the Commissioner publishes a study on language of services at customs offices.
- ◆ 1998: The Office of the Commissioner follows up on the study. The results are unsatisfactory.
- ◆ 2000: The Office of the Commissioner meets representatives of the new Canada Customs and Revenue Agency (CCRA) to discuss the situation.
- ◆ 2002: Another follow-up confirms there has been very little change since the early 90s.

Despite many actions by the Office of the Commissioner between 2000 and 2003, the problems persist and frustrated citizens continue to lodge complaints with our Office.

The CCRA is still having major difficulties providing service in French at the various border crossings in Southern Ontario (customs services formerly provided by CCRA are now being provided by the Canada Border Services Agency). It cannot even guarantee service in French at all times at posts that are clearly designated bilingual. None of the lanes for commercial traffic is designated as providing service in both official languages despite the fact that truck drivers from Eastern Canada, many of whom are Francophones, use this route.

It is obvious that CCRA has not taken the necessary measures that would give French-speaking Canadians who want to use their language at the Canada-U.S. border in southern Ontario the ability to do so. Quality service to the public in French is even more important now that Canada has increased security measures at its border points. Travellers should not have to face unpleasant consequences because they either don't understand or cannot respond to a customs officer who cannot communicate with them in the language of their choice.

In a report on the follow-up in 2002, the Commissioner made a dozen recommendations. In particular, the designation of lanes where service is offered in both languages, the active offer of service at these places, the assignment of bilingual staff to these lanes at all times and the preparation of a strategy to increase hiring of bilingual personnel are all measures that would improve service to the public. The Commissioner made it clear to the CCRA that she expected the problems to be settled once and for all.

Service to the public at Canada Post: not "from anywhere to anyone"

The Canada Post Corporation was audited this year. With a network of 7,000 offices across the nation, Canada Post is definitely the federal institution that deals most often with the Canadian public. This sustained, constant relationship calls for Canada Post to treat both linguistic groups on an equal basis.

Many positive points are highlighted in the audit report. For example, Canada Post established a complete management framework for its official languages program: a clear policy, specific language clauses covering franchise holders and fairly well defined auditing measures.

However, our inspection of a sample of designated bilingual offices revealed major deficiencies:

- ◆ Only 44% of offices designated bilingual had the official languages symbol on the counter to show bilingual services were available.
- ◆ Only 57% of offices designated bilingual actively offered services in both official languages over the telephone.
- ◆ One out of five postal outlets did not offer satisfactory services in the minority language over the telephone.



- ◆ Bilingual indoor and outdoor signs met standards almost everywhere, except for Nova Scotia.
- ◆ Only 45% of bilingual franchises are listed in both official languages in the phone book.
- ◆ One quarter of the offices were not able to offer adequate personalized service in the minority language. This proportion was even higher in Nova Scotia, Alberta and Saskatchewan.
- ◆ Personalized service was outstanding in Quebec and very satisfactory in Northern Ontario and New Brunswick.

The Commissioner made several recommendations to noticeably improve bilingual services. Canada Post must, among other things:

- ◆ raise the level of bilingualism required of its staff from minimum to intermediate;
- ◆ give more support to franchise operators so they can adequately meet their linguistic obligations;
- ◆ reach an agreement with labour unions so that bilingual positions in city offices can be staffed on an imperative basis (this is already the case in rural areas); and
- ◆ strengthen its accountability mechanism by rating managers in their performance evaluations on the quality of services provided in both official languages.

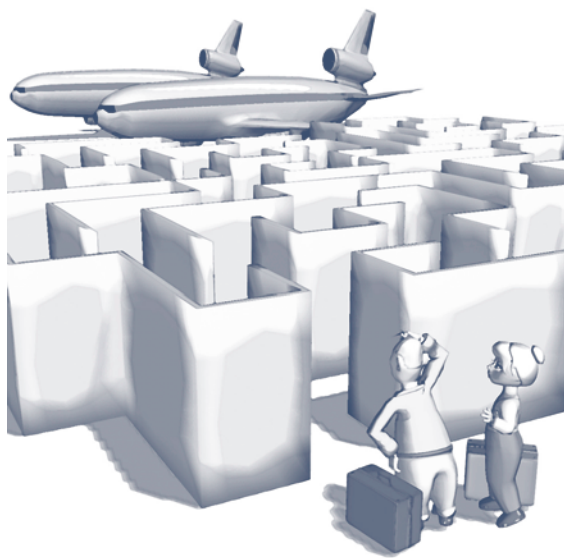
In its response to the audit, Canada Post agreed to implement most of the Commissioner's recommendations, especially those calling on it to strengthen monitoring mechanisms. On the other hand, the institution believes that the current level of bilingualism it requires is sufficient. The Commissioner has nevertheless decided to retain the recommendation on this subject as Canada Post personnel provide increasingly varied and complex services.

Airport security services: quite a challenge

In April 2002, the Government of Canada created the Canadian Air Transport Security Authority (CATSA) to increase air transportation security. In June 2002, to help the new agency correct long-standing deficiencies, the Commissioner carried out an exercise to evaluate the services provided at pre-boarding screening checkpoints at ten airports that are required to provide bilingual services. This obligation exists either because the volume of visitors at some airports is over one million per year or because the use of English or French at the airport amounts to at least 5% per year. The airports in question are located in Vancouver, Calgary, Edmonton, Winnipeg, Toronto (Pearson), Ottawa, Montréal (Trudeau), Québec, Fredericton, Moncton and Halifax.

About 250 observations were made in two phases, concluding in early 2004. The study found that the level of service was clearly inadequate at all the airports except Montréal, Québec and Moncton, which did well. Even when one includes these three airports, travellers are only welcomed in their language two out of ten times. As well, travellers' language preferences for baggage inspection and personal searches are only respected one out of every two times. Performance at the MacDonald-Cartier Airport, which serves the National Capital Region, is slightly above average.

These results were passed on to CATSA at the end of March 2004 and since then, the Agency has confirmed its willingness to correct these shortcomings. CATSA took the data into account when preparing the language conditions in its call for tenders from security companies. A CATSA executive met with management at some major Canadian airports to discuss the issue of official languages at pre-boarding check-points.



CATSA established clear obligations for the provision of bilingual services with the newly contracted security firms that look after pre-boarding screening. CATSA will have to be vigilant in ensuring these requirements are adhered to as it implements the Commissioner's recommendations. Areas of particular note include training and raising awareness among personnel, hiring enough bilingual employees and establishing adequate supervisory mechanisms.

Language requirements for the RCMP in the Moncton region

In 1999, the RCMP lowered the threshold for bilingualism required for several front-line officer positions in New Brunswick to the intermediate level. The Office of the Commissioner investigated and the Commissioner recommended that the level of bilingualism of these positions be raised. In her Annual Report 2002-2003, the Commissioner reported that the RCMP was committed to making the necessary changes to the language requirements for police

officer positions in the district of Codiac (covering the Moncton, Dieppe and Riverview regions) so that the public was adequately served. However, what counts most is not so much commitment as results.

Another follow-up on this matter in December 2003 showed that one quarter of the 65 bilingual positions now require level C, compared to none in April 2003. The RCMP recognizes that it still has work to do. Although it has appointed a person in each division in the Atlantic region to liaise with the Francophone community and is preparing a formal community consultation process, the expected results have still not been achieved three years after the initial investigation.

Air Canada and air transport restructuring

In April 2003, Air Canada sought court protection under the *Companies' Creditors Arrangement Act* so it could undertake financial restructuring. The Commissioner nevertheless continues to work actively with Transport Canada authorities so that laws in place after the restructuring of Air Canada's operations protect the language rights of the public and the airline's employees, whatever form the company takes.

RECOMMENDATION 6

The Commissioner recommends that Transport Canada:

- propose the adoption of the necessary legal amendments to preserve and protect the language rights of the public and Air Canada's employees, regardless of the modifications that are made to the structure and organization of the air transportation industry.
-

Travellers have the right to know

More than two years after the Commissioner made a recommendation regarding the need to clarify the linguistic obligations of the authorities that manage Canada's major airports, the Public Service Human Resources Management Agency has not yet taken all the steps necessary to implement it.

Some airport administrators mistakenly believe they do not have to provide certain services to the public in both languages because the services are deemed non-essential. For example, in response to a complaint, the Edmonton International Airport administration argued that some unilingual English signs inside the airport were not essential to travellers and it therefore did not plan to put up French language versions. One of the signs, located in the arrival area, described long-term plans for airport development and the scope of the renovations.

In another quite similar case, the Winnipeg International Airport administration put up a large unilingual English sign close to the airport entrance that described ongoing renovations. The administration said the sign was advertising of a general nature not specifically directed to travellers. We believe that such a sign at the airport entrance is clearly directed first and foremost to travellers.

It seems to us that travellers, who foot airport improvement costs every time they purchase a ticket, do want to know where their money is going. If this information is not important to travellers, why bother posting it in the first place?

Travellers should not have to wonder where their language rights begin and end at airports. These rights should be taken for granted once they enter an airport zone.

The Commissioner expects the Agency to clarify the airport authorities' linguistic obligations without further delay, as it had agreed to do some time ago.

Broadcasts of the House of Commons sessions

In June 2002, the House of Commons contested a Federal Court decision that found the House of Commons at fault for not including in its agreements with the Cable Public Affairs Channel (CPAC) the broadcasting of parliamentary proceedings in English and French. The House of Commons invoked the principle of parliamentary privilege in contesting the decision.

On December 3, 2003, the Federal Court of Appeals rejected the appeal filed by the House without directly speaking to its linguistic obligations. For all intents and purposes, the Appeals Court decision upheld the initial Federal Court decision which itself had supported the Commissioner's findings subsequent to an investigation. In this investigation, she had concluded that the House of Commons clearly has linguistic obligations when it makes its proceedings available to CPAC. The House of Commons must ensure that the Canadian public has access to these broadcasts in both official languages.

For the vast majority of Canadians, the issue is settled. Nevertheless, the Commissioner will continue to monitor the situation to ensure that the House of Commons provides access to the general public to its televised sessions in the language of their choice. When informing the citizens it represents, the House of Commons should set an example by respecting its linguistic obligations in a generous manner.

A citizen snarled in bureaucracy

Canadians can still waste considerable time before obtaining the information they need in their mother tongue from a federal office. This happened to a complainant who presented herself to the reception desk of a designated bilingual office in Saskatoon – the Human Resources Development Canada employment centre. All she wanted was information in French on the Youth Internship Canada program.

When she arrived, the complainant was told that information in French was available at the Canada-Saskatchewan job centre, located elsewhere in Saskatoon. She proceeded to that office, where she was directed to a Web site that, according to the complainant, did not have the information she sought. Tired of this run-around, she dropped her search. Poorly informed, badly directed, she wasted time and energy, and concluded that service in French is a closely guarded secret.

Our investigation found that the employment centre initially visited by the complainant had assigned only one bilingual employee at the counter. When that employee was away, there were no provisions for a replacement. The employment centre now has two staff members who can answer citizens in French.

Unfortunately, in this case, the citizen had to adapt to the bureaucracy, rather than the other way around.

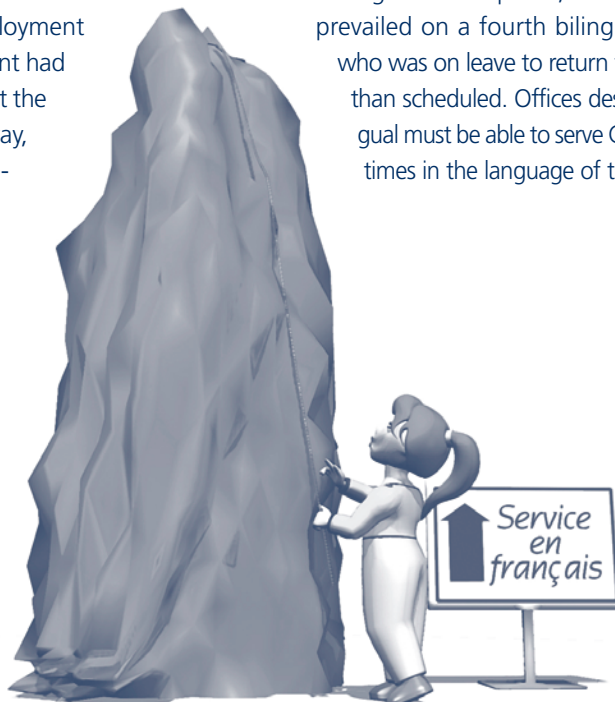
“At all times” means “right away”

Are some days better than others for obtaining information in French about employment insurance? When a Victoria man went to the only Human Resources Development Canada (HRDC) office in his city for information, he was faced with the difficult choice of either being served immediately in English, or making an appointment to be served later in French, at the risk of being penalized for a delay in submitting his application for Employment Insurance.

Wisely, the man decided to complain immediately to the Office of the Commissioner. Due to the urgency of the situation, a bilingual HRDC employee contacted the complainant immediately.

HRDC indicated that the day the complainant went to the office, the three bilingual employees who should have been on duty were absent for various reasons.

Following the complaint, the Department prevailed on a fourth bilingual employee who was on leave to return to work earlier than scheduled. Offices designated bilingual must be able to serve Canadians at all times in the language of their choice.



Services to the Public: On the Right Track

Single windows in Saskatchewan: an encouraging breakthrough

To improve services in French, the *Assemblée communautaire francaskoise* established a network of single windows that offer some services, notably for human resources. Since 2001, the Assemblée has been asking for federal and provincial government participation to increase the range of services provided by the network.

Under the leadership of Canadian Heritage and the Saskatchewan Ministry of Government and Native Relations, and in co-operation with Human Resources and Skills Development Canada, Industry Canada, Western Economic Diversification Canada and the Federal Council of Saskatchewan, the federal and provincial governments will launch a joint pilot project in Regina in 2005-2006. The initiative – the establishment of a federal-provincial service centre – is modeled on bilingual service centres in Manitoba. Personnel at the provincial and federal level will be hired this year to begin offering this new service.

The new centre will forward requests for services in French to bilingual staff in all Departments and agencies of the Government of Canada. Its mandate will also be to look at ways in which French-language services offered by the Saskatchewan Government can be identified and made available to the public.

The Commissioner congratulates all the partners in this project. It is an important first step towards the provision of quality services in both official languages in Saskatchewan. The measure responds to a recommendation the Commissioner made in her report, *The Single Wicket Network of the Government of Canada*,

published in January 2003. In this report, she recommended that Canadian Heritage, together with various partners, seek funding and establish a strategy and timeline for federal participation in setting up a viable single window network in Saskatchewan.

The Commissioner would like to remind the partners involved in this project that continued community consultations are crucial to determine what role the new bilingual service centre will play in the existing community network. In a province like Saskatchewan, where the Francophone community is dispersed over a large area, innovative methods for reaching citizens in their language will have to be found.

Change in culture in the West: regional leadership in action

In November 2003, senior federal civil servants from the four Western provinces along with provincial, territorial and community representatives, participated in a forum whose purpose was to promote a change in culture and to prepare an action plan for official languages with an implementation timeline over several years. The Commissioner took part in the forum and was involved in identifying proposed solutions. The 4-2-1 Forum (4 provinces, 2 official languages, 1 plan) was organized under the leadership of the Federal Council of Saskatchewan. It was the first time such an event had been held in the West.

The Forum's Action Plan will improve co-operation between federal public servants and Francophone communities in the West, and allow for improvements in the quality of services provided in French.

The Forum's Action Plan also aims to create a work-place environment where the acknowledgement of official languages becomes a priority for senior federal public servants in the West. Unilingual public servants will also have better access to language training and thus more opportunities to improve their language skills.

All stakeholders at the national, provincial and regional levels must now co-operate in preparing an accountability framework. They will be expected to devote the resources necessary to meet the objectives of the plan.

The Forum's Action Plan is intended to be a living document. It is therefore essential to periodically assess the guidelines and activities on the basis of specific performance indicators approved by the stakeholders. Close co-operation among minority communities, provincial governments and federal councils creates the right conditions to ensure real progress.

Official languages on Government of Canada Web sites

In the spring of 2002, the Office of the Commissioner published two studies on the presence of French on the Internet. The first, entitled *French on the Internet: Key to the Canadian Identity and the Knowledge Economy*,⁹ described the main challenges involved in ensuring the presence of French on the Internet in all sectors of activity. The second, entitled *Official Language Requirements and Government On-Line*,¹⁰ dealt more specifically with the challenges concerning respect for official languages on government sites

that are made available to the public as part of the "Government On-Line" project. Both reports defined the key issues, which are:

- ◆ the scant presence of French on private Web sites;
- ◆ the lack of respect for the *Official Languages Act* on some government sites;
- ◆ the poor quality of French on some government sites;
- ◆ a higher demand for translation services due to the increased digitization of documents; and
- ◆ the need for guidelines on content management, especially scientific and technical content.

The Commissioner's recommendations had two major objectives: ensuring the *Act* is adhered to on government sites, and developing a critical mass of French content on the Internet.

The government recently followed up on some of the Commissioner's recommendations. Under the leadership of Canadian Heritage, a partnership was set up among several Departments and agencies identified in her recommendations. These Departments and agencies are:

- ◆ Industry Canada;
- ◆ the Treasury Board Secretariat;
- ◆ Public Works and Government Services Canada;
- ◆ Foreign Affairs and International Trade Canada;
- ◆ the Canadian International Development Agency; and
- ◆ the National Research Council.

This year, Industry Canada also created the Canadian Advisory Committee for French on the Internet to study all the issues raised by linguistic duality in Canada in the context of digitization, and to ensure that both official languages are given their due in today's knowledge economy.

[9] Office of the Commissioner of Official Languages, *French on the Internet: Key to the Canadian Identity and the Knowledge Economy*, 2002.

[10] Office of the Commissioner of Official Languages, *Official Language Requirements and Government On-Line*, 2002.

To increase the critical mass of French on the Internet, Canadian Heritage allocated additional funds to the “Canadian Culture On-Line” program, which helps post Canadian cultural content on the Internet. These additional funds will facilitate the digitization of the content of participating Web sites into French. Over 80% of them now have a French interface.

To guarantee a fair share of content in French and to improve the quality of French in the Government On-Line project, the above-mentioned partners have undertaken a series of measures: creating technical language tools to facilitate the production of French language content; standardizing Web sites; establishing a follow-up program for the public; and organizing training workshops for managers of networks and Internet content for government Web sites. Also, the Public Service Human Resources Management Agency has examined ways of assessing the quality and content of official languages on Government of Canada Web sites. A self-assessment tool will be provided to Departments and institutions in the fall of 2004 to help them assess the linguistic quality of their various Web sites.

Industry Canada has also undertaken a series of measures to encourage the development of language industries so that translation services are able to respond to increased demands. (See the next section on language industries.)

These proposed measures indicate that the government is now well aware of the challenges of providing French content on-line. Although most recommendations have been acted on, implementation has barely begun or is still being planned. The results have yet to materialize, and the Office of the Commissioner continues to receive numerous complaints about French on Web sites.

Recently, there has been increased pressure from several government sectors to make more documents available to the general public or some user groups, including the scientific community. In this context, the *Act* is often seen as a barrier to disseminating knowledge inside and outside the federal bureaucracy. Rapid action must be taken to ensure full adherence to the *Act* and to ensure public access to these relevant, useful documents in both languages.

The coming years will be decisive on this front and the Commissioner intends to follow developments closely. She has asked the various stakeholders to identify the concrete results of actions they have already taken in response to her recommendations, and to follow up on the remaining recommendations that have gone unheeded or that were only partially implemented. The Commissioner also intends to closely monitor the work of the Canadian Advisory Committee for French on the Internet.

Language industries

Industry Canada undertook a number of interesting initiatives with respect to developing Canada’s language industries. The Action Plan proposed the following investments: \$5 million over five years (to 2008) to create an association representing language industries; \$5 million for marketing initiatives and the creation of a brand image; and \$10 million to foster research and help establish a research centre.

Drawing on the training and dedicated work of interpreters and translators, the language industries are an essential partner in the implementation of official language policies. Language professionals produce innovative research and communication tools that make this sector a significant national economic force. Federal investments in the sector not only enable Canadians to develop and strengthen this commercial niche but also help to ensure a Canadian presence in the global market.

The Language Industry Association (AILIA) was created in June 2002 with the support of Industry Canada and the National Research Council. In turn, AILIA formed the Canadian Language Technology Roadmap Committee. Its mandate is to assess the status of research, determine growth sectors and suggest measures that will ensure the industry has a prominent position worldwide. Here are some more highlights:

- ◆ In September 2003, AILIA held a first symposium in Ottawa. The 170 members of the new network outlined challenges to the industry's future growth. AILIA's objective is to recapture its place as the world's second largest provider of professional translators.
- ◆ The Language Technologies Research Centre, created in 2003, is the product of a partnership between AILIA, the Université du Québec en Outaouais, the federal Translation Bureau, Industry Canada and the National Research Council. The Centre recently hired three researchers and held consultations to set research priorities. A new building will eventually be constructed in Gatineau to house the Centre.

Overview: A Mix of Sun and Clouds

"Change" was in the air this year. There were sunny periods followed by grey clouds. Several federal institutions were unable to correct persistent problems. We are still far from a truly citizen-focused public service that allows citizens to enjoy quality services in their language. Our analysis found four reasons for this:

- a. weak leadership by central agencies and some institutions;
- b. organizational culture too focused on internal processes and not enough on results;
- c. poor accountability mechanisms; and
- d. federal employees insufficiently aware of the language rights of Canadians.



In short, despite efforts to set things right, the organizational culture is still too inward-looking. The bureaucracy must focus on its prime objective which is to serve the public. Moreover, employees are poorly informed about their official language obligations. They should receive better training. In short, the Management Accountability Framework should be implemented, and the “looking out-looking in” approach should be adhered to, while incorporating the language dimension. All too often in large administrations, the process becomes an end unto itself with little regard for results or citizens’ expectations that services be offered in the language of their choice.

These reforms evidently require the enlightened leadership of central agencies and administrative heads. And yet, the heads of institutions with recurrent problems quite obviously do not clearly instruct their managers to solve the problems once and for all.

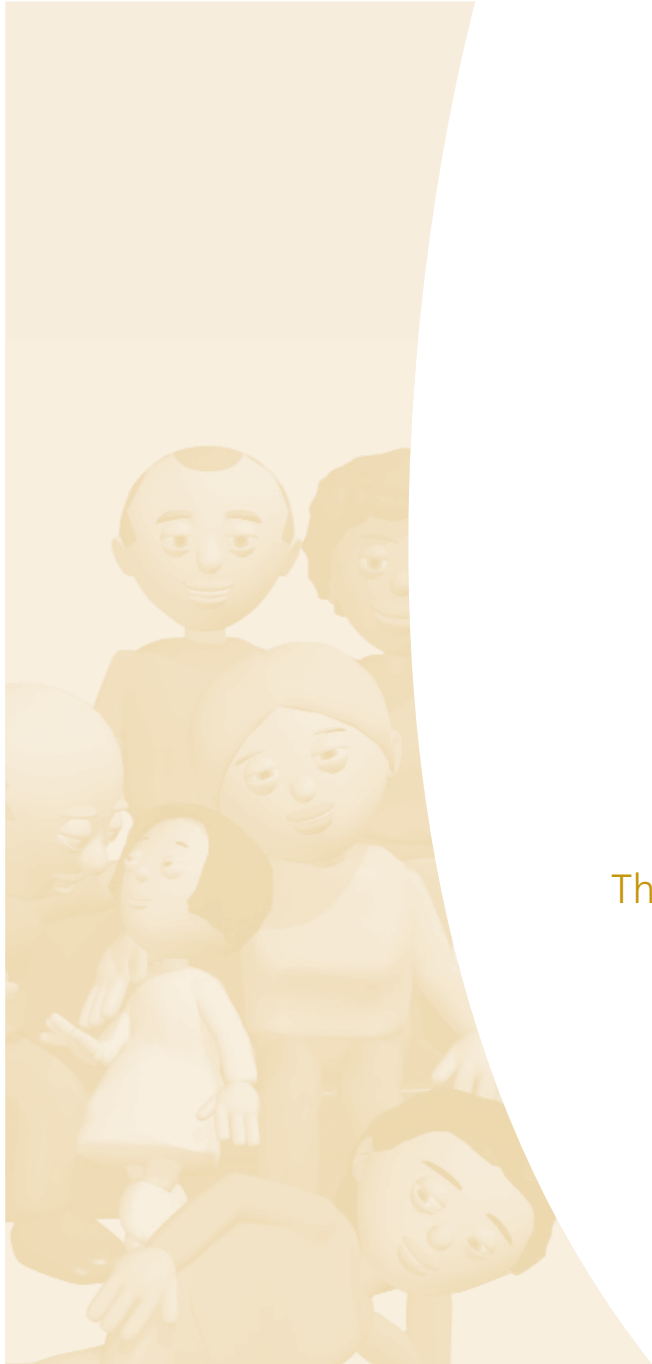
Tips for Solutions: Build a Results-Focused Culture

In order to serve Canadians properly in the official language of their choice, the first requirement is to have a good understanding of the fundamental purpose of the *Act*. First and foremost, it is about respect for individuals and an appreciation for their language communities. Providing bilingual services

is the visible and audible sign of Canadians’ attachment to the deeper values of linguistic duality. It is the expression of our belief in the equality, dignity and respect that all our fellow citizens deserve. Unfortunately, managers mired in everyday administrative concerns often forget this very important objective. What’s the solution?

First, explain the basics to employees, and explain the rationale for the linguistic responsibilities of federal institutions. Federal employees must be clearly aware of their obligations. Canadian taxpayers should not have to accommodate themselves to the government system, rather it should respond to citizens’ needs. There should be an ongoing emphasis on respectful behaviour and practices in providing official language services.

Beyond that, senior managers in each federal institution must demonstrate a clear commitment. This is a matter of professional ethics on the same level as, for example, respect for and promotion of diversity. A positive outlook and a willingness to improve, focused on dignity and respect, are the preconditions for change in organizational culture. Making management accountable also entails specific training in “best practices” in official languages, and on actions that produce results.



3

Chapter Three

The Basis for a New Perspective
on Language of Work

Toward a Workplace that Respects Employee Language Rights

The *Official Languages Act* provides for the equal status of English and French in federal institutions. What this means in practice is that federal employees who speak either English or French must be treated with the same consideration and esteem in designated bilingual regions.¹¹ In other words, public servants must feel respected and free to work in the official language of their choice, in a workplace that truly reflects the presence of both language groups.



Having the right to work in one's language means, for example, having access to work instruments and training in that language, without having to wait longer than colleagues belonging to the other language group and without having to ask for them.

It also means being able to speak one's language at meetings or when dealing with colleagues, supervisors and senior management.

In this chapter, we first examine the administrative measures the Government of Canada has put into place for fiscal year 2003-2004 to promote a workplace that respects language rights. We then summarize the initial results of a study undertaken

by the Commissioner to better understand the factors that influence the choice of language in a bilingual workplace, and comment on the findings of a number of other studies. Finally, we examine the measures taken in various institutions to correct reported deficiencies or to encourage the use of both languages.

Policy Changes

On November 20, 2003, Lucienne Robillard, President of Treasury Board at the time, announced major changes to the government's official language policies, especially concerning language of work and human resources management.

On April 1st, 2004, imperative staffing became the rule for bilingual positions. It is now a must for all essential positions or functions that provide service to the public or to employees in both official languages. Improving the language skills of incumbents is meant to ensure greater respect for the rights of federal employees.

Until March 31, 2004, imperative staffing was only required of senior managers at the Assistant Deputy Minister level. The government is progressively extending the scope of imperative staffing to other members of the executive group (EX) in bilingual regions, as follows:

- ◆ EX 05 and 04, as of April 1st, 2004;
- ◆ EX 03, as of April 1st, 2005; and
- ◆ EX 02, as of April 1st, 2007.

[11] The language of work is based on the concept of a "bilingual region." Accordingly, in designated bilingual regions, English and French are the languages of work and enjoy equal status and privileges. Designated regions include the National Capital Region, certain parts of Northern and Eastern Ontario, the Montréal area, some parts of the Eastern Townships and the Gaspé Peninsula, and all of New Brunswick. In designated regions, both official languages are commonly used, as opposed to other parts of Canada where a single language is predominant.

Despite these improvements, the Commissioner thinks it is unfortunate that imperative staffing does not apply to entry-level executive group positions (EX 01), nor to other senior public servants belonging to the employment categories called “other than EX.” It is worth noting that on March 31, 2003, there were over 1,400 EX 01-level incumbents in designated bilingual regions and almost 3,000 senior public servants in “other than EX” categories. For example, several professional groups, such as lawyers, at the Director or Director General level, are not part of the EX group; they fall under the LA (legal) employment category.

The *Official Languages Act* specifies that any employee belonging to a management group be able to function in both official languages¹² so that employees who are supervised by these managers can communicate in the language of their choice. By limiting the policy requirements solely to executives in the EX group, the Public Service Human Resources Management Agency is interpreting this legal requirement narrowly. The *Act* clearly includes senior management as a *whole*.

The Commissioner calls on the government to go one step further: it should also require that Deputy Ministers and Associate Deputy Ministers be bilingual. The 300 senior executives taking part in the national consultations of the Association of Professional

Executives of the Public Service of Canada (APEX) in 2003 were of one mind concerning this requirement. According to them, the fact that Deputy Ministers are not subject to the bilingualism requirement “is a major irritant.”¹³ They stressed the fact that unilingual deputy ministers impede progress toward a truly bilingual workplace.

The Agency will have to exercise strict controls to ensure the policy is followed, as imperative staffing does not seem to be compulsory for indeterminate positions that are open to the general public. Such positions may be staffed either imperatively or non-imperatively. Opening jobs to the general public might serve as a loophole.

The Commissioner is nevertheless pleased to note that executives appointed or deployed to bilingual positions under non-imperative staffing will have to undergo language training immediately. For other positions, language training will be provided as soon as possible following the appointment or deployment. This approach should ensure greater respect for the rights of the public and of federal public servants.

[12] *Official Languages Act*, section 36(1)c.

[13] Association of Professional Executives of the Public Service of Canada, *Report on the 2003 Consultations of APEX Members on the Official Languages Policy Review*.

Bilingual positions will be more accessible to all employees across Canada once language training has been integrated into professional development for public servants and is more readily available. The goal is to give unilingual public servants the language skills they need to obtain bilingual positions if they so wish.

Results of Studies

"Much progress has been made with language of work over the past fifteen years, but in practice there is still a gap between what employees have a right to expect and reality." Dyane Adam, Walking the Talk: Language of Work in the Federal Public Service, March 29, 2004.

Due to recurrent complaints lodged with OCOL and the obvious lack of use of French as a language of work, the Commissioner launched an in-depth study of the problems related to the use of both official languages in the workplace. Published on March 29, 2004, *Walking the Talk: Language of Work in the Federal Public Service*¹⁴ examines institutions in the National Capital Region that are governed by Treasury Board language policies.

In this study, the Commissioner proposed the establishment of an official languages management framework for deputy heads. The framework is based on three closely related priorities:

- ◆ expressing clear, sustained *leadership* by establishing an organizational culture centred on respect for language rights and the everyday use of both official languages by senior management;
- ◆ developing *personal capacity* by achieving and maintaining second language skills; and
- ◆ creating *institutional capacity* through a stronger management infrastructure for the Official Languages Program, performance indicators based on the actual use of both official languages, and increased employee access to language training and the tools necessary to maintain skills.

The Commissioner will take this proposed framework into account when audits or follow-ups are conducted in institutions. She has also made recommendations to the Clerk of the Privy Council, the Public Service Human Resources Management Agency and the School of the Public Service.

[14] Office of the Commissioner of Official Languages, *Walking the Talk: Language of Work in the Federal Public Service*, March 2004.

A culture that respects the language rights of employees



Institutional Capacity

Leadership

Personal Capacity

The results of our study confirm the findings of other recent studies on language of work in the Government of Canada: *Attitudes Towards the Use of Both Official Languages Within the Public Service of Canada*,¹⁵ responses in the *2002 Public Service Employee Survey*

by the Treasury Board Secretariat,¹⁶ *French to Follow? Revitalizing Official Languages in the Workplace*, from the Canadian Centre for Management Development,¹⁷ and the *Report on the 2003 Consultations of APEX Members on the Official Languages Policy Review*.¹⁸

[15] NFO CF group Inc., *Attitudes Towards the Use of Both Official Languages Within the Public Service of Canada*, study presented to Treasury Board of Canada Secretariat, the Office of the Commissioner of Official Languages, Communications Canada and Canadian Heritage, August 2002.

[16] Treasury Board Secretariat, *2002 Public Service Employee Survey*, 2002.

[17] Canadian Centre for Management Development (CCMD), *French to Follow? Revitalizing Official Languages in the Workplace*, action-research roundtable of the CCMD on official languages in the workplace, Ottawa, 2003.

[18] Association of Professional Executives of the Public Service of Canada, *Report on the 2003 Consultations of APEX Members on the Official Languages Policy Review – Results of 2003 APEX Consultations*, spring 2004.

Comparative table of the studies' main findings

Main findings	CCMD Roundtable	Attitudes	2002 Survey	APEX	OCOL
In the National Capital Region, English is often predominant in organizational culture.	●	●	●		●
Senior management plays a crucial role in the promotion of linguistic duality. The perception that senior management is unilingual creates a major obstacle.	●	●		●	●
Unilingual deputy heads impede progress towards a bilingual workplace.				●	●
Even if public servants feel they can communicate in the official language of their choice, many of them hesitate to use that right.	●	●	●		●
Many employees tend to favour the language of their supervisor so that their performance will be fully recognized.	●				●
Francophones generally have better knowledge of their second language than their Anglophone colleagues, and therefore tend to speak English with them.		●			●
In many cases, the language requirements for supervisory positions are not high enough.	●				●
Meeting the linguistic profile for a bilingual position does not necessarily mean increased use of the second language.	●				●
In some cases, Francophones do not have access to quality work instruments or to training and professional development courses in French.	●		●		●
Public servants do not always have an opportunity to speak the official language of their choice during meetings.	●	●	●		●
In the National Capital Region, both Anglophones and Francophones favour increased use of French at work.		●			●
There is not enough awareness and understanding of language rights and obligations.	●	●			
The government must ensure better access to language training.	●		●	●	●

The Government of Canada is now aware of the essential ingredients for a truly harmonious, everyday coexistence of our two official languages. It is time to move forward and take action. These are the measures required:

- ◆ designate deputy head positions as bilingual;
- ◆ provide broad access to language training and language retention activities to all public servants, no matter what province they live in or the linguistic designation of their positions;
- ◆ develop an information and awareness campaign to eliminate erroneous perceptions and better inform employees about their language rights and obligations;
- ◆ adopt performance indicators based on the real use of both official languages;
- ◆ implement more stringent follow-ups; and
- ◆ raise the linguistic profile of supervisors.

French at Work

Agriculture and Agri-Food Canada: French needs cultivating

Agriculture and Agri-Food Canada has a long way to go to ensure that the right of its Francophone employees to work in their language is respected.

An OCOL investigation showed that English predominates as the language of work. Meetings, supervision, payroll, computer software and hardware are just some of the areas where more effort is needed to give French its rightful place.



Letter from a former public servant

"I must confess that except for the 12 years I spent at the House of Commons, Departments and agencies were not environments conducive to working in my mother tongue, French, either as a subordinate or as a senior executive. It was always for the same reason: there was always someone with an insufficient knowledge of French in the chain of command (Director General, Assistant Deputy Minister, Deputy Minister or Minister).

[...]

The solution is not very difficult. All we need are simple, strong measures: impose bilingualism on all executives, including Deputy Ministers; assess progress in the annual performance evaluations of all executives and ask Departments and agencies to show results based on solid – not symbolic – performance measurements that can be audited."

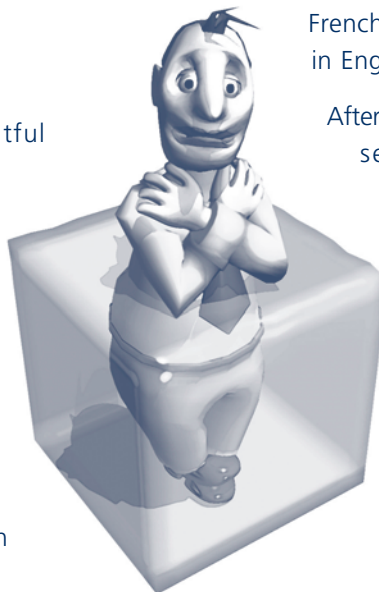
Marcel A. Chartrand, December 23, 2003

In addition, training courses in French are not available as often as they are in English. Francophone employees explain this phenomenon as “a vicious circle”: courses in French are cancelled because not enough participants register, but as courses are offered in English first, employees prefer to register for them to make sure they get in, just in case the courses in French are cancelled!

The Deputy Minister of Agriculture and Agri-Food Canada has made a commitment to change this situation. We have observed that the Department has taken several steps to correct the situation with regard to the use of English and French. The Office of the Commissioner will follow up before the end of fiscal year 2004–2005. Agriculture and Agri-Food Canada has created a Governance Team, made up of senior managers, to monitor the implementation of its own action plan on official languages covering the period 2003-2008. This plan is intended to increase bilingualism in the Department.

French on ice at Environment Canada

French does not have its rightful place at Environment Canada's Canadian Ice and Marine Services Branch. This is especially apparent at staff meetings and in communications with supervisors. Training and work tools are only offered in English and so are employee services. Francophones obviously cannot communicate with the Branch executives in their language.



Environment Canada has admitted that complaints about this situation were justified and has accepted the Commissioner's nine recommendations. Complainants confirmed that their employer's attitude towards respecting French improved after receiving the Commissioner's preliminary report.

Please hold, a message in French will follow

A Transport Canada employee in Québec City asked the Civil Aviation Directorate at the Transport Canada headquarters in Ottawa if the weekly Canada-wide conference calls could be conducted in French as well as English.

Instead, the Directorate proposed that Francophones participating in the conference calls stay on line afterwards to get information in French if necessary. This method did not allow Francophone employees to actively participate in conference calls and exchange views with their colleagues elsewhere in Canada in French. They had no choice but to participate in English.

After the complaint was lodged, management seized the opportunity to adopt an approach that was more in keeping with language policies. Managers have since been given practical information about the effective use of both official languages during conference calls and meetings. The Directorate has agreed to respect the language rights of participants in the future.

Correctional Service mends its ways

Sometimes just one complaint from a public servant is enough for the employer to quickly grasp that it has made a mistake and mend its ways. The Shepody Healing Centre, a Correctional Service of Canada unit in the Atlantic region, responded quickly to a complaint from a Francophone employee.

The employee reported that her employer was offering training in English only, through a Health Canada unilingual Anglophone psychologist. The quick action taken by the Commissioner in contacting the management of the institution produced results: the session was held in both official languages. High quality simultaneous interpretation and all documents were provided in both official languages. The Commissioner congratulates the Centre's management for having taken immediate positive steps to correct the situation.

Equitable Participation of Both Language Groups

The general proportion of Anglophones and Francophones¹⁹ has remained stable overall in the institutions subject to the Act:

- ◆ Anglophones, 72%
- ◆ Francophones, 27%

However, it is difficult to measure the equitable participation of both language groups precisely. Even if overall the participation rates of each group in institutions as a whole reflect their presence in Canadian society reasonably well, the criteria used for

evaluating the presence of Anglophones and Francophones in Canadian society are not the same as those used to measure their presence in the public service. The Government of Canada uses the "first official language" criterion to determine the linguistic makeup of public service employees. This is usually the official language in which the employee feels more comfortable. On the other hand, during censuses, Statistics Canada instead uses an algorithm that applies the criteria of "knowledge of languages," "mother tongue" and "language spoken at home" to determine an individual's language group. Despite these differences in methodology, comparisons are nevertheless made concerning the linguistic makeup of the public service and that of the general population. It is also sometimes argued that Francophones are over-represented in the public service. As well, some institutions do not appear to have reliable data collection systems.

Increased hiring of Anglophone public servants in Quebec

The Quebec Federal Council obtained \$70,000 from the Treasury Board Regional Partnership Fund to increase Anglophone participation in the federal public service in Quebec. Over the long term, the project seeks to increase the presence of Anglophones at all levels of government; to promote official languages as a fundamental value within the federal public service in Quebec; and ultimately to determine the barriers to developing an internal culture open to the principle of linguistic duality.

[19] 1%, no response.

Linguistic designation of positions

The Commissioner investigated Canada Post because the linguistic designation of positions in the bilingual region of Montréal has been brought into question. One complainant reported that most of these positions are designated unilingual French, which deprives Anglophones of the right to work, be supervised and obtain work instruments in the language of their choice. The large number of unilingual French positions at Canada Post also hinders the hiring of Anglophones, who must have superior skills in French. After investigating, the Commissioner made 15 recommendations. Canada Post was asked to review the language requirements for these positions and to offer the same opportunities for advancement to members of both communities.

OCOL followed up during fiscal year 2003. Canada Post designated a number of positions as “reversible” (a position where the incumbent can choose the language of work on appointment). However, it chose not to conduct a systemic examination of language requirements for all its positions, as the Commissioner had recommended, despite the initial findings that there were real problems in this regard. Canada Post nevertheless implemented most of the recommendations made during the first investigation. This cannot be considered a success until satisfactory and sustainable results are achieved.

Conclusion

When it comes to language of work, there is a major gap between the letter and the spirit of the *Act* and the reality faced by employees in the field. First of all, the entire culture within the public service and among managers must change. In spite of language training and imperative staffing, in spite of the fact that most public servants meet the required language level and that participation rates are balanced, things are still not right. A great deal of emphasis has been put on meeting results and linguistic objectives, and not enough on managerial leadership. Managers must be held accountable.

Managers must act on a daily basis to encourage employees to work and express themselves in their language. There is nothing more inspiring than hearing

supervisors or senior executives speak their second language on a daily basis. Also, we cannot expect far-reaching changes in some federal institutions if employees meekly consent to use another’s language on the job even though they have the right to use the language of their choice.

The rules for language of work are clear. What we need now is to follow them rigorously. Administrative initiatives and language training definitely have their place in the range of measures developed to produce a more balanced language of work regime. However, nothing can replace the daily examples of leadership from above and real accountability measures. Creating a truly bilingual workplace is above all a matter of professional commitment and mutual respect.



Chapter Four

Canadians and their Communities:
Official Languages in Everyday Life

The Goal: Living in and Developing One's Language in Every Way

Canada's heart beats to the rhythm of its communities. Strong, vibrant language communities are an asset to our country, indeed, they are one of Canada's fundamental features. This is especially true for official language minority communities.

What do Canadians want? They want to participate in the development of their country without sacrificing their identities. Canadians want to be able to thrive in their communities, in as many activities as possible. They not only want to benefit from public services in the language of their choice, but they also want to have access to the means and tools that enable them to contribute to their own development.

Anglophones and Francophones who live in minority situations simply want to make sure that the vitality and dynamic nature of their respective communities continues. A community's vitality is measured not only through demographic data, but also by its ability to create and support the formal and informal institutions or organizations it needs to survive. Communities develop on many levels – educational, political, legal, economic, social, cultural, etc. By including Part VII in the *Act*, the Government of Canada essentially committed to reducing the unequal opportunities that had weakened minority communities in the past, and to encouraging progress toward equal status between linguistic majorities and minorities wherever possible.

Communities in motion



From a presentation by Denis Desgagné, "Official Language Minority Communities – the Everyday Reality," Ottawa, 2004.

This chapter deals with the Government of Canada's contributions to minority community development. In accordance with Part VII of the *Act*, federal institutions are obliged to support the vitality and the development of these communities, especially in the areas of education, health, economic development, access to justice and immigration.

Education: Waiting for a New Deal

Minority Francophone and Anglophone parents share the same expectations in terms of educating their children. They want quality education in their language at the preschool, primary, secondary and post-secondary levels. Not only do they want their children to learn in their own language, they also want the means and tools that will enable them to achieve results comparable to those of students attending schools of the linguistic majority. Sometimes this implies creating different settings tailored to the context of minority community life. These conditions are indispensable to the development and stability of all communities.

Drawn-out negotiations

The Commissioner is concerned that negotiations to renew the protocol and bilateral agreements of the Official Languages in Education Program are dragging on. These delays result in slowdowns in investments and affect outcomes to the detriment of Anglophone and Francophone communities. These negotiations should lead to timely and firm commitments by both levels of government on priorities and expected results that will improve minority language education and second language teaching.

Over 14 years ago, the Supreme Court of Canada called section 23 of the *Canadian Charter of Rights and Freedoms* the “...linchpin in this nation’s commitment to the values of bilingualism.” It instructed the respondent, the Government of Alberta, “...to delay no longer” in achieving this end. The Court added that the section is “intended to remedy, on a national scale, the gradual erosion” of communities. If the situation was already urgent then, what is the state of affairs today? Registration levels in French schools have stagnated for more than a decade. What is the Government of Canada waiting for to ensure the co-operation it sorely needs from all levels of government? Agreements are effective instruments in ensuring compliance with the obligations set out in section 23 of the *Charter*.

In this context, we cannot emphasize enough the importance of progress reports. Measuring results through performance indicators allows the government to continue on course or adjust its goals according to well-defined objectives.

Attracting and educating the targeted school population for French-language schools covered by section 23 of the *Charter* presents major challenges. Registration has levelled off in Francophone and Acadian community schools. Urgent action is needed.²⁰

RECOMMENDATION 7

The Commissioner reiterates Recommendation 5 from the 2002-2003 Annual Report and recommends that the Minister of Canadian Heritage:

- require each provincial Minister of Education to produce an annual report on progress achieved both on the objective of doubling the proportion of bilingual high school graduates and on providing French-language instruction to 80% of the target school population covered by section 23 of the *Charter*.

The *Action Plan for Official Languages* provides for new investments to improve school infrastructures and curricula, both at the primary and secondary levels. There is also a commitment to support early childhood development services and improve access to post-secondary education in the minority language.

Most initiatives related to these objectives have only just begun. For example, five daycare pilot projects have been announced as part of the Action Plan. However, except for preliminary steps aimed at identifying host communities, Social Development Canada has made little progress in this area in the past year. We will have to wait for the next fiscal year to measure the practical results in terms of creating the right conditions so that children will want to learn French.

[20] Office of the Commissioner of Official Languages, *Rights, Schools and Communities in Minority Contexts, 1986-2002: Toward the Development of French Through Education, an Analysis, 2002*.

Action in the field

A revealing survey

The Commissioner conducted a survey of services provided to Nova Scotia Francophones within the framework of the federal-provincial-territorial agreement on early childhood development in force since 2001-2002. Completed in March 2004, the survey confirms that the Government of Canada did not ensure from the outset that this five-year agreement would adequately contribute to the vitality of Nova Scotia Francophone communities, in accordance with section 41 of the *Act*. Moreover, the provincial government did not consult these communities as it undertook a spending review program.

Early childhood services are an integral part of community development. They contribute to recruiting and encouraging young children to learn French so they can be better prepared to attend a French language school. This survey shows how important it is to include specific provisions for studying the needs and services provided to communities within the framework of federal-provincial-territorial agreements. Such explicit provisions would enable participating governments to clearly define their obligations and to take the steps needed to effectively participate in promoting linguistic duality and developing minority communities.

The *Doucet-Boudreau* case and the concept of remedy

On November 6, 2003, the Supreme Court of Canada rendered a historic decision in terms of education in the *Doucet-Boudreau* case in Nova Scotia. The decision confirmed that the courts can retain the right to supervise the impact of the remedies ordered against governments that do not respect the constitutional rights to education guaranteed under section 23 of the *Charter*.

The Commissioner, who had intervenor status before the Supreme Court of Canada in this case, was pleased with the decision, which will have major repercussions for the Anglophone and Francophone communities in Canada that wish to defend their education rights. As the Supreme Court of Canada aptly stated: “The affirmative promise contained in section 23 and the critical need for timely compliance will sometimes require courts to order affirmative remedies to guarantee that language rights are meaningfully, and therefore necessarily promptly, protected.” The Court added that the rights guaranteed under section 23 are particularly vulnerable to government inaction or procrastination. The Commissioner hopes that governments clearly understand this message.

Which children enjoy the right to education in the minority language?

The Supreme Court will soon reach a decision on this crucial question in response to two appeals made by Quebec parents who claim the right to have their children educated in Anglophone minority schools.

Gosselin case

In the case of *Gosselin et al.*, Francophone parents claim that the provisions of the *Charter of the French Language* deprive them of the freedom to choose the language of education for their children (in state-funded schools) and that this is discriminatory under the *Quebec Charter of Human Rights and Freedoms*. The Commissioner intervened mainly because of the practical implications of the position taken by these parents. Allowing all Francophone parents to choose to send their children to Anglophone minority schools would have the effect of turning those schools into immersion schools, thus distorting the nature of the right guaranteed under section 23 of the *Canadian Charter of Rights and Freedoms*.

Casimir case

In the Casimir case, the Supreme Court of Canada will have to decide on the admission criteria for English schools in Quebec. The Commissioner argued that the “major part” criterion in the *Charter of the French Language* was not acceptable under section 23 of the *Canadian Charter of Rights and Freedoms*, as the strictly mathematical, inflexible application of the criterion makes it impossible to consider the best interests of the child, the family or the general interests of the Quebec Anglophone community. Recognizing that such a limitation on rights could be justified within a free and democratic society, the Commissioner has not expressed an opinion on whether the contested provisions were justified given the circumstances.

The *Institut français* of the University of Regina is inaugurated

The creation of the *Institut français* at the University of Regina will enrich the French educational system in Saskatchewan. Previously known as the Language

Institute, it will offer more courses in French, encourage research in fields related to La Francophonie and play an active role in the community. French-speaking students and immersion graduates who want to continue their post-secondary studies in French will have more options than before.

The Government of Canada, the Government of Saskatchewan and the University of Regina signed a five-year funding agreement that will enable the *Institut français* to prepare and administer programming focused on Saskatchewan’s needs. Although this is a positive move, the Saskatchewan Francophone community is concerned by the *Institut*’s lack of infrastructure. This situation may considerably limit its ability to grow in the medium term.

The Commissioner now expects funding to be provided as quickly as possible for renovations to the *Institut français*, to make its full development possible.

Quebec strengthens its role in community education

In the fall of 2003, the Government of Quebec organized a forum on education to give new momentum to its partnerships in this area with Francophone and Acadian communities. The discussions covered success at school, French language learning, and professional and technical training.

As part of the *Politique du Québec à l’égard des communautés francophones et acadiennes*, the Quebec Secretariat for Intergovernmental Francophone Affairs provides financing for ten to twenty education projects a year. The links created from year to year help in the development and growth of Francophone schools through the exchange of skills, teaching material or staff.

“...I am delighted to see once again that, in the end, whether in Quebec or elsewhere in Canada, as Francophones we all have the same goal: that of ensuring the development and promotion of a vibrant, dynamic Francophonie, each in our own setting, our own spheres of activity and according to our means... Therefore, this Forum is a concrete step that our government is taking in order to renew our commitment to Canada’s French-speaking communities.”

Benoît Pelletier, Quebec Minister for Canadian Intergovernmental and Native Affairs, Speech at the Forum on Education, Québec, November 1, 2003.

Health: Access to Care in One's Language

Access to health care in one's language is an essential condition for the development and vitality of official language communities. People who are unwell always find it easier to explain their symptoms to a health care provider in their mother tongue. To do so, there must be community health services in place that take the patient's language preferences into account.

New investments

In March 2003, the Action Plan announced major investments in the area of health for minority communities. In early 2004, the Minister loosened the purse strings and confirmed the funding for the planned initiatives.

Specific achievements include Health Canada's creation of the Official Language Community Support Bureau and the signing of agreements with the *Consortium national de formation en santé* for the training of over 1,000 health care providers by 2008. The *Société Santé en français* created 17 regional health networks that will provide planning for health services for Francophones.

A total of \$63 million over five years has been allocated to the Support Program to train and retain health care providers in minority Francophone communities. The funding will support institutions' efforts to recruit, promote greater access to training and encourage resource sharing among institutions, as well as provide

the means for training and research partnerships. In 2003-2004, the following amounts were allocated to teaching institutions and to the *Consortium national de formation*:

- ◆ \$17.5 million to the University of Ottawa to increase the number of medical students and students in health-related disciplines;
- ◆ \$4.1 million to the Cité collégiale to strengthen its programs and offer them in other regions;
- ◆ \$2.9 million over five years to the Community College of New Brunswick – Campbellton campus to create new programs and attract a Francophone clientele;
- ◆ \$6.3 million to Laurentian University and \$2.8 million to the Collège Boréal to train health care providers; and
- ◆ \$3.3 million to enable the *Consortium national de formation* help support the health institutions' recruitment efforts and to encourage the co-ordination and creation of training and research partnerships.

Also, \$27 million over four years was provided to improve primary health services for Quebec Anglophones. In co-operation with the Quebec provincial ministry of health, the Community Health and Social Services Network will be responsible for administering a project to strengthen Anglophone involvement in health networks and ensure that community needs are taken into account when regional health networks are created. Another project, to be managed by McGill University, will deliver language training and professional development to support professionals in the regions.

All these initiatives bode well. The Commissioner hopes that Health Canada will not only continue along this promising track, but also pick up speed.

Federal-provincial-territorial health agreements

In her Annual Report 2002-2003, the Commissioner recommended that the federal Health Minister of the day “ensure that federal-provincial-territorial health agreements are tailored to the particular needs of the official language minority communities of each province and territory and that they include specific provisions on health services that must be offered in the minority language.” The Commissioner’s request was in keeping with the findings of the Romanow Commission report and of the Kirby Senate report. The Standing Committee on Official Languages of the House of Commons also tabled a report on access to health care in October 2003.

The Minister’s response, delivered in March 2004, was unsatisfactory, as it did not propose any new initiatives concerning agreements with other levels of government, and the issue of official language minorities was postponed to a future meeting of Health Ministers.

More substantial commitments are needed from Health Canada and all levels of government to formally recognize the issue of access to health care in inter-governmental agreements.

The Commissioner calls on the federal Health Minister to show more active leadership on this front and to work in close co-operation with other stakeholders – provincial and territorial ministries, as well as other federal institutions responsible for community development.

RECOMMENDATION 8

The Commissioner reiterates her recommendation of 2002-2003 that the federal Health Minister:

- ensure that federal-provincial-territorial health agreements are tailored to the particular needs of the official language minority communities of each province and territory, and that they include specific provisions on health services that must be offered in the minority language.
-

Research... a key component

Three recommendations made by the Standing Committee on Official Languages of the House of Commons were directed to the Canadian Institutes of Health Research (CIHR). Created in 2000, the CIHR are mandated to develop Canada’s health research potential for the purpose of improving the delivery of health services. The Standing Committee recommended that the CIHR appoint an official languages champion and establish an institute to conduct research on the health needs of minority communities. It also requested that the government add the CIHR to the list of designated institutions in accordance with sections 41 and 42 of the Act.

The CIHR did appoint an official languages champion. Also, in March 2004, they organized a workshop for health caregivers from minority communities to determine research needs and deficiencies in this area.

Nevertheless, the response to the two other recommendations was not as positive. Creating an institute for official language minority health was not considered necessary. However, a research director was appointed to address this issue. In terms of the recommendation for the CIHR to be subject to sections 41 and 42 of the *Act*, the CIHR have stated that they will meet the requirement of these sections in their area of responsibility. To demonstrate their commitment, the CIHR should report regularly on their activities on this front.

Two recommendations of the Standing Committee on Official Languages of the House of Commons were directed to the Commissioner. In the first, the Standing Committee asked the Commissioner to ascertain whether the Government of Canada adheres to the *Act* when providing health services to certain groups or communities. An OCOL investigation is underway and the report should be tabled in early 2005.

In its second recommendation, the Standing Committee asked the Commissioner to organize a national forum to explore the best options for strengthening the legal basis for health services to linguistic minorities. OCOL dealt with this issue at a round table on Canada's language framework held in April 2004.

English Health services in Quebec: concerns and some good news

Several Anglophone communities in Quebec are concerned about the prospect of losing control of the institutions that traditionally served the Anglophone population. The new *Act* concerning local health and social services network development agencies that deal with reforms to the Quebec health care system includes plans to merge regional institutions into integrated networks. Detailed proposals concerning these new regional agencies will be announced in the next few months. The Commissioner is following the issue closely.

Despite these concerns, there were a number of positive initiatives related to health services for Anglophones. The Quebec Health Ministry revived the Committee for English services, which is to report to government on the best way of providing services to the Anglophone population. The Government of Quebec also announced it will earmark \$800 million to build a mega-hospital that will serve Montréal's Anglophone community.

Conclusion

To implement health programs that truly focus on official language minority communities, the provinces should develop service models that respond as much as possible to community conditions and that also enable the communities themselves to assume responsibility. These models must also take all the elements of the system into account (primary care, preventive care, promotional activities, etc.). Efforts to continue setting up effective training and professional development networks for health workers must be pursued as well. Finally, reliable performance indicators should be prepared.

A new health program in Vancouver

In British Columbia, the *Éducentre* in Vancouver, responsible for establishing a French language community college, launched its first college level program in January 2004. Offered in co-operation with the *Cité collégiale* and the *Consortium national de formation en santé*, the *Préposé(e) aux services de soutien personnels* (Personal support service attendant) program is the first of three health programs the *Éducentre* plans to offer over the next five years.

A new health centre in Edmonton

A seniors' home for Francophones will be built in Edmonton in 2004. The Centre Saint-Thomas will provide affordable housing for 200 residents, along with a range of health services in French. OCOL's contribution to the project was to work with the board of directors of the Centre Saint-Thomas to organize meetings with Health Canada and the Canada Mortgage and Housing Corporation.

Economy

The economic strength of an official language community is crucial to its capacity to develop and flourish. Communities need a stable economic base for their populations to grow and prosper. Many communities all over Canada are in a precarious situation. Skills development and economic development programs are needed for their continued economic viability and vitality on all levels. The goal is to establish a sound economic framework that will drive communities.

Encouraging economic development

In 1999, Human Resources Development Canada created the Official Language Minority Communities' Support Fund to promote economic development in these communities. Two committees are responsible for managing this fund: the National Committee for

Canadian Francophonie Human Resources Development (now known as the National Committee for Economic Development and Employability)²¹ and the National Human Resources Development Committee for the English Linguistic Minority. These joint committees are made up of representatives of federal institutions with economic mandates and community representatives. Their mandate is to encourage economic initiatives in communities, to obtain the commitment of participating Departments and to foster co-operation among the various participants.

Besides Human Resources Development Canada, the participating Departments are Industry Canada, Canadian Heritage, Indian and Northern Affairs Canada, Agriculture and Agri-Food Canada, the

[21] The community side of the National Committee kept the same name: Coordinating Groups on Economic Development and Employability (RDEE Canada).



Treasury Board Secretariat and Public Works and Government Services. The following agencies also participate: the Business Development Bank of Canada, Western Economic Diversification, and the Atlantic Canada Opportunities Agency. Obviously, Industry Canada is expected to play a lead role in this project. It recently prepared a strategic development plan for official language minority communities subsequent to a community consultation.

In February 2004, the new Department of Human Resources and Skills Development (HRSDC) announced that it intended to review the mandate and objectives of the Support Fund and suspended funding allocations for an indefinite period. Not surprisingly, this decision dismayed community stakeholders. Many economic development projects were put on hold while awaiting a decision from the Department as well as new funding.

Delays in these types of projects can easily lead to failure. To avoid this possibility, HRSDC set up a transitional fund covering the period up to March 31, 2005. The government will examine the relevance of the Fund this coming fall. This is a good demonstration of the progress already achieved and it highlights how much remains to be done to guarantee financial stability for these programs.

The Commissioner would like to see better co-ordinated efforts and a stronger commitment from the various federal institutions taking part in community economic development. A horizontal policy and stable, continued financing must be guaranteed. No community can enjoy economic prosperity when the survival of its projects is constantly in question. This example also demonstrates the importance of establishing partnerships between governments and communities on a stable basis where respect for the dignity of community partners is assured. Community development is a multidimensional process calling for real partnerships. This is an essential ingredient for the good governance of official languages, as we noted in Chapter One.

Renewing employability programs is equally important, as they play a key role in community vitality. In addition, efforts to promote employability and economic development should be better co-ordinated. The Commissioner intends to follow this issue closely and to encourage the various Departments and agencies with obligations in this regard to take full responsibility for them.

Interview

Sowing ideas

Thanks to financing from the Official Language Minority Communities' Support Fund, some 130 employees are at work throughout Canada, helping to set up Francophone businesses. The community co-president of the National Committee of Economic Development and Employability, Claire Bélanger Parker, affectionately calls them "sowers." "They're in the field, in the communities, and they help find business opportunities. They help people work on projects that give their community vision. They started in 1997, 1998 and 1999 and were the first sign of hope in economic development."

The "sowers" do not establish businesses or grant subsidies, but they give community entrepreneurs something they often desperately need: advice and encouragement.

Ms. Bélanger Parker knows of what she speaks, as she herself had this experience in Regina when she was planning to set up her business, CNT Conferences & Tours, which provides event planning and tourism services. "If it weren't for the local RDEE (coordinating group on economic development and employability) team in Saskatchewan, I would have waited a long time to start my business. They gave me a helping hand. This is the reason for RDEE's success all over Canada. Suddenly Francophone entrepreneurs have a team they can turn to when they need encouragement."

The RDEE contributes to Canada's economy on several levels, she says. "It's a contribution to the awakening of linguistic duality in Canada. It contributes to communities and Francophone entrepreneurs taking responsibility. They can see and reassess the impact they have on their environment. This impact goes beyond the financial investment – the impact is on local pride, on recognition from the majority, it's about the added value of the French factor."

Ms. Bélanger Parker herself bears witness to recognition of the French factor in tourism. "When I started in this field five years ago, there were hardly any services available in French in Regina. Today, all the tourist attractions have bilingual guides. Tourism Regina has bilingual staff. These are the direct results of having taken economic responsibility with the help of the RDEE."



Results in the field: economic impact is not measured

The government does not always measure the economic impact some of its decisions have on official language communities and their development, in spite of the clear commitment to do so set out in Part VII of the *Act*.

More of the same from the Canadian Food Inspection Agency

For a government agency, failure to respect this aspect of the *Act* can sometimes have an unexpected outcome. This is what the Canadian Food Inspection Agency (CFIA) learned at its expense.

In 1999, the CFIA decided to transfer four seasonal inspector positions from Shippagan to Shediac. The *Forum des maires de la Péninsule acadienne* lodged a complaint with the Commissioner, indicating that the CFIA's decision would have a detrimental effect on the community's economic situation. The Shippagan region was already beset with economic problems. Transferring these four well-paid positions would have repercussions beyond a mere administrative reorganization.

The Commissioner launched an investigation. The findings were that the CFIA had contravened section 41 of the *Act*, which establishes that the Government of Canada must contribute to the development and vitality of official language minority communities. The *Forum* then filed suit against the CFIA.

In its decision of September 8, 2003, the Federal Court confirmed the position of the Commissioner and called on the CFIA to implement her conclusions and recommendations. Instead, the CFIA decided to appeal the Federal Court ruling.

The Court decision reinforces the principle that federal institutions have an obligation to consult communities and ensure that their decisions take their particular needs into account.

Francophones of Huronia want services in French

Le Centre d'avancement et de leadership en développement économique communautaire de la Huronie (CALDECH) launched a lawsuit against Industry Canada in the fall of 2003 to force the Department to make the Centre responsible for providing services in French in Simcoe-North. Industry Canada is apparently unable to provide adequate services in French. The Department says that it can deliver these services through the regional Community Futures Development Corporation (CFDC).

An OCOL investigation in 2000 had shown that Industry Canada was not providing adequate services in French. The Commissioner had also found that Industry Canada had contravened section 41 of the *Act*. In 2003, OCOL's follow-up indicated that the Department had not fully implemented the Commissioner's recommendations, despite efforts to do so. Not only is the provision of services in French in question, but also at issue is the importance of consulting the Francophone population periodically to develop a framework for services that takes their particular needs into account.

The Simcoe-North Francophone community needs firm support for business development. The Commissioner plans to follow up again this year to ensure that services to the Francophone community are of the same quality as those provided to the Anglophone majority.

A community weakened by the fisheries crisis

The Quebec Lower North Shore covers a territory of 500 kilometres from Natashquan to the Labrador border. It is home to 15 communities grouped in five municipalities and two Montagnais reserves. Anglophones make up 67% of the territory's population.

The region, which is heavily dependent on the fishing industry, went into a serious economic slump as a result of the moratorium on cod fishing and the ban on snow crab fishing in the region.

The *Pêcheurs polyvalents de Old Fort-Blanc Sablon* lodged a complaint with the Commissioner on the basis that these decisions had a negative impact on the vitality of the Lower North Shore Anglophone community. This complaint highlights just how important it is for federal institutions to examine the potential impact of their decisions on official language minority communities and their vitality before they act.

The Commissioner is now in the process of evaluating the responsibilities of the various players in this investigation and will be finalizing her report shortly.

The Action Plan and the economy

The *Action Plan for Official Languages* outlines a series of initiatives and investments for the economic development and greater employability of official language communities.

As part of the Action Plan, Industry Canada launched several initiatives to improve access to training and increase connectivity for communities and their participation in the knowledge economy. Industry Canada held training courses in minority communities and increased its involvement in distance learning and training programs. Existing connectivity programs received additional funding.

In March 2004, the Department held consultations with communities on their economic development. These consultations are intended to assist the CFDC in preparing a more needs-centred approach.

Together with the Business Development Bank of Canada, the Department created a risk capital reserve (up to \$15 million) for small- and medium-sized businesses in Northern Ontario. It also took steps to ensure that the CFDC is able to provide services in French.

In addition, Industry Canada developed an Intranet site called ProAction 41 to inform its employees about their obligations under section 41 of the *Act*. It has also made the site accessible to section 41 co-ordinators of other federal institutions.

The Commissioner congratulates Industry Canada on these new initiatives. Connectivity projects are especially useful as they allow communities to participate more actively in the knowledge economy. Nevertheless, everyone would agree that a healthy economy also depends on prosperous factories, stores and small- and medium-sized businesses. Industry Canada and the regional agencies will have to work hard to adapt existing programs to the circumstances and needs of communities.

Finally, the sums allocated for economic development in the Action Plan are relatively modest in the context of the overall budget. Excluding the amounts devoted to the connectivity and knowledge economy projects, only \$8 million remains to improve consultation and information services for economic development programs. It is not much considering the size of the challenge. Indeed, the survival of communities depends above all on economic development.

Justice in the Official Language of One's Choice: a Plea for the Citizen

Citizens involved in legal proceedings in Canadian courts expect to be heard and understood in the official language of their choice.

At the conclusion of the legal saga concerning the *Contraventions Act*, and following an agreement reached with Ontario (see Annual Report 2002-2003, pp. 52-53), the Government of Canada, in the Action Plan, provided \$24 million over five years to ensure compliance with the linguistic obligations resulting from the Federal Court decision of 2001.

At the time, the Court had upheld the right of citizens under a federal charge:

- ◆ to receive service in the official language of their choice from court staff; and
- ◆ to have their trial in the language of their choice.

This applies throughout Canada.

In the wake of this decision, and in accordance with its commitment in the Action Plan, Justice Canada reached an agreement with the province of Manitoba giving all citizens access to services in French from

court employees in the districts of Selkirk, Steinbach and Winnipeg. The agreement provided for the creation of points of service where citizens may enter a plea of guilty or not guilty to charges under federal law, and obtain services in the official language of their choice.

Although this agreement meets the expectations that the Commissioner set out in her last report, the Department must now pick up the pace and review its agreements with the provinces of New Brunswick, Nova Scotia, Quebec and Prince Edward Island within a reasonable period, and also reach agreements with other provinces and territories.

Lack of bilingual judges

The Department is making good progress in implementing the measures contained in the Action Plan, especially with respect to mechanisms for intergovernmental co-operation. However, the Commissioner is disappointed with the Department's weak response to the third report of the Senate Standing Committee on Official Languages (37th legislature, 2nd session), which examined the study commissioned by Justice Canada entitled *Environment Scan: Access to Justice in Both Official Languages*.²²

Like the Standing Committee, the Commissioner underscored the lack of bilingual judges in her last Annual Report. Without them, access to justice in French is a challenge. The recent appointment of unilingual Anglophone judges to replace bilingual ones in Windsor and Welland is a clear setback that could put Canadians' rights to access the justice system at risk.

[22] Senate Standing Committee on Official Languages, *Environment Scan: Access to Justice in Both Official Languages*, May 2003.



In its response to the Standing Committee report, the government simply described the current system and emphasized the usefulness of advisory committees. For these committees, bilingual skills are not always decisive criteria in evaluating a candidate's professional skills. On November 4, 2003, during his appearance before the Standing Committee on Official Languages of the House of Commons to discuss the selection process, the Commissioner for Federal Judicial Affairs stated that:

- ◆ bilingualism is the last item on the list of evaluation criteria for candidates;
- ◆ bilingualism, as a skill, is not defined;
- ◆ there is no language testing; and
- ◆ the criterion could include English and a language other than French.

Prime Minister Martin has stated that he wants to change the appointment procedure for Supreme Court justices so that members of Parliament can examine the candidacies put forward. This would also be a good opportunity to review the appointment process for

superior courts as well as other federal courts. These courts must have adequate bilingual capacity, and language skills should be given more importance in the selection criteria.

Federal tribunals are also faced with a shortage of bilingual judges. All of these courts – over twenty of them, including the Review Tribunal for the Canada Pension Plan, the Canadian Human Rights Tribunal and the Tax Court of Canada – are subject to the *Official Languages Act*. They have specific obligations, among them, in particular, the obligation to hear and understand the parties to a case without an interpreter, in the official language that those parties choose.

Finally, we note that Justice Canada, in accordance with the commitment made in the Action Plan, established:

- ◆ an advisory committee comprising the major organizations representing official language minority communities; and
- ◆ two subcommittees, one on access to justice and one on Part VII of the *Act*.

RECOMMENDATION 9

The Commissioner recommends that the Privy Council Office:

- re-examine the appointment process of superior and federal court judges to provide these courts with adequate bilingual capacity.
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A productive symposium for the Federal Courts

Representatives of Federal Courts met in Ottawa in April 2003 during a symposium entitled *Access to Justice in Both Official Languages: English and French Before Federal Courts*, organized by the Canadian Centre for Management Development, together with Justice Canada and OCOL. By means of this initiative, Justice Canada was at last responding to a special OCOL study published in 1999 on the equal use of English and French before the Federal Courts. The symposium was intended to be a forum to exchange ideas about some of the practical difficulties in enforcing the language rights and obligations derived from the Act in the court system.

The symposium showed participants that the court system's awareness of the scope of its linguistic obligations is inconsistent, but that it is nevertheless determined to improve access to justice in both official languages. Although there are many obstacles, they are not insurmountable. The heads of the tribunals who participated in the symposium created a working group for the express purpose of building on the analysis and discussion initiated at the meeting. This group will examine issues related to translations of Court decisions and the process of appointing members by Orders-in-Council. It will then produce a report outlining current and innovative practices, and include some findings and recommendations.

The Commissioner expects Justice Canada to provide the support needed to implement the measures and recommendations made by the working group when it completes its report.

Immigration: Communities and Diversity

In the new millennium, immigration is one of the major challenges for Canada's economic future. While our society as a whole benefits from significant population growth because of immigration, French-speaking Canadians are faced with the daunting challenge of having to deal with their proportionate decline within the Canadian population. To maintain their relative

demographic weight, they must attract their fair share of immigrants and facilitate their full integration into society and the economy. This is how Canada will build strong communities in the 21st century and preserve its linguistic heritage.

The *Canada-Quebec Accord* signed in 1991 gives Quebec certain powers to select immigrants and full responsibility for integration services. This formula made it possible to recruit a significant number of immigrants to the Quebec Francophone community.



Initiatives to attract newcomers to minority official language communities are quite recent. The steering committee of Citizenship and Immigration Canada-Francophone Minority Communities published a strategic framework in November 2003. This framework closely follows the initiatives outlined in the Action Plan. Under the terms of the Action Plan, \$9 million will be invested over five years to recruit and integrate immigrants. In turn, the strategic framework aims at increasing the percentage of Francophone immigrants settling outside Quebec from 3.1% to 4.4% by 2008. It is interesting to note that between 1996 and 2000, immigrants to Quebec whose only spoken official language was English made up 20% of total provincial immigration, whereas the percentage of the population whose mother tongue is English corresponds to less than 10% of the population of Quebec.

Other strategic framework goals aim at improving the capacity of communities to receive and integrate immigrants into their economic, social and cultural life. An additional goal is to encourage the regionalization of Francophone immigration in order to draw newcomers away from the main centres such as Toronto and Vancouver.

The provinces also demonstrated progress on the Francophone immigration file. Agreements allow the provinces to select some immigrants according to their own criteria. The Commissioner²³ and the Standing Committee on Official Languages of the House of Commons²⁴ recommended that these agreements contain a clause that provides for the participation of minority communities in promoting, recruiting and integrating newcomers whose first official language is the minority language.

Agreements signed with Manitoba, Saskatchewan, British Columbia and Nova Scotia now contain such clauses. Citizenship and Immigration Canada plans to introduce a similar clause in agreements with other provinces as they are re-negotiated. These commitments will enable provincial and territorial governments to better take into account the specific needs of minority communities.

Results in the field: corrective action needed

Language tests and immigration: French comes in second

OCOL received three complaints in the fall of 2002 about the language tests administered to potential immigrants. According to the complainants, French language tests were not provided in as many countries as English language tests. Also, the fees charged were

[23] See Recommendation 4 of the Commissioner's study entitled *Official Languages and Immigration: Obstacles and Opportunities for Immigrants and Communities*, November 2002.

[24] See the report of the Standing Committee on Official Languages entitled *Immigration as a Tool for the Development of Official Language Minority Communities*, May 2003.

higher than those charged for English tests. Moreover, as French tests were available less frequently than English tests, it was difficult for some applicants to meet the 90-day deadline set by Citizenship and Immigration Canada.

Since there were fewer centres evaluating French, potential immigrants sometimes had to travel to neighbouring countries to be assessed and incur additional travel expenses. These difficulties made it impossible at times for them to submit test results to Citizenship and Immigration Canada by the required deadline. The net effect of this unequal access to French tests could be a lower rate of admission to Canada for French-speaking immigrants.

Upon receiving this information, Citizenship and Immigration Canada took steps to correct the situation.

- ◆ French tests are now available in some 74 countries, and the Paris Chamber of Commerce and Industry, the organization responsible for French tests, is negotiating with 27 other countries so tests can be administered locally. In the summer of 2003, the tests were available in only 55 countries.
- ◆ Canadian missions abroad were sent two formal reminders to be flexible about deadlines. The Department issued a directive to that effect and that directive is now part of the standard procedure for staff members responsible for evaluating potential immigrants.
- ◆ A Citizenship and Immigration Canada study entitled *Availability and Costs of Language Tests* confirmed that the cost of the tests used to evaluate knowledge of French is comparable to the cost of English tests.

In light of this progress, it is clear that Citizenship and Immigration Canada is working diligently to increase the number of language evaluation centres.

Conclusion

Over the past year, we have seen new momentum at the federal level with regard to the development of communities. The Action Plan definitely helped to boost ongoing initiatives. It also raised expectations by setting new challenges. Although much remains to be done, remarkable progress was made in 2003-2004. Government Departments listened to community demands and made firm commitments on health, justice and immigration. Federal-provincial-territorial co-operation led to the signing of an agreement with Manitoba on access to justice. However, results are lacklustre in the areas of education and economic development. Administrative re-shuffles and delays in negotiations have created doubt and uncertainty, and put real progress in these areas at risk.

Through agreements signed or currently under negotiation, the Government of Canada seeks to contribute to the institutional development of minority communities. These agreements pave the way by defining the government's approach to development and by clearly setting out the relevant objectives, resources, means and timelines in each area. Still, as we have seen in this chapter, *a plan is not a result* and an agreement in itself does not guarantee success. Governments must not only sign agreements, but also demonstrate political will through action. To succeed, sufficient resources must be allocated to the tasks at hand. The Action Plan defined a series of objectives, but in most cases the necessary resources were only allocated at the end of the fiscal year. Projects and activities must be implemented more rapidly.

Better intergovernmental co-operation is a key element of success. The Government of Canada must find ways to co-operate more efficiently with the provinces and territories because the sectors that are crucial for the development of minority communities straddle both jurisdictions, as mentioned in Chapter One (see page 8). The provinces and territories are essential partners in this regard.

Communities expect to be consulted when the government decides to restructure the federal system or when federal institutions design new programs. It is worth remembering that government transformations, transfers of federal responsibilities to other administrations or to third parties, program reviews and budget cuts in the 90s²⁵ did considerable harm to these communities and undermined their development. These mistakes should not be repeated now that budget reallocation reviews are underway. Government Departments should use every means available to them to consult minority communities when they make administrative decisions that affect them. Communities want to participate in designing the programs and services that affect them. Public consultations of this sort are the basis for good democratic governance.

[25] *Government Transformations: The Impact of Canada's Official Languages Program*, Office of the Commissioner of Official Languages, 1998.



5

Chapter Five

Promoting Linguistic Duality:
The Cornerstone of the
Official Languages Act

Promoting Linguistic Duality: The Cornerstone of the *Official Languages Act*

Under the terms of Part VII of the *Official Languages Act*, the Government of Canada must foster the vitality of Canada's English and French minority communities and promote full recognition and use of both official languages in Canadian society. In fact, these obligations are a major social project. In accordance with paragraph 3 of section 16 of the *Canadian Charter of Rights and Freedoms*, Part VII proposes that Parliament and the provincial and territorial legislatures work together to achieve true linguistic equality.

Promotion and education

Again this year, OCOL was very active in promoting an appreciation of our linguistic duality in federal institutions and among the general public. The Commissioner delivered some thirty speeches on official languages and published eight studies and reports. OCOL responded to 994 general requests for information, compared with 516 during the previous year.

The Commissioner also gave numerous interviews and distributed eight press releases. OCOL responded to over 280 requests from the media, and five letters from the Commissioner were published in Canadian newspapers.

Canada's three levels of government – federal, provincial-territorial and municipal – are fundamentally responsible for co-operating on specific measures aimed at establishing linguistic equality in everyday life. In doing so, they must take special care to ensure that Canadians have access to a complete range of government services, to education, culture, health and leisure activities in the official language of their choice.

In this chapter, we first provide a few comments on the commitment of our fellow Canadians to linguistic duality and analyse the results of a symposium on teaching English and French as second languages. We then review the role of major stakeholders in promoting linguistic duality in Canadian society. We also look at a number of areas where the government can set an example by taking concrete steps to involve other stakeholders in the process. Finally, the Commissioner makes a number of recommendations to entrench official languages as part of the Canadian reality.

The Goal: Making Linguistic Duality Everybody's Business

The Government of Canada's commitment under the terms of Part VII of the *Act* imposes obligations on all federal institutions. Each institution must take this commitment into account in its mandate, programs, resources and sphere of influence. The Minister responsible for Official Languages is the orchestra leader; he is responsible for implementing Canada's official languages policy. He must beat time and set the tempo. The music of official languages should be *allegro vivace*.

The Minister of Canadian Heritage is also responsible for co-ordinating the implementation of this commitment. She is the first violin. She is responsible for adopting detailed measures to promote linguistic duality and to strengthen its foundations, notably by:

- ◆ encouraging the public to better understand, accept and appreciate the role that official languages play in society;
- ◆ encouraging and assisting provincial and territorial governments and municipal administrations to foster the development of their official language minorities and to provide them with public services in English and French;
- ◆ facilitating the learning of English and French as second languages; and
- ◆ helping businesses, management and labour organizations, voluntary associations and other organizations to provide services in both languages and to reflect and promote the bilingual nature of Canada both at home and abroad.

This is a major challenge. To advance linguistic duality in the Canadian context, we must encourage our citizens to value this essential feature of our pluralistic society. Whether members of a linguistic minority or majority, Canadians need to appreciate the advantages of living in a country with two official languages, indeed, languages that have enormous influence worldwide.



Citizens committed to linguistic duality

Are Canadians committed to linguistic duality?

Several signs are very encouraging. Support for bilingualism remains high and has been relatively stable for the past fifteen years:

- ◆ 77% of Canadians think it is important to keep English and French as official languages;²⁶
- ◆ 8 out of 10 citizens think all Canadians should have the right to obtain service from the Government of Canada in English or French;²⁷
- ◆ more than 8 out of 10 English-speakers think it is important for their children to learn another language, and three-quarters think it should be French;²⁸

[26] Andrew Parkin and André Turcotte, *Bilingualism: Part of Our Past or Part of Our Future?* The CRIC Papers #13, Centre for Research and Information on Canada, 2004, page 6, figure 3.

[27] *Ibid.*, page 6, figure 4.

[28] *Ibid.*, pages 21 and 22.

- ◆ most Canadians (8 out of 10) believe that, in Canada, speaking English and French increases one's chances of finding a good job;²⁹
- ◆ 1 out of 4 students (24%) can speak both official languages upon graduating from secondary school, twice as many as in 1971 (13%); 1 out of 4 Canadians between ages 15 to 29 describe themselves as bilingual.³⁰

However, this obvious support for equality of English and French in our society has not fully taken hold in our daily lives. For example, since 1990, enrolment in French immersion programs has levelled off, as has enrolment in other English and French second language programs. Also, much remains to be done to ensure the full development of official language minority communities.

Symposium on Official Languages: the big picture

One of the major objectives of the *Action Plan for Official Languages* is to reinvest in minority language education and second language learning.

When it comes to individual bilingualism, about 24% of young Canadians between ages 15 to 19 now speak the other official language. The objective of the *Action Plan* is to double the number of young Canadians who have knowledge of their second official language by 2013.

In March 2004, the Office of the Commissioner of Official Languages, in co-operation with Canadian Heritage, the Privy Council Office and Canadian Parents for French, organized a two-day symposium in Toronto entitled "Vision and Challenges for the 21st Century."³¹ The meeting brought together

Heard at the symposium...

"Canada is currently at a crossroads with respect to bilingualism. During the past 30 years, Canada has been laying down structures that have changed it linguistically. It is important to recognize that it is not necessary for everyone to become bilingual, but a critical mass must be developed. In the modern world, multilingualism is here to stay. The promotion of biculturalism is a key element of the next stage in the establishment of bilingualism in Canada." (His Excellency John Ralston Saul)

"Often we think of bilingualism in purely Canadian terms – building a cohesive and united Canada. There is also a bigger picture. We need to build a confident society capable of competing globally." (The Honourable Pierre Pettigrew, former Minister responsible for official languages)

stakeholders from different sectors of Canadian society (arts, culture, sports, business, education) to discuss integrated, co-operative ways of reaching the objective of making more young people bilingual.

Working in groups, participants defined the challenges and proposed strategies to successfully respond to them.

Education

Challenges: student retention, mobilizing public opinion, making French relevant in daily life and updating teaching and learning methods.

[29] *Ibid.*, page 23.

[30] *Census of Canada*, 2001.

[31] Those interested in the full report of the symposium on official languages will find it at www.ocol.gc.ca/symposium/documents/report_rapport/rport_e.html.

Strategies: attract capable teachers; establish specialized centres; draw up national standards; recognize student achievements; promote the advantages of learning both languages; and above all, pass on the idea that learning a second language is very advantageous.

Many participants thought major changes should be made to higher education. To be motivated beyond secondary school, students should be able to continue learning their second language in college and university, and on the job.

Business and economics

Challenges: better illustrate the link between profitability and bilingualism; give success stories a higher profile; encourage networking.

Strategies: study the economic advantages of bilingualism; develop an international directory of language skills among business leaders; reward success; increase intercultural contacts between organizations.

Participants also made many suggestions to encourage cultural exchanges, for example, creating summer jobs that enable students from one province to go to another; defining language standards with support from bilingual businesses; better employee orientation; better access to content in other languages.

Arts, culture and sports

Challenges: better knowledge of existing cultural resources; better arts program funding; improve co-operation between the players and co-ordination among government policies.

Strategies: assist language exchanges in areas supporting culture, the arts and sport; use communication and information technologies to popularize bilingual role models; make cultural promotion and dissemination activities more consistent (for example, broadcast MuchMusic and MusiquePlus across the country).

To successfully apply the strategies that were proposed, participants called for the support of a variety of public and private institutions, such as the Council of Ministers of Education (Canada); Connexion Jeunesse, Exchanges Canada and the Society for Educational Visits and Exchanges in Canada (SEVEC); broadcasting institutions like the National Film Board (NFB), CBC/Société Radio-Canada and the Aboriginal Peoples Television Network; and associations of teachers, universities and faculties of education.

A clear message

The message emerging from these numerous exchanges is clear: bilingualism is everybody's business. All Canadians should have an opportunity to become bilingual.

Our young people tell us that in the future, their identities will depend less on their origins and more on the paths they choose. They might be of Chinese, Jamaican or Bosnian origin and English- or French-speaking, or both. For youth, individual bilingualism is an expression of allegiance, freedom, or even identity. From that perspective, learning English or French as a second language is a sign of our openness to our neighbours and to the world.

What this is all about is renewing the commitment of all Canadians to the foundations of our national identity: the existence of two great language communities living together, both becoming progressively more diverse and multicultural. It is the "Great Partnership," the source of all our other forms of association.

Progress towards the equality of status for both our official languages and the communities that speak them depends on many factors, but the basic elements are legal support, political will and leadership, and support from the general public. It is up to the Government of Canada to mobilize all its partners – federal institutions and provincial and territorial

Language skills add value

More than half of Canadian business leaders believe that people who speak more than one language have an easier time finding work, a new survey has found.

Also, 47% of the business people polled by COMPAS Inc. for the *Financial Post* also thought that fluency in another language makes individuals more culturally sensitive.

The results of the survey, which was conducted between Nov. 26-28, also suggest that, especially at the hiring stage, business leaders value the fact that employees know other languages.

"The good news is that businesses do consider second-language skills – particularly second-language skills in French – as being valuable," COMPAS spokeswoman Tamara Gottlieb said.

Business leaders believe that if an individual is fluent in more than one language, "it's going to be easier for you to find a job and probably you're going to get a better-paying job to boot," Ms. Gottlieb said.

Wojtek Dabrowski, *Financial Post*, December 1, 2003, p. FP02.

governments – to fully develop the richness of our linguistic duality. The best starting point for this movement towards equality is undoubtedly extending and improving how our official languages are taught as second languages.



Commitments

Many symposium participants agreed to take specific steps to contribute to the objective of doubling the percentage of secondary school graduates who speak the other official language by 2013. Some will distribute their products and resources on language learning more broadly. Others will contribute to promotional campaigns or draw up inventories and prepare tools illustrating success stories. A summary of some of the commitments appears on the following page.

Overview of commitments made by participants at the symposium on official languages

Education

- In partnership with ministries of Education and professional associations, the Second Language Centre at the University of New Brunswick will co-ordinate the development of a competency profile for second-language teachers in post-secondary education institutions involved in teacher training.
- The Canadian Association of Second Language Teachers will disseminate the information it has on second-language education and publish it on its Web site. It will draw up a list of businesses that will be available in both official languages.
- Glendon College will continue to work on its project of linking second-language mentors throughout Canada.
- The Ontario Teachers' Federation will facilitate the distribution of information to teachers about available resources, while the Canadian Teachers' Federation will continue its research concerning the workloads of second-language teachers and eventually publish an inventory of teacher qualifications.
- The Deputy Minister of Alberta Learning pledged to hire, during the summer 2004, a university student taking French as a Second Language courses to work in the Ministry.

Business and Economics

- The Centre for Research and Information on Canada will support the development of an international index of multilingual businesses.
- Drake International will experiment with its interactive messaging technology to test messages on official languages.
- The Commissioner of Official Languages for New Brunswick will establish contacts with private enterprises to foster continued support of bilingualism and will make this information public for use as business case models.
- The Association for Canadian Studies will use the organization's magazines to promote positive bilingual messages.

Arts, Culture and Sports

- The National Library of Canada will develop an inventory of products and resources available to teachers in the field of bilingual arts and culture.
- The National Film Board will act as a catalyst vis-à-vis artistic and cultural institutions to co-ordinate government policies and investments and develop better co-operation in the promotion, distribution and dissemination of cultural resources.

The Role of Other Institutions: More Involvement Required!

It is essentially through Canadian Heritage and other federal institutions involved in culture that the Government of Canada currently promotes official languages in Canadian society.

Under Part VII, all the other federal institutions also have responsibilities for promoting linguistic duality. For many institutions, including those in the economic field, it is an important responsibility. However, except for cultural institutions that are mandated to reflect Canadian identity, this aspect has been largely ignored by other institutions. A review of Part VII action plans prepared by the 29 federal Departments or institutions designated under the Ministerial Accountability Framework adopted by Cabinet in 1994³² revealed few initiatives in this area.

Half of these initiatives dealt mainly with increasing awareness of and appreciation for official language minority communities. This is without a doubt an important part of promoting linguistic duality, but there were on the whole few projects that dealt directly with enhancing an appreciation for our official languages among the majority population.

In point of fact, this is a major deficiency in the government's March 2003 *Action Plan for Official Languages*. Except for the very important aspect of second language teaching, the Action Plan proposes few initiatives directed at the linguistic majorities. Also, Canadian Heritage does not put enough emphasis on the promotion of activities when carrying out its mandate and in exercising its co-ordination responsibilities in relation to Part VII of the *Act*. For example, the guide it produced to help employees in institutions responsible for reporting on the implementation of Part VII contains only one question (out of 19) that has a direct bearing on the promotion of linguistic duality.

Moreover, ten years after the approval of an accountability framework for Part VII, only 29 federal institutions (out of more than a hundred) are required to prepare action plans and report on them. For example, VIA Rail, Air Canada, the Canadian Museum of Civilization, the National Gallery and Transport Canada are not required to prepare such reports. Have they no role to play in promoting English and French in Canadian society? There are also no interministerial mechanisms to co-ordinate these types of activities in order to maximize their impact. We believe all institutions should be held accountable for doing their part in promoting the two key objectives of Part VII.

[32] The 29 federal Departments and institutions are the National Arts Centre, the National Capital Commission, the Canada Arts Council, the National Film Board of Canada, Parks Canada, Canadian Heritage, the Canadian Broadcasting Corporation, Telefilm Canada, the Atlantic Canada Opportunities Agency, Agriculture and Agri-Food Canada, Business Development Bank of Canada, Canadian Tourism Commission, Economic Development Agency of Canada for the Regions of Quebec, Western Economic Diversification, Industry Canada, Public Works and Government Services Canada, Canadian Centre for Management Development, Status of Women Canada, Social Sciences and Humanities Research Council of Canada, Human Resources Development Canada (now Human Resources and Skills Development Canada and Social Development Canada), Health Canada, Canada Post, Department of Foreign Affairs and International Trade (now two distinct Departments: Foreign Affairs Canada and International Trade Canada), Canadian Agency for International Development, International Development Research Centre, Citizenship and Immigration Canada, Justice Canada, Treasury Board Secretariat of Canada, and Statistics Canada.

Results in the Field: Setting an Example

The Government of Canada can and must set an example. It can and must exercise the leadership required to encourage other levels of government and all the players on the social front to promote linguistic duality.

Ottawa, bilingual capital and symbol of the nation

Shortly after his election as Premier of Ontario, the Honourable Dalton McGuinty promised that the Legislative Assembly would pass a resolution recognizing the bilingual character of the City of Ottawa. Although the City had adopted a satisfactory language policy in 2001, the formal recognition of the city's bilingual character has been desired and expected for some time.

Full recognition by the Ontario Legislative Assembly of Ottawa's bilingual character would not be perceived as just a whim. The effects of such a decision would be both symbolic and practical. First of all, such a resolution would reassure citizens that the City's language policy will stand the test of time. It would also confirm in the eyes of all Canadians that our nation's capital shares and reflects their values with respect to linguistic duality.

The Commissioner has been calling for the legal recognition of Ottawa's bilingual character since the new City was created in 1999.

Bilingual services and commercial leases

In March 2004, the Commissioner of Official Languages published the results of a study on the availability of bilingual services in businesses located in federal buildings in the National Capital Region (NCR).

To encourage the recognition and use of English and French in Canadian society in accordance with Part VII of the *Act*, owners of federal buildings and assets, such as the National Capital Commission and Public Works and Government Services Canada, must include language clauses in their commercial leases, clearly inform their tenants on their linguistic obligations and ensure that they respect them. The results of the study are disappointing, especially on the Ontario side of the National Capital Region (NCR).

- ◆ Barely 40% of the 207 businesses surveyed had leases that included clauses on bilingual signs and services.
- ◆ In Ottawa, written material (signs, menus, Web sites, etc.) was available in English only, in over half of the businesses visited.
- ◆ Also in Ottawa, service over the phone in both languages was available in 70% of cases and for person-to-person services, bilingual service was available in 60% of cases.
- ◆ Businesses in federal buildings in Gatineau had exemplary telephone and person-to-person services in both languages and written material was bilingual in the vast majority of cases.

The Commissioner made a dozen recommendations to correct the situation. The three institutions concerned (Canadian Heritage is also among them) have indicated that they intend to implement them.

Many business leaseholders interviewed as part of this study said it was advantageous for them to offer bilingual services in the NCR as it allows them to increase their market share. What better way to cement the government's commitment to linguistic duality than by giving the NCR a bilingual face?

Commercial advertisements in publications: another show of support for Canada's linguistic duality

Some ten federal institutions regularly publish magazines or brochures aimed at their specific clientele. The best-known examples are Air Canada's *enRoute* magazine, VIA Rail's *Destinations* and Canada Post's *SmartMoves* guide. These magazines and brochures are bilingual, but what about commercial advertising and messages from their sponsors?

The Commissioner studied this issue in 2003. Many federal institutions, for example VIA Rail, Canada Post, the National Capital Commission, the Canadian Tourism Commission and the Department of Foreign Affairs and International Trade require that advertisements in their publications be in both languages. Other institutions simply encourage businesses to publish advertisements in both languages. On the one hand, in the National Gallery of Canada's *Vernissage* magazine, the proportion of bilingual advertising space has varied from one-quarter to one-half over the past two years. On the



other hand, advertising by private companies was practically all in English in *Prelude*, the National Arts Centre magazine.

Canadian Heritage has a role to play in building awareness among these institutions in terms of this unique opportunity to support our linguistic duality. We hope the results of this study have provided Canadian Heritage with a game plan in this regard. In any event, the Commissioner has drawn up guidelines to assist institutions in this sector to engage in promoting the use of both languages.

Alberta puts language and economy together

The Government of Alberta has adopted a language learning policy specifically linked to its economic development strategy.

Alberta Learning (the Department of Education) sees a pressing need for qualified people who speak other languages besides English in science, technology, medicine and international trade.

The Government of Alberta recognizes that learning a second language will give young Albertans more opportunities for social and economic success in today's global village. For many people, English remains the language of business, but the increasing importance of new economic powers that use languages other than English cannot be underestimated. Being able to do business in several languages and being able to understand other cultures is an asset.

As of the 2006-2007 school year, all 4th grade students will begin to learn a second language. School boards will decide which second language will be taught. They may offer one or several courses in four groups: official languages (English and French), international languages, traditional languages, or Aboriginal languages. In many cases, French will no doubt be chosen because Alberta already offers French second language programs throughout the province.

Sport Canada: back on track

The Canadian sport system is an important tool in promoting linguistic duality. Canadians always feel proud when they see our Anglophone and Francophone athletes do their best for Canada.

In her last Annual Report, the Commissioner was critical of Sport Canada's lethargic implementation of recommendations contained in a study published in 2000.³³ That study found that French did not enjoy the same status as English in the Canadian sport system.

This year, Sport Canada took several steps to improve the situation. For example, it provided additional funds to National Sport Organizations (NSOs) to help them offer services to athletes in both languages, and it raised the level of bilingual skills required of its program managers and officers. The Secretariat for the 2010 Olympics is also working in close co-operation with the Vancouver Organizing Committee to ensure that official languages clauses in the multiparty agreement are implemented.

Although these measures are positive, what matters are results. At present, Sport Canada primarily uses self-assessments by NSOs to determine whether services are provided adequately in both languages.



We checked a sample of 22 NSO Web sites: six had major deficiencies (no French content, incomplete or poor quality content in French). Sport Canada must establish a formal audit mechanism to ensure that NSOs adhere to prescribed standards for official languages.

Canadian language planning: know-how for export

Canada's way of ensuring respect for language rights is a source of inspiration for many multilingual states. The Office of the Commissioner of Official Languages (OCOL) is often consulted because of its expertise.

South Africa

South Africa has 11 official languages. In September 2003, at the request of the Canadian International Development Agency (CIDA), OCOL co-ordinated the visit of a delegation of members of the South African Commission of Official Languages, which has a mandate to promote, and ensure respect for, the nation's official languages.

[33] Office of the Commissioner of Official Languages, *Official Languages in the Canadian Sport System*, June 2000.

The support infrastructure for implementing the *Official Languages Act*, as well as our ombudsman role and promotional activities, greatly impressed our distinguished guests, including the president of the Commission.

South African representatives are considering visiting Canada in the future as part of assignments to study our principles and methods and subsequently draw up practices inspired by the Canadian model, yet tailored to their reality.

Sri Lanka

At the request of the Government of Sri Lanka, and thanks to a CIDA program, OCOL sent a representative to that country in June 2003. Our focus was on the management capacity of the Sri Lanka Official Languages Commission and the ministry responsible for implementing language policies.

The population of Sri Lanka is about 20 million people, 75% of whom speak Sinhalese and 25% who speak Tamil. These have been the country's two official languages since 1987. The Tamil population, however, feels left out of the government structure, as it holds only 5% of administrative positions.

The government of Sri Lanka believes that proper implementation of language policies is an essential feature of the ongoing peace process. Tamils should be able to contribute to building the country within its administrative system, in their own language.

People's Republic of China

OCOL welcomed a delegation from the People's Republic of China this year. The main aim of the fact-finding mission was to obtain information and examine on-site the Canadian approach to language planning.

The People's Republic of China, with a population of over one billion, has at least 70 million citizens who speak minority languages. Fifteen of these languages are spoken by minorities of 10,000 to one million people. In this context, language rights and diversity management are challenges on a national scale and the Canadian experience in this field is of great interest. The China Law School and Political Science University and the Applied Linguistics Institute of the Chinese Ministry of Education have joined with the International Academy of Linguistic Law to organize a conference on this subject in the fall of 2004.



Association des ombudsmans et médiateurs de la Francophonie

Until October 2003, the Commissioner was one of the two vice-presidents of the *Association des ombudsmans et médiateurs de la Francophonie*, an organization of some forty ombudsmans and mediators of La Francophonie. During the past year, she concentrated her efforts on co-ordinating a review of the Association's by-laws.

Réseau international du français dans le monde

At the invitation of the International Agency of *la Francophonie*, the Commissioner spoke at a symposium organized in Paris in November 2003 by the *Réseau international du français dans le monde*, an Agency organization. The symposium discussed diversified strategies to encourage the teaching and use of French.

The Canadian experience of integrating French into the public service and of teaching French as a second language is of great interest because in many Francophonie countries, French is not the main language spoken.

In her presentation, the Commissioner emphasized the importance of government leadership and the need to develop a range of tools necessary to implement language policies.

Conclusion: Getting Back on Track

The surveys cited at the beginning of this chapter confirm that Canadians believe linguistic duality is one of the fundamental values of Canadian identity. However, this support is not as solidly entrenched as one would like it to be. The Government of Canada and its partners in Canadian society must draw up a joint strategy to reach a fuller understanding and appreciation of the goals of our language policy.

For example, we should make better use of the goodwill and enormous potential of the almost two million students who study French as a second language (one out of two Anglophone students). Every strategy should highlight the advantages having two official languages give Canada. We must demonstrate that linguistic duality is at the very heart of our national values and is a source of economic benefit and cultural advantage. Moreover, on the national and international levels, linguistic duality contributes to an essential dialogue on dignity and respect.

RECOMMENDATION 10

To better consolidate linguistic duality in Canadian society, the Commissioner recommends that:

Canadian Heritage:

- place greater emphasis on measures to promote linguistic duality, especially by providing institutions with the guidance necessary to define activities linked to this aspect of Part VII; and assess the effectiveness of programs promoting linguistic duality and take corrective measures, if necessary.

RECOMMENDATION 11

Federal institutions:

- especially those that are required to develop a plan regarding Part VII of the *Official Languages Act*, include in such plans initiatives aimed at enhancing linguistic duality and be accountable for this activity to Canadian Heritage.

Canada has made a name for itself and has remained united by rallying around shared values, while respecting differences. Our efforts to enhance the value of our triple heritage (First Nations, English

and French) have taught us little by little to develop the tolerance and flexibility needed to welcome others and to live together in harmony.

This movement towards inclusiveness has, in turn, made possible the smooth integration of many newcomers. In a world where sectarianism and attempts at cultural homogeneity create enormous challenges, Canada – with its linguistic duality and diversity – can serve as a model for other societies. It is a challenge that calls for constant effort and attention, in particular so that Canadians are able to understand the full significance of these complementary values.

The Right Honourable Beverley McLachlin, Chief Justice of Canada, described this situation well: “Linguistic duality is part of the Canadian identity, and is rooted in our history. But this story belongs to all Canadians, not just those whose ancestors arrived here in the 17th or 18th century. For history to be appropriated as the source of a national identity, it must be meaningful for newcomers. The Canadian identity is constantly being reinvented, in an attempt to reconcile memory with the present.”³⁴

[34] From a speech given by Chief Justice McLachlin at the first annual J. Fernand Landry Seminar 2004, entitled *Linguistic duality and Pluralism*, Moncton, March 8, 2004.



6

Chapter Six

Analysis of Complaints

Analysis of Complaints

The ombudsman's role essentially consists of receiving and settling complaints. In conducting investigations, we can suggest solutions that guarantee better compliance with the *Official Languages Act*. All managers involved should feel personally committed and search for serious, sustainable solutions. That is why we try to achieve these solutions by working as closely as possible with federal institutions. We encourage them to reduce the psychological gap between the government and the average citizen. We have also succeeded in improving the process for handling complaints.

Here is the breakdown of complaints lodged over the past year:

- ◆ Some 1,031 complaints were lodged to the Commissioner, down 23% from last year.
- ◆ Around 74% (761) of complaints lodged were admissible, about the same percentage as in previous years.
- ◆ As in past years, most complaints (86%) came from Francophones.
- ◆ The number of complaints lodged by Anglophones decreased by 52%, dropping from 305 in 2002-2003 to 145 in 2003-2004. (We should point out that in 2002-2003, we received more than a hundred complaints from Anglophones about Environment Canada weather reports. These complaints were deemed to be unfounded.)

Transmittal mode

The number of complaints lodged in person has decreased steadily over recent years. However, the number sent over the Internet has increased steadily. At present, they make up some 10% of all complaints received.

Information requests

The number of information requests has almost doubled, increasing from 516 to 994. The number of requests from Anglophones rose from 175 in 2002-2003 to 539 in 2003-2004, a 208% increase. Requests from Francophones grew by 33%, from 341 in 2002-2003 to 455 in 2003-2004. Most of these information requests were general in nature (publications, statistics and access to language training).

This increase is difficult to explain. It is possible that this phenomenon is related to the fact that official languages issues have been prominent in the press.

Decrease in the number of complaints

The decrease in complaints noted this year is essentially attributable to a reduction in language of service complaints. There may be several contributing factors at play:

- ◆ Fewer complaints about Air Canada (which is being restructured).
- ◆ Fewer complaints from Anglophones (for the reasons mentioned earlier).
- ◆ Lack of awareness by citizens of their language rights.
- ◆ A certain weariness among complainants related to the inability of institutions to solve recurrent problems (see Chapter Two on service to the public).

Admissible complaints related to language requirements for positions increased by 41% this year, from 56 to 79.

Complaints lodged and admissible complaints

When a complaint is made to our office, we must first ascertain whether or not we have the power to investigate it. If so, the complaint is admissible. If not, it is considered inadmissible and we inform the complainant that we do not have the authority to take action. If a complaint is found to be admissible, it is assigned to one of our investigators.

The investigation process includes studying the allegations, interviewing the complainant and the institutions involved and analyzing the results. Once the analysis is completed, the investigator determines whether the complaint is justified or not.

A complaint is deemed to be *unfounded* if there was no contravention of the *Act*. A complaint is *founded* if it is determined that there was a contravention. Both the institution and the complainant are informed of the decision. When the complaint is founded, the institution must demonstrate that the situation has been corrected. We follow up to ensure that the measures taken were indeed effective.

Even though there are occasional delays, we work closely with the institution at fault to find a quick solution. For example, when we received a complaint that there was no service at a toll-free TeleCanada calling card number, we contacted Public Works and Government Services Canada, which settled the problem immediately. We were therefore able to inform the complainant about the measures taken less than a month after receiving the complaint.

Diagram 1
Number of admissible complaints from Francophones

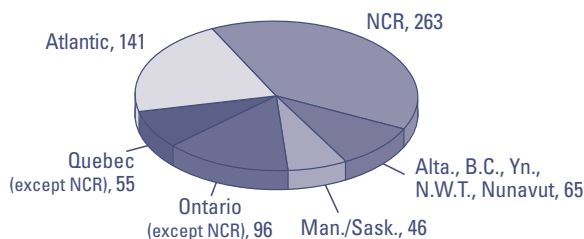
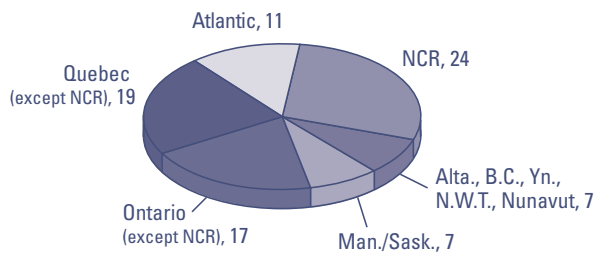


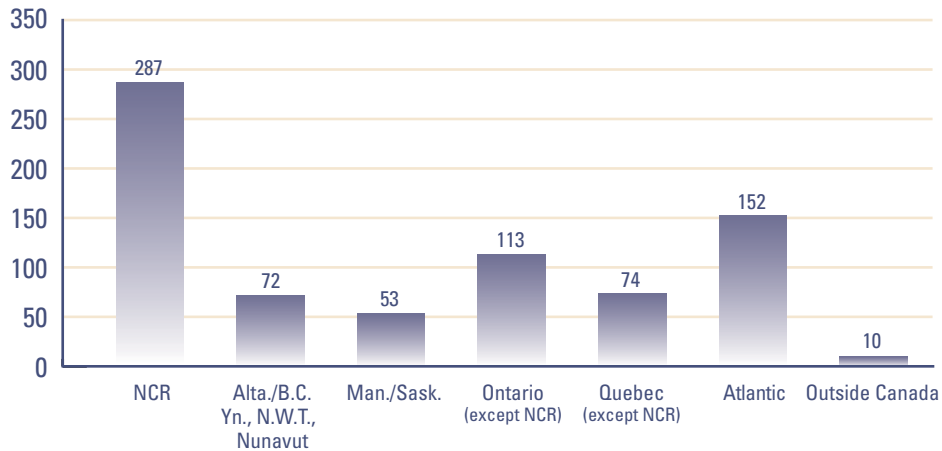
Diagram 2
Number of admissible complaints from Anglophones



Note: Approximately 74 % of these complaints are admissible. Those that are not investigated are referred to the appropriate institution or refused because they do not fall under the jurisdiction of the *Official Languages Act* or its *Regulations* (Communications with and services to the public).

Diagram 3

Number of admissible complaints by region



Admissible complaints by region

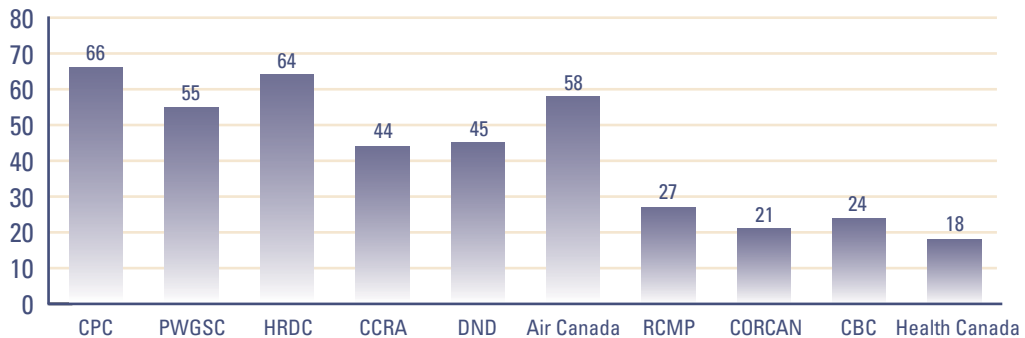
Although complaints come from all over Canada, the two regions with the largest number of admissible complaints are the National Capital Region and the Atlantic provinces.

The ten most targeted institutions

More than half (55%) of the complaints concerned ten institutions. Obviously, they are the institutions in closest contact with the public. The following diagram shows the number of admissible complaints against these ten institutions. (A detailed breakdown of complaints lodged against these institutions appears in Table 2.)

Diagram 4

Number of admissible complaints against the ten most targeted institutions



LEGEND:

CPC: Canada Post Corporation
PWGSC: Public Works and Government Services Canada
HRDC: Human Resources Development Canada
CCRA: Canada Customs and Revenue Agency

DND: Department of National Defence
RCMP: Royal Canadian Mounted Police
CORCAN: Corcan (Correctional Service Canada)
CBC: Canadian Broadcasting Corporation

Admissible complaints by major category

Of the admissible complaints, 62% were about language of service and 16% about language of work. Here are some points to consider:

- ◆ The 33 admissible complaints about equitable participation represent a 106% increase over last year.

- ◆ The promotion of English and French (Part VII of the Act) was the subject of 33 admissible complaints, a 65% increase over last year. The increase may be linked to greater awareness of this part of the Act due to recent court decisions.

Diagram 5
Number of admissible complaints by major category

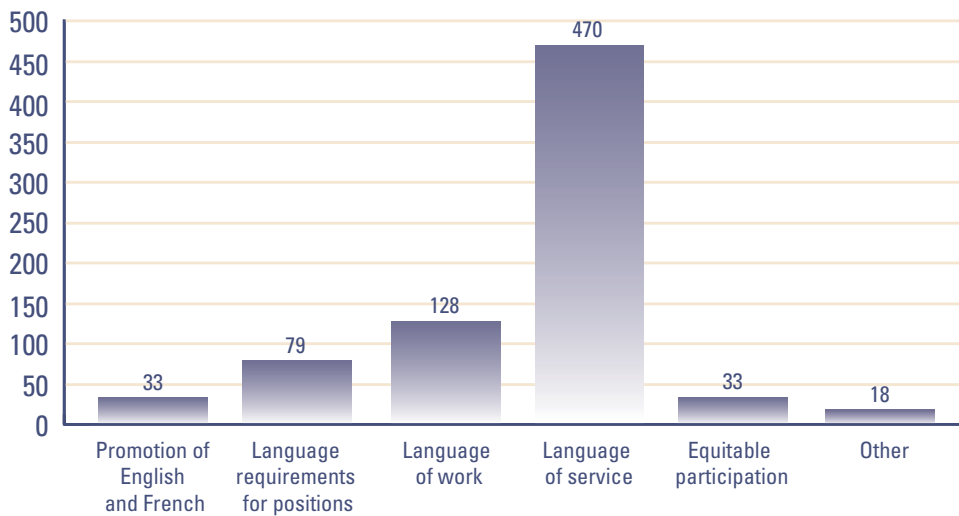


Table 1 presents a summary of admissible complaints by province and major category.

Table 1

Number of admissible complaints by province/territory and by major category

Province/Territory	Admissible complaints	Service to the public	Language of work	Language requirements	Promotion of English and French	Equitable participation	Other
Newfoundland and Labrador	4	4	0	0	0	0	0
Prince Edward Island	31	28	0	3	0	0	0
Nova Scotia	58	36	5	3	1	1	12
New Brunswick	59	30	12	7	3	6	1
Quebec	74	41	21	2	6	3	1
National Capital Region (Quebec)	57	14	15	28	0	0	0
National Capital Region (Ontario)	230	118	61	25	13	12	1
Ontario	113	91	10	2	3	7	0
Manitoba	32	21	0	7	1	1	2
Saskatchewan	21	18	1	0	2	0	0
Alberta	35	31	1	2	1	0	0
British Columbia	31	26	2	0	0	2	1
Yukon	4	3	0	0	0	1	0
Northwest Territories	2	1	0	0	1	0	0
Nunavut	0	0	0	0	0	0	0
Outside Canada	10	8	0	0	2	0	0
TOTAL	761	470	128	79	33	33	18

Note: Approximately 74 % of these complaints are admissible. Those that are not investigated are referred to the appropriate institution or refused because they do not fall under the jurisdiction of the *Official Languages Act* or its *Regulations* (Communications with and services to the public).

Table 2 gives an overview of the status of the complaints.

Table 2
Institutions with 15 or more admissible complaints in 2003-2004
and status of complaints

Department or Institution	Total admissible complaints 2003-2004	Founded	Unfounded	Under investigation
Canada Post	66	34	13	19
Human Resources Development Canada	64	30	5	29
Air Canada	58	10	3	45
Public Works and Government Services Canada	55	11	5	39
Department of National Defence	45	6	4	35
Canada Customs and Revenue Agency	44	14	4	26
Royal Canadian Mounted Police	27	11	1	15
CBC	24	6	1	17
CORCAN	21	0	3	18
Health Canada	18	7	1	10
TOTAL	422	129	40	253

Note: The investigation of a complaint may begin in one year and end in the next. There is no correlation between the number of admissible complaints lodged during a year and the number of complaint files, founded or not, closed in that same year.

Service to the public

These are the three major categories of admissible complaints about service to the public:

- ◆ written communications (22%);
- ◆ person-to-person communication (17%): receptionists, customs agents, postal workers, police officers, etc. who do not actively offer services in both official languages; and
- ◆ communications in the media (15%): nearly all these complaints were about the lack of advertising in minority official language publications.

Language of work

The 128 admissible complaints about language of work were broken down as follows:

- ◆ 59% lodged by public servants in the National Capital Region;
- ◆ 16% lodged by public servants in Quebec; and
- ◆ 13% lodged by public servants in the Atlantic provinces.

Mostly, they concerned internal communications (38 complaints) and professional development (19 complaints).

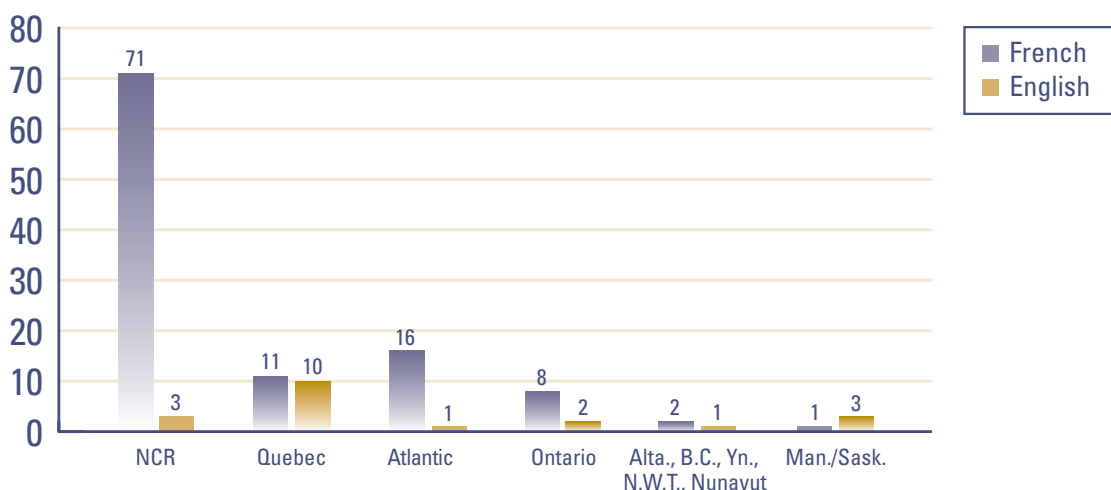
Language requirements for positions

In recent years, the number of admissible complaints about the language requirements for positions has steadily increased. This year, these complaints made up 10% of all admissible complaints. The increase is mostly explained by increased activity in staffing bilingual positions and greater awareness of the issue of language requirements among public servants. The media also demonstrated more interest in this issue.

These complaints generally concern one of the following three elements:

- ◆ the linguistic designation of a position;
- ◆ the linguistic profile of a position (levels A, B, C or P); or
- ◆ the staffing method used (imperative or non-imperative).

Diagram 6
Number of admissible complaints about language of work, by language



Promotion of English and French

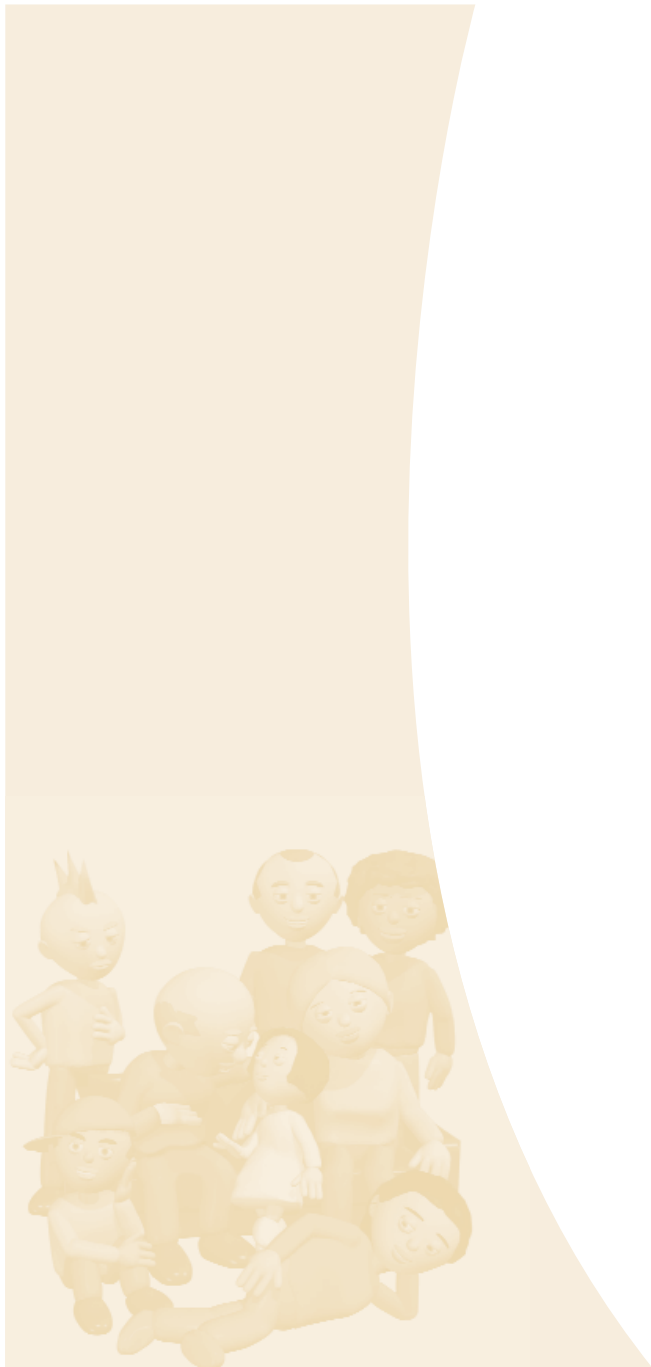
Thirty-three admissible complaints identified contraventions to Part VII of the *Act*, which sets out the government's commitment to favour the development of Canada's Anglophone and Francophone minorities and to promote full recognition and use of English and French in Canadian society. Francophones lodged 31 of the 33 complaints (94%), which targeted the following institutions in particular: the Canadian Broadcasting Corporation (15 complaints), Telefilm Canada (6 complaints) and Canada Post (4 complaints).

Equitable participation

Thirty-three admissible complaints concerned the lack of equitable participation of the two official language groups in the public service. In most cases, it was alleged that Anglophone and Francophone public servants did not have the same opportunities for promotion within their institution.

Conclusion

People generally do not like to lodge complaints. A complaint is often the result of a person's exasperation at not seeing the objectives contained within the *Act* materialize, despite repeated promises by political leaders. Paradoxically, complaints are also a sign of hope. Citizens want to believe that their protests are not just a stab in the dark, but contribute instead to promoting the equality of status of English and French in federal institutions, and ultimately in Canadian society. We too are certain that their actions and hopes are well founded. For the Commissioner, complaints are an essential ingredient in helping to achieve the goal she has set out for herself: that of a catalyst for change.



Conclusion

A Slow Year that Raised
Some Questions

A Slow Year that Raised Some Questions

The year 2003-2004 will not go down in history as a vintage year for official languages. The new momentum promised in the *Action Plan for Official Languages* soon faded during the long period of government transition.

Indeed, we expressed concerns about the continuity of government action in the Annual Report 2002-2003, in light of possible shifts in portfolios for some players and new priorities that might suddenly change the agenda.

There is little progress concerning language of work. There were no public awareness activities with respect to the full meaning of linguistic duality. Not much headway was made in strengthening Part VII of the Act. Considering the government's experience in this area, the renewal of the Official Languages Program in education is inexplicably behind schedule.

However, it is satisfying to see parliamentarians show the leadership one would expect in obtaining better results on linguistic issues. The creation of the School of Public Service, positive measures for health and immigration, and confirmation that the funding for the *Action Plan* will be maintained are part of the good news.

The government must not slow down. It must exercise firm leadership and aim, as a priority, for constant, measurable results through a stringent accountability framework.

We should bear in mind that the *Action Plan* is not a result in itself, but rather one of several tools for progress towards the equality of both official languages in Canada. Society as a whole must also support this great common endeavour, especially by encouraging the government to stay the course.

Ensuring good governance for official languages means developing the necessary skills to advance the equality of the status of English and French in Canadian society. This implies creating a structured political and administrative process as well as close co-operation with other levels of government.

Good governance includes all the major political players and institutions, as well as the structures, mechanisms and processes for program development and implementation. It should also provide an opportunity for individual citizens and communities to express their interests and to defend and extend their language rights.

In short, efficient, effective governance of official languages is based on creating a broad consensus on means and ends. It calls for individuals and institutions to be champions for the cause. It requires clear individual and collective responsibility, adequate resources and transparent, detailed accountability.

The government wants Canada to be an important player on the world stage. To achieve this, it is relying on its human capital. The fact that a growing number of Canadians master both official languages can be seen as an economic advantage. It is no longer just a question of being able to speak English and French to obtain a bilingual position, but also of increasing one's chances for success in an increasingly competitive and communications-focused world.

Canada's prosperity depends on many factors. It is partly due to the climate of mutual trust and respect, and to the relationships we have been able to create for ourselves in varying degrees throughout our history. Canada would not be viable without this mutual support and trust. One has only to look at what is happening elsewhere in the world. In many countries where justice and respect are not basic values, the language, ethnic or religious conflicts that break out endanger economic development and social progress.

In Canada, our ability to get along and talk to each other is at the very heart of our stability and prosperity as a democratic nation. We cultivate our official languages and cultural understanding and we reap peace and progress. As a result, we have created an important place for ourselves in the modern world.

APPENDICES



Appendix A

Recommendations

RECOMMENDATION 1

The Commissioner recommends that the President of Treasury Board:

- quickly complete a review of remaining official language policies.

RECOMMENDATION 2

The Commissioner recommends that the government:

- clarify the legal scope of Part VII through legislation or regulation by defining its compulsory nature as well as how federal institutions should implement it under the terms of section 41 of the *Act*.

RECOMMENDATION 3

The Commissioner recommends that the government:

- maintain, in the context of the spending review, the resources allocated to the Official Languages Program as a whole.

RECOMMENDATION 4

As this accountability framework will play an important role in identifying sectors, and in order to change an organizational culture which emphasizes process over results, the Commissioner recommends that the Treasury Board Secretariat:

- strengthen the Management Accountability Framework by:
 - reviewing it to emphasize the importance of official languages in performance-based indicators for citizen-focused services; and
 - developing very specific official language performance indicators.

RECOMMENDATION 5

To reinforce the requirement that managers report on the implementation of the *Act* and to increase awareness among public servants regarding the importance of respecting the public's language rights, the Commissioner recommends that the Public Service Human Resources Management Agency:

- establish effective results-based assessment mechanisms and appropriate employee training mechanisms by:
 - conducting more audits on the implementation of the *Act* in institutions;
 - requiring that institutions themselves conduct internal audits; and
 - ensuring that employees receive better training, with an emphasis on respecting language rights as a fundamental part of showing respect for the citizen.

RECOMMENDATION 6

The Commissioner recommends that Transport Canada:

- propose the adoption of the necessary legal amendments to preserve and protect the language rights of the public and Air Canada's employees, regardless of the modifications that are made to the structure and organization of the air transportation industry.

RECOMMENDATION 7

The Commissioner reiterates Recommendation 5 from the 2002-2003 Annual Report and recommends that the Minister of Canadian Heritage:

- require each provincial Minister of Education to produce an annual report on progress achieved both on the objective of doubling the proportion of bilingual high school graduates and on providing French-language instruction to 80% of the target school population covered by section 23 of the *Charter*.

RECOMMENDATION 8

The Commissioner reiterates her recommendation of 2002-2003 that the federal Health Minister:

- ensure that federal-provincial-territorial health agreements are tailored to the particular needs of the official language minority communities of each province and territory, and that they include specific provisions on health services that must be offered in the minority language.

RECOMMENDATION 9

The Commissioner recommends that the Privy Council Office:

- re-examine the appointment process of superior and federal court judges to provide these courts with adequate bilingual capacity.

RECOMMENDATION 10

To better consolidate linguistic duality in Canadian society, the Commissioner recommends that:

Canadian Heritage:

- place greater emphasis on measures to promote linguistic duality, especially by providing institutions with the guidance necessary to define activities linked to this aspect of Part VII; and assess the effectiveness of programs promoting linguistic duality and take corrective measures, if necessary.

RECOMMENDATION 11

Federal institutions:

- especially those that are required to develop a plan regarding Part VII of the *Official Languages Act*, include in such plans initiatives aimed at enhancing linguistic duality and be accountable for this activity to Canadian Heritage.

Appendix B

A Showcase of Success Stories

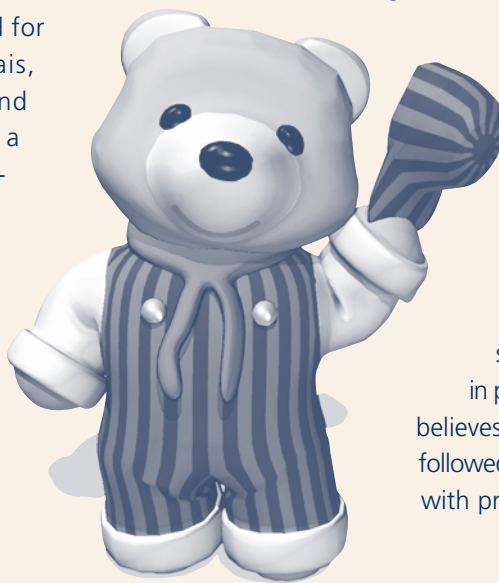
The art of earning recognition

Official language initiatives contribute to creating a new awareness concerning language among public servants and in Canadian society as well. Although they may not make headlines, they are nevertheless examples of what can be achieved with leadership, goodwill and imagination. Here is a sample of these fine achievements.

Leon Leadership Award for 2003-2004 **Michel Dorais, Deputy Minister,** **Citizenship and Immigration** **Canada**

Let us give praise where praise is due. The OCOL Leon Leadership Award for 2003-2004 goes to Michel Dorais, Deputy Minister of Citizenship and Immigration Canada. Mr. Dorais is a senior executive who has demonstrated remarkable leadership, as the following examples show.

- ◆ The roles and responsibilities for official languages of all senior public servants in the Department have been clearly defined. The deputy minister prepared an accountability framework requiring that managers regularly report on results. The Official Languages Champion, the Assistant Deputy Minister for operations, meets members of senior management with responsibilities for official languages once a month.



- ◆ Mr. Dorais supported a project suggested by the Quebec region to create a workplace that promotes the use of English and French. The message is clear: the *Official Languages Act* and its policies must be experienced in the workplace every day. This fresh focus led to improved communications between headquarters and the Quebec region.

It is also worth noting that it was under Mr. Dorais' leadership that objectives were included in the new *Immigration and Refugee Protection Act* to ensure the vitality of minority official language communities. The Department amended agreements on direct selection of immigrants by the provinces.

The Department has reached, or is about to reach, agreements with all the provinces and territories except Ontario, Nunavut and the Northwest Territories, on consultation and co-operation with Francophone

communities on activities to attract immigrants. Mr. Dorais also established a joint steering committee (representatives of federal, provincial and territorial ministries and community representatives) to prepare a strategic framework encouraging immigration in general and settlement in communities in particular. The Commissioner believes these models should be followed in negotiating agreements with provinces and territories.

In addition, Mr. Dorais was the first Deputy Minister to sign a co-operation agreement with OCOL for the efficient resolution of complaints.

In awarding the Leon Leadership Award to Mr. Dorais, the Commissioner pays tribute to an agent for change whose day-to-day leadership on official languages has truly helped Canadian society flourish.

Head of the Public Service Award for Official Languages

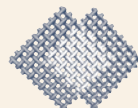
Western Economic Diversification Canada

The Head of the Public Service Award, created by the Clerk of the Privy Council, recognizes the work of public servants who make outstanding contributions to Canadian society. In December 2003, the Head of the Public Service Award for Official Languages was given for the first time to the Team for section 41 of the *Official Languages Act* at Western Economic Diversification Canada.

The Team made the implementation of the Francophone Strategy possible thanks to its excellent work. By facilitating the creation of a network of provincial organizations focused on economic development, the Strategy put the skills of Francophones at the service of Canadian entrepreneurs. Many services in French were provided to Francophone entrepreneurs, including business development services, consultations and training.

The Commissioner sees this initiative as providing Francophone communities with a sustainable tool to strengthen their economic vitality. It is an exemplary approach that other federal Departments could use as a model.

Fisheries and Oceans Canada



Fisheries and Oceans Canada set up a very successful pilot project for language mentoring. The project responded to a need expressed by the *Regroupement des pêcheurs professionnels du sud de la Gaspésie*. Francophone members wanted to improve interaction with Anglophone members and their partners in the Atlantic Canada fisheries industry.

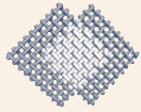
The initiative had two major objectives:

- ◆ highlighting the experience and knowledge of Anglophone fishers in the Gaspé and enabling them to share with representatives of fisheries associations and federal public servants interested in improving their capacity to interact orally in English; and
- ◆ using language mentoring as leverage to improve the second language skills of the various players while making the most of the community's knowledge and heritage.

Following an advertising campaign, the project leaders recruited some sixty Anglophone and Francophone participants whom they trained and matched. The matched participants met once a week for several months to improve their second language skills. They also participated in socio-cultural activities in English once a month.

The project helped bring the two language communities closer together. The results were greatly appreciated by the project leaders and participants, and praised by us too.

Atlantic Canada Opportunities Agency



Under the leadership of Brian Dick, a Regional Vice President at the Atlantic Canada Opportunities Agency (ACOA), New Brunswick region, adopted a very dynamic process to develop a work environment favouring the use of both official languages.

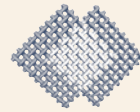
A mentoring program allowing Anglophone employees to retain and improve their knowledge of spoken and written French proved very successful. Over 30 teams registered for the program. Each unit is made up of a Francophone mentor and an Anglophone trainee who meet 30 minutes a week. In addition, monthly breakfasts with socio-cultural activities where French is spoken now attract 40 to 50 participants.

On Wednesdays, only French is spoken. The walls are plastered with posters proclaiming *Aujourd'hui, on parle français*. Employees are encouraged to communicate with their colleagues in French and there are also activities to build vocabulary such as language quizzes, games, exercises, and so forth.

The weekly management committee meetings take place in English and French on alternate weeks. Committee members use a variety of language tools to communicate effectively.

Brian Dick and his team firmly believe in a bilingual workplace and they are actively committed to creating, maintaining and improving it. Bravo!

A Partnership in Newfoundland and Labrador

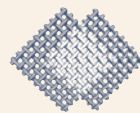


It is one thing to study French and quite another to practise it regularly to maintain one's skills. The *Future Leaders Network of Newfoundland and Labrador* launched an initiative called *Parlons* in 2004 to encourage English-speaking federal public servants to use the French skills they have acquired.

The *Parlons français* segment calls for interested parties to wear an identification badge a few hours or one whole day a week. Badge wearers speak French to each other. A second segment, *Parlons français ici*, consists of organized meetings. Public servants meet twice a week at lunchtime to practise French in an informal setting.

The idea has snowballed. The *Future Leaders Network of Newfoundland and Labrador* hopes all federal Departments in the region will participate in the project.

A Partnership in Edmonton



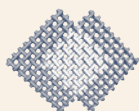
The Edmonton Public School District, together with the Federal Public Service Commission, has successfully increased student registration in immersion classes by almost 30% in just one year. This is partly due to a unique three-year pilot project.

In June 2003, 95 12th grade students in French immersion programs in four school districts took the second-language tests (French oral and written comprehension) that the Government of Canada uses to evaluate the language skills of public servants. Most of them were graded at level B (intermediate) or higher.

The pilot project has enabled the Public Service Commission to determine the current language potential of Western youth. During the second year of the project, the goal is to check the language skills of some 500 12th grade students from all over Alberta.

The Commissioner wishes to recognize some encouraging initiatives in other sectors of Canadian society.

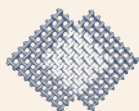
The United States Embassy



Following our study entitled *Official Languages on the Internet: Websites of Diplomatic Missions and International Organizations*, the United States Embassy in Canada inaugurated the French section of its Web site in November 2003. This excellent initiative clearly demonstrates the Embassy's respect for Canada's linguistic duality and its desire to provide services to Canadians in both of Canada's official languages.

The United States Embassy Web site is a model of excellence for other embassies in the nation's capital.

French-Language Service Policy in Saskatchewan



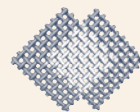
Ever since the *Language Act* stating that Saskatchewan was unilingual was passed in 1988, there has not been an official position on service to the public, with the exception of a policy on legal services in French adopted in 2002.

In January 2003, the *Assemblée communautaire fransaskoise* began a dialogue with the provincial government through the Joint Liaison Committee on French-language services. The Committee afterward recommended that a policy on services in French similar to that of Manitoba be adopted in the province.

In September 2003, the provincial Cabinet adopted a policy that will serve to guide its ministries, institutions and Crown corporations and enable them to provide more services in French. This policy recognizes the principle of linguistic duality and the notion of active offer. The Office of French-language Coordination will prepare an annual progress report and the Saskatchewan Francophone community will be consulted.

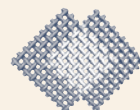
This policy is a step in the right direction and shows clear leadership by the Government of Saskatchewan. The Commissioner encourages the Government to pursue this initiative.

Tele-Health Services in French in Manitoba



In February 2004, the province of Manitoba inaugurated an Info-Health call centre for Manitoban Francophones. The service is provided on a 24-hour basis by five nurses. The Commissioner congratulates the province for making progress in providing French-language health care.

Services in French from the Ontario Provincial Police

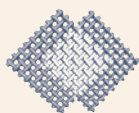


Access to municipal services in French is of concern to the *Association française des municipalités de l'Ontario* (AFMO). In September 2003, the Association signed an historic agreement on the provision of service in French with the Ontario Provincial Police (OPP), the Association of French-speaking Jurists of Ontario and *Action ontarienne contre la violence faite aux femmes*. As part of this strategy, the OPP agreed to define, measure and document the provision of services in French. It will also define the responsibilities of its members, other players and the Office of the

Co-ordinator for French language services. In the field, detachment commanders will co-operate with the community to provide police services that respond to the needs of Francophones. Also, the Human Resources Office will set up recruitment initiatives that meet the requirements for service in French. Partners in this agreement will advise the OPP on the Francophone community's priorities and co-operate in drawing up specific strategies.

The Commissioner, who has been following the work of the AFMO with great interest, is pleased to see that this agreement clearly reflects the intent of section 5 of the Ontario *French Language Services Act*. That article guarantees the right of individuals to communicate in French with the government and receive services in that language in 23 designated regions of the province.

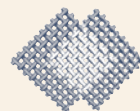
The Centre hospitalier de l'Université de Sherbrooke



The *Centre hospitalier de l'Université de Sherbrooke* (CHUS) is continuing its efforts to improve health services for the English-speaking community in the Eastern Townships. It hired a liaison agent responsible for communications with the Anglophone community. It also translated numerous documents into English to better inform the community about the health care services it provides. It set up English second language courses that more than 400 staff members attend in their free time. Finally, it called on many Anglophone volunteers to reach out to the community.

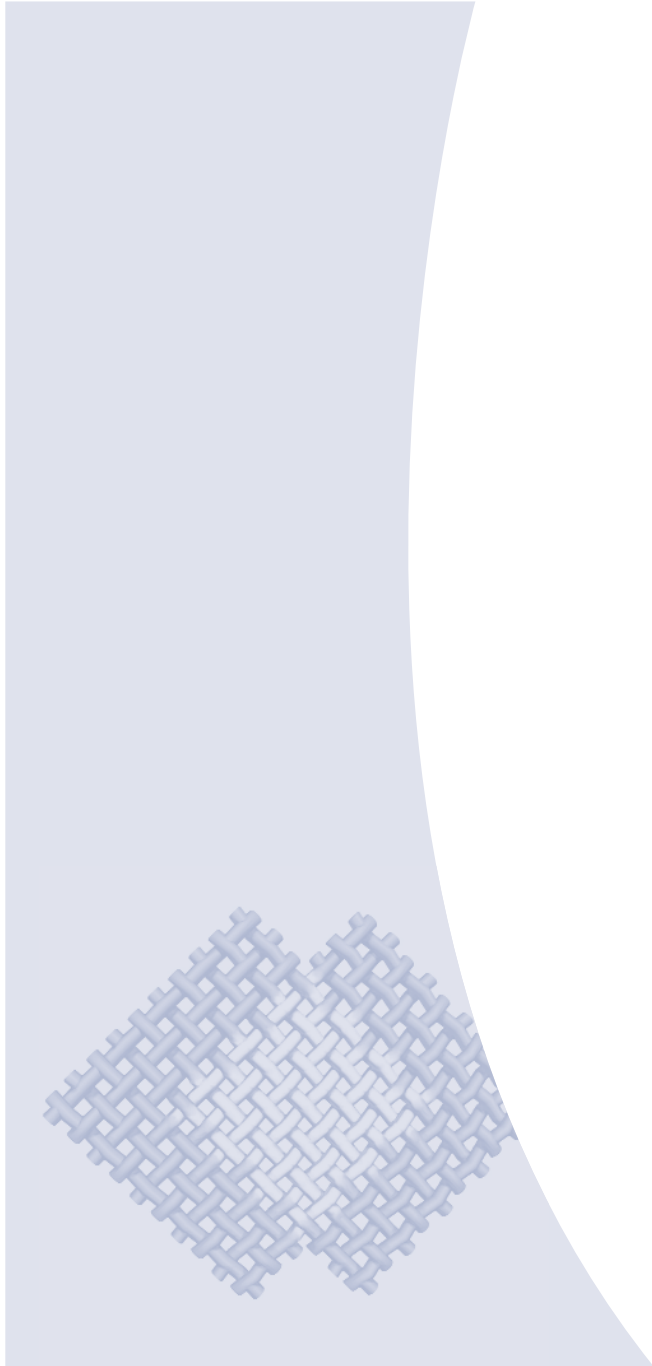
The Commissioner congratulates the CHUS for its efforts to provide health services in a positive climate that respects the language and culture of the Eastern Townships' Anglophone community.

A Partnership in Nova Scotia



The year 2004 marks the 400th anniversary of the French presence in the Americas. Throughout the year, large-scale celebrations have been taking place all over Nova Scotia. The *Fédération acadienne de la Nouvelle-Écosse* joined in with a road signage and tourist promotion project. Each Acadian region will be clearly identified on the province's major highways. There will also be booths at 17 tourist information centres describing the Acadian regions and their tourism products.

The Nova Scotia Ministry of Tourism, Culture and Acadian Affairs, the Atlantic Canada Opportunities Agency, Enterprise Cape Breton Corporation and Canadian Heritage collaborated in carrying out the project. It reflects the pride of both governments in increasing the visibility of the Nova Scotia Acadian community and in recognizing its contribution to Nova Scotia's development.



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Note: *Act stands for Official Language Act*; CFIA, for Canadian Food Inspection Agency; HRDC, for Human Resources Development Canada; TBS, for Treasury Board Secretariat

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