

BULLETIN action

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A WORD FROM THE COMMISSIONER

You may be among those who have not had the time or opportunity to read the 29th Annual Report of the Commissioner of Official Languages in its entirety, but you have probably heard about it. As a Canadian who regards linguistic duality as a fundamental value of our country, you are sure to be interested in the report that I tabled on October 5.

This special issue of INFOACTION is intended as a summary of the highlights of my first Annual Report. It contains the gist of the report, and I hope it will be a source of information for you as well as a reminder of the importance of the official languages in “the social fabric called Canada.”

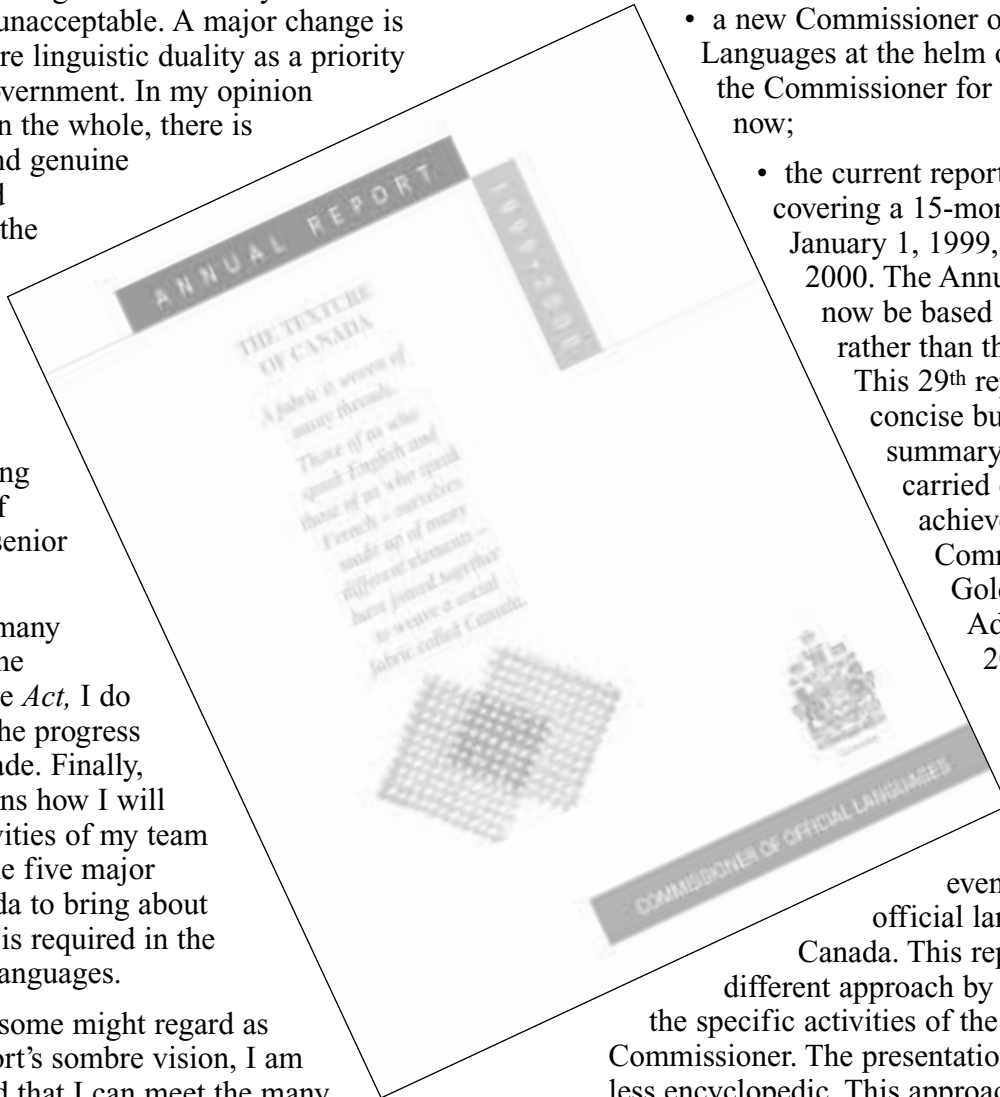
The Annual Report summarizes the principal activities that my predecessor, Victor C. Goldbloom, and I carried out between January 1999 and March 2000. It also sets out the priorities that I expect to bring to the fore at the start of my term.

During the first eight months of my term I found a situation that is unacceptable. A major change is required to restore linguistic duality as a priority of the federal government. In my opinion it is clear that, on the whole, there is a lack of firm and genuine commitment and leadership from the government with respect to the full implementation of the *Official Languages Act*. This is true among both members of Parliament and senior public servants.

To offset the many deficiencies in the application of the *Act*, I do not fail to note the progress that has been made. Finally, the report explains how I will redirect the activities of my team in Ottawa and the five major regions of Canada to bring about the renewal that is required in the area of official languages.

Despite what some might regard as the Annual Report's sombre vision, I am firmly convinced that I can meet the many challenges it outlines with the co-operation of all the partners who believe in linguistic duality in Canada.

Good reading!



.....
CHANGE IS THE WATCHWORD

Is the 29th Annual Report of the Commissioner of Official Languages different from the previous 28?

You will see some major changes, including:

- a new Commissioner of Official Languages at the helm of the Office of the Commissioner for more than a year now;
- the current report is unique in covering a 15-month period, from January 1, 1999, to March 31, 2000. The Annual Report will now be based on the fiscal year rather than the calendar year. This 29th report contains a concise but representative summary of the activities carried out and results achieved by Commissioners Goldbloom and Adam in 1999-2000;
- the previous reports attempted to survey all the activities and events related to the official languages in Canada. This report adopts a different approach by concentrating on the specific activities of the Office of the Commissioner. The presentation therefore seems less encyclopedic. This approach avoids considerable duplication of information because, since 1988, a number of other federal institutions, such as Canadian Heritage and the Treasury Board Secretariat, have reported annually on their activities under the *Official Languages Act*;
- a smaller and less dense format that is meant to make the report more accessible to the general public;

- the report presents a limited number of significant issues that attracted the Commissioner’s attention;
- more emphasis is placed on the PRINCIPLES that underlie a problematic situation, on the consequent ACTIONS taken by the Office of the Commissioner, and on the RESULTS obtained;
- with regard to complaints, a few were selected to illustrate how some complaints can, after being investigated by the Office of the Commissioner, lead to changes;

While the report constitutes a summary of the Office of the Commissioner’s interventions, its appendix contains a more detailed list of OCOL’s many activities. Just as a reminder, a great deal of information, including reports and special studies, is available in the Office of the Commissioner’s other publications.*

As the 29th Annual Report shows, one thing remains constant in the midst of change: the mandate that the *Official Languages Act* assigns to the Commissioner. In this report, Dr. Adam presents a summary of the activities carried out, but she also outlines the general environment in which she exercises her mandate.

* To consult the electronic version of the Office of the Commissioner’s publications, see <http://www.ocol-clo.gc.ca>.



WHAT IS IN ALL THOSE PAGES?

The preface, summary and first chapter of the Annual Report outline the main elements of the new vision that Commissioner Adam adopted when she took up her duties in 1999.

Five additional chapters review the principal issues to which the Commissioner and her predecessor turned their attention and the results they obtained. The layout is designed to be clear, uncluttered and easy to read, while giving an accurate picture. For each situation dealt with, the problem is identified in a few lines, the principle at stake is defined, and the action taken by the Commissioner to resolve the problem is described.

INFOACTION, unfortunately, is unable to summarize each of the chapters, but it strongly urges you to consult the Annual Report. You will find it is a gold mine of information about all the issues the Office of the Commissioner has been dealing with-- from government transformations, community development, the linguistic quality of government services, such as air transport, VIA Rail, the RCMP, sports and the new information and communications technologies to the concerns of Canadians in all sectors of the federal administration.

When she took up her duties, Dr. Adam told INFOACTION that by July 2006 she wanted to have helped Canadians to experience all the advantages of living in a country defined in terms of two official languages. Her first Annual Report indicates that the Commissioner is determined to meet this immense and noble challenge.



A REPORT WITH TEETH

None of the media had any hesitation in characterizing this report: the assessment of the past year in terms of the official languages in Canada is disturbing. Yet linguistic duality is a fundamental value of Canadian identity, guaranteed and promoted for over 30 years thanks to the *Official Languages Act*.

How is it then, Dr. Adam asks, “that after three decades and despite numerous interventions by successive commissioners, year after year we have to point out so many recurring deficiencies in federal offices designated to provide service in both official languages and have to decry the persistent inertia of federal institutions?”

The Commissioner deplores the fact that, in spite of the progress noted, her Office had to investigate some 1,800 complaints under the *Act*. She finds that the recent government transformations have had a negative impact on the respect for language rights and that there is a chronic lack on the part of federal institutions of in-depth follow-up on the recommendations she has made.

The verdict: commitment is inadequate and there is a flagrant lack of leadership from the federal

government with regard to full implementation of the *Act*. As her predecessor, Victor C. Goldbloom, had noted, while the Commissioner's recommendations prompt federal institutions to make some changes by way of response, they are too often superficial and without lasting effect.

Dr. Adam therefore regretfully concludes that a veritable vicious circle seems to govern federal action on official languages. Is this because the government, at its highest level, does not provide the leadership it should show in affirming linguistic duality? She states that, above and beyond laws and general principles, members of Parliament and senior public servants must embody the value of the official languages. They must set an example through their own actions and promote close consultation among all federal institutions to implement the laws and the principles enshrined in the Canadian Constitution.

Given this unacceptable situation, the aim of the Commissioner's 29th Annual Report is to contribute to the introduction of lasting changes. The government has no choice: it must restore linguistic duality to the centre of its priorities. As Dr. Adam said at a press briefing on October 5, "Linguistic duality must be a permanent feature of the organizational and political landscape, like the Rocky Mountains."

It is time for all levels of government to take responsibility!



LEADING ISSUES

The Commissioner's new perspective and approach will be applied to a series of priority issues of vital importance in carrying out her mandate. INFOACTION is therefore listing and summarizing each of these 12 issues.

1. **QUALITY SERVICE.** The Commissioner finds it hard to understand why the federal government is still unable to provide service of quality in both official languages in its designated bilingual offices. She will not only identify the deficiencies but also evaluate the circumstances that give rise to them and propose solutions.

- 2. **LANGUAGE OF WORK IN THE FEDERAL PUBLIC SERVICE.** Federal employees must be able to work, in certain regions in their preferred official language as guaranteed in the *Official Languages Act*. The Commissioner will encourage the public service to increasingly become the living embodiment of the culture of linguistic duality.
- 3. **PUBLIC SERVICE RENEWAL.** A new generation of public servants, many of whom have learned both official languages, will constitute an attractive pool of employees for the public service. Along with the coming cultural change, the Commissioner hopes, among other things, that the federal government will include skills related to the understanding and management of linguistic duality in the training of public servants at all levels.
- 4. **IMPLEMENTATION OF THE ACT.** The government transformations of the 1990s resulted in an erosion of language rights in Canada. In Dr. Adam's view, it is of the utmost importance to identify new tools for the implementation of the *Act* that will help to prevent such erosion.
- 5. **RIGHT TO MINORITY LANGUAGE EDUCATION.** The official language minority communities that were deprived of the right to instruct their children in their mother tongue (section 23 of the Charter) are entitled to expect remedial measures from the federal government. As one of these measures, the Commissioner believes it is appropriate to provide minority schools with additional resources.
- 6. **COMMUNITY DEVELOPMENT.** The *Official Languages Act*, as amended and adopted in 1988, clearly states that all federal institutions must contribute to the vitality of the official language minority communities. The fact is that most institutions have not yet taken any measures to this end. Dr. Adam wants to ensure that the federal government guarantees that every institution puts in place the tools required to comply with and implement Part VII of the Act, whose aim is to bring about the equality of English and French in society and enhance the vitality of the minority communities.

7. **EQUALITY OF ENGLISH AND FRENCH IN SOCIETY.** The government of Canada is required to actively advance the full recognition of the equal status of English and French as official languages. This provision, Dr. Adam says, seems to have been widely forgotten. It must be actively promoted throughout the country. She proposes that immersion and second-language instruction programs be strengthened.
8. **HEALTH AND SOCIAL SERVICES.** The Commissioner is pleased that the Committee of Deputy Ministers Responsible for Official Languages has once again chosen the community health sector as one of its four priorities. The delivery of quality health and social services in the minority official language is of the utmost importance; it is a question of human dignity.
9. **YOUTH.** Young people entering the labour market bring with them a new experience of the official languages and of Canadian culture. The Commissioner considers it essential to find ways of connecting with these young people to facilitate their entry into the federal public service. The Internet and educational initiatives will be of vital importance in this regard.
10. **IMMIGRATION.** Canada will soon adopt a new immigration act. The Commissioner believes that this is an opportunity to promote Canada's linguistic duality. An immigration policy cannot be limited to economic considerations. It must help to strengthen Canada's social fabric by incorporating the government's commitments as set out in Part VII of the *Official Languages Act*.
11. **INTERNET.** The Commissioner attaches great importance to the Internet as a crucial tool for communications and development.
12. **THE CAPITAL OF CANADA.** The city of Ottawa has recognized Canada's linguistic duality since 1970. By adopting the *Canadian Charter of Rights and Freedoms* in 1981, the Parliament of Canada established English and French as official languages, and the city of Ottawa adopted equivalent provisions concerning municipal services. During this period of municipal amalgamations, the Commissioner

believes it is imperative that the capital of Canada continue to reflect the status of English and French as the country's official languages. This issue concerns not only citizens of the new city of Ottawa but all Canadians.



YES, THERE HAS BEEN PROGRESS!

It is the Commissioner of Official Languages' responsibility to point out the all-too-numerous deficiencies and instances of inertia on the part of the federal government. However, Dr. Adam does note what she terms "promising advances," of which the following are a few examples:

1. **CHANGE IN THE AIR.** You will probably recall that, when the air transport industry in Canada was undergoing massive transformation, the Office of the Commissioner intervened after receiving many complaints about Air Canada and its regional carriers. The Commissioner made recommendations in response to these complaints. In February 2000, when Bill C-26 on air transport in Canada was tabled in the House of Commons, it addressed the Commissioner's essential demands. The Minister of Transport and his department acted to protect the public's right to be served by air carriers in either official language. The legislative amendments confirm that the *Official Languages Act* continues to apply to Air Canada and add several provisions specifying the new linguistic obligations applicable to the airline's subsidiaries.

Also in the transportation sector, the Commissioner signed an agreement with Transport Canada whereby the two institutions will co-operate in resolving complaints regarding safety announcements aboard aircraft. The Commissioner expects that a second agreement will soon be reached with Transport Canada on pre-boarding security inspections.
2. **VIA RAIL ON THE RIGHT TRACK.** In 1991, the Office of the Commission applied for court remedy because of the many complaints about VIA Rail. The progress made in recent years persuaded the Commissioner to withdraw these legal proceedings. Since 1992, a number of

measures have helped to rectify the contraventions to the *Official Languages Act*. For example, VIA Rail created a new bilingual position on its routes. The implementation of VIA Rail's commitments to improve service in French aboard trains operating in the Montreal-Ottawa-Toronto triangle will, however, continue to be monitored by the Office of the Commissioner.

3. OTHER EXAMPLES OF PROGRESS. The Annual Report cites other examples of progress that, while not fully addressing the challenges that remain, are nonetheless hopeful signs. Human Resources Development Canada and Health Canada, acquiescing to the requests of the official language minority communities and of the Commissioner, have created co-ordinating committees to develop joint strategic approaches. These committees will guide the federal institutions in delivering quality service to meet the communities' needs while also providing the co-ordinated leadership so fervently desired. The Committee of Deputy Ministers Responsible for Official Languages has adopted a broader mandate and identified its strategic priorities in order to ensure the more respectful implementation of the *Official Languages Act* and of the *Canadian Charter of Rights and Freedoms*.

These then are a few developments that indicate progress in 1999-2000. It must be noted, however, that there is still room for a great deal of improvement when the linguistic reality of the country is at stake.

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NEW APPROACH, NEW PERSPECTIVE

It is the responsibility of the government and not of the Office of the Commissioner to implement the *Official Languages Act*. In view of her finding of a lack of overall government commitment towards the implementation of the *Act*, the Commissioner believes that it is time to look at things differently. She therefore plans to redirect the efforts of her team so it will act as an agent of change. Does this mean that she will not perform the more traditional role of

language rights watchdog? Not at all. However, Dr. Adam believes that this role is not enough. The Office of the Commissioner must now act to facilitate change within federal institutions and to overcome the resistance that prevails there.

What exactly has to be changed? In her report, the Commissioner makes it clear that the culture of federal organizations must change. To date, they have shown only a lukewarm commitment to linguistic duality. Dr. Adam therefore proposes to go to the source of this laxness and encourage change at the very roots of the administrative culture.

How will the Commissioner meet this challenge? Dr. Adam first of all anticipates diversifying her approaches. She will continue to investigate complaints from members of the public and federal employees who believe their rights have been violated by institutions subject to the *Act*. As an ombudsman, the Commissioner will also play a greater role in resolving major linguistic issues. She will work even more closely with institutions and the communities to quickly find lasting solutions and ensure compliance with the *Act*. This approach will ensure that the Office of the Commissioner is more accurately perceived as working towards the respect of the *Act*, as well as with both the communities and institutions.

In addition to conducting investigations of specific complaints, Dr. Adam expects to use other methods available to her by intervening earlier in problem areas. Such ongoing work with institutions will require sustained contact with their managers and the development of action plans.

Mindful of the country as a whole, the Commissioner anticipates undertaking educational initiatives that target the various components of Canadian society, particularly young people.

Dr. Adam has great expectations for the results of the national consultations she held with representatives of the official language communities and the various levels of government in each province and territory.

The new vision that the Commissioner proposes is being fleshed out, and some aspects of it have already been put into practice.

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A SIGNIFICANT RESPONSE

As you know, the Treasury Board is responsible for implementing the *Official Languages Act* within the federal government. In 1999, the Office of the Commissioner received 1,478 complaints. Of the 200 complaints about language of work, 160 were found to be admissible. Under the *Act*, every federal institution located in a designated region must provide its employees with the work instruments and conditions to enable them to work in the official language of their choice. Unfortunately, there are problems in this area. Many federal employees complain about not being able to work in their preferred language.

This is only one of many kinds of complaints. The deficiencies reported to the Office of the Commissioner usually involve the absence, in one of the two official languages, of training sessions, administrative meetings, work instruments, documents, directives, software, Web site content, standardized keyboards, recorded messages, etc.

Lucienne Robillard, President of the Treasury Board, responded promptly to the Commissioner's report. She expressed the opinion that Dr. Adam's criticisms are founded and warranted. On October 6, Ms. Robillard said (our translation): "The Commissioner offers a very lucid diagnostic that I welcome on behalf of my government. It is quite clear that we will work with her to ensure renewed leadership in this regard" (*Le Droit*, October 6, 2000).

This response from the President of the Treasury Board is extremely encouraging. Recognition of the problem is the first step toward finding solutions.

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AN EXPANDED INTERNET SITE

While not everything related to the official languages is dealt with in the 29th Annual Report, we wish to remind you that a great deal of information is available from the Office of the Commissioner. Dr. Adam is especially pleased to announce that, in the near future, the Office of the Commissioner's Internet site will be considerably expanded. It will provide specific information by region and government institution. It will also offer links to associations of the official language minority communities and will update visitors on a great many initiatives in the field of official languages. The new site will, for example, include data by province and territory on school enrolments in mother-tongue and second-language instruction programs.

As Dr. Adam said when she took up her duties, "Always using more of the new communications technologies in the day-to-day operations of the Office of the Commissioner is an objective to which I assign priority." (Our translation)



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INTERVENTIONS BY THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES IN 1999-2000

The following are the principal official interventions made by the Commissioner and her predecessor in 1999-2000. This list, of course, does not include the many other interventions by the staff of the Office of the Commissioner, at both the regional and national levels.

POLITICAL INTERVENTIONS

- Some 60 meetings with deputy ministers or elected officials
- Four appearances before parliamentary committees

COMMUNITY INTERVENTIONS

- Some 30 meetings with representatives of associations
- Some 200 persons consulted in approximately 20 sessions organized in 10 Canadian cities in February and March 2000
- Some 15 speeches/talks given

ADMINISTRATIVE INTERVENTIONS

- Some 200 letters and 800 notices of intention sent to government bodies
- Approximately 10 studies conducted

INTERVENTIONS TO RAISE AWARENESS / PROVIDE INFORMATION

- Some 185 interviews
- Some 10 news releases
- Some 25 letters to the editor
- Some 600 references to the Commissioner or the Office of the Commissioner of Official Languages in the media
- Approximately 10 speeches
- Approximately 10 meetings with heads of federal institutions

LEGAL INTERVENTIONS

- Some 15 court remedy proceedings under way
- Intervention in two school governance files
- Participation in two jurists' conferences

COMPLAINTS HANDLING

- Over 1,800 complaints received
- Nearly 1,500 complaints found admissible