



JUSTICE IN OFFICIAL LANGUAGES – NEWSLETTER

ACCESS • SERVICES • COMMUNITIES • TRAINING

N° 10 | APRIL 2014

The *Official Languages Act* of 1988 celebrated its 25th anniversary on September 15, 2013. To commemorate the event, the Justice in Official Languages Team of the Official Languages Directorate organized a dialogue between Warren J. Newman and Michel Francoeur. The dialogue took place in Ottawa on January 9, 2014.

In the wake of that event, we invite you to go back in time and recall the important events that led to the enactment of the *Official Languages Act* of 1988 in a special way, from the unique experience of our colleague, Warren J. Newman. We have also prepared a timeline of linguistic rights key milestones.

In this issue, we also take the opportunity to present our organization's new name, as well as its vision, mission, identity and values. You can also note our new contact information since our move last January.

Lastly, we take a look at a few projects related to justice in official languages recently funded by the Department of Justice Canada. And don't forget to check out the highlighted events and to play the Official Languages Quiz!

Happy reading!

The Justice in Official Languages Team

IN THIS ISSUE

The *Official Languages Act* of 1988
at 25: A Dialogue between
Warren J. Newman
and Michel Francoeur

A Look at a Few Funded Projects

Linguistic Rights Key Milestones

The New Official
Languages Directorate

Highlighted Events



FUNDED
PROJECTS



HIGHLIGHTED
EVENTS



HOW TO
REACH US



The Official Languages Act of 1988 at 25

A Dialogue between Warren J. Newman and Michel Francoeur

— BY NORMAN SHERMAN —
COMMUNICATIONS BRANCH

OTTAWA—On Thursday, January 9, 2014, Justice’s Official Languages Directorate (OLAD) marked the 25th anniversary of the coming into force of the current *Official Languages Act* (OLA). Bruno Thériault (former Deputy Director and Senior Counsel of the OLAD and now Director General within the Management Sector) served as host to an armchair discussion between Michel Francoeur (Director and General Counsel, OLAD) and Warren J. Newman (Senior General Counsel in the Constitutional, Administrative and International Law Section), one of the key players in the crafting of the 1988 OLA. The discussion was broadcast live to all regions, and shared with an

audience in the atrium of the East Memorial Building. The event drew many participants, including Associate Deputy Minister Lori Sterling, Assistant Deputy Minister (Public Law Sector) Laurie Wright – as well as Associate Deputy Minister Pierre Legault and Deputy Assistant Deputy Attorney General Elisabeth Eid –, the Champion and Co-champion of Official Languages at Justice.

Prompted by questions from Mr. Francoeur, Mr. Newman guided his audience back in time to the origins of the current OLA, explaining its significance and impact, then as well as now, while saluting the top-notch work of the many people who collaborated in its creation. Mary Dawson (former Associate Deputy Minister at the Department of Justice and now the

Conflict of Interest and Ethics Commissioner) was among those of Mr. Newman’s former collaborators who attended the event.

Pioneering legislation: the modern origins of the OLA

The history of relations between Canada’s official languages is often at the core of any discussion on national unity. In terms of federal law, a very significant milestone was established in 1969, with the very first *Official Languages Act*, which declared French and English to be the official languages of Canada, and enshrined in law the principle that all federal institutions had to provide their services in English or French to members of the public on the basis of each person’s individual choice. That statute also created the Commissioner of Official Languages, whose role as ombudsman of official languages at the federal level continues to this day.

Language, politics and the evolution of federal administration in the 1970s and 1980s

Although the 1969 OLA enjoyed support from all federal parties and broke new legal ground in setting up a basis for linguistic governance, it could not put an

end to the vast debate about language rights in Canada, especially in the public sphere. The 1970s and 1980s were an era of social ferment and sometimes tense language conflicts between Anglophones and Francophones. The federal government felt increasing pressure to meet its human rights goals, including on linguistic issues. Although such calls to action were of greatest intensity in Quebec, for example in the context of the *Charte de la langue française* (1977), practically every province saw legal challenges on the matter of language rights—often in areas of great importance to everyday taxpayers. Legislation such as the *Constitution Act, 1982*, the *Canadian Charter of Rights and Freedoms* and the new *Canadian Human Rights Act* of 1977 ushered in a period of far-reaching changes in the field of public administration.

New expectations— and a new statute

In 1982, Mr. Newman began his federal legal career working as a legal policy advisor to Maxwell Yalden, then Commissioner of Official Languages, and stayed on in that role until 1984.

In career terms, as he freely acknowledged, he was in the right place at the right time. In federal politics, there was a widespread perception that Canadian unity could be forged through the recognition of linguistic rights, and that federal institutions had to play a leading role in this nation-building process. At Justice, former Deputy Minister John Tait, now deceased, was very influential in leading the linguistic rights reform initiative. Across the Government of Canada, a working group of federal deputy ministers began to focus on how to extend existing official languages legislation. What was initially perceived as small-scale and incremental changes within existing legislation soon grew into a larger legislative project. At the political level, the overhaul of the OLA of 1969 received considerable support from then–prime minister Brian Mulroney.

After a stint as a policy analyst in the Federal-Provincial Relations Office, Mr. Newman was seconded to the Human Rights Law Section of the Department of Justice in 1985. It is at this time that he worked on developing the legislative proposals that led to the enactment of Bill C-72, the 1988 *Official Languages*

Act. As he was the instructing officer on the drafting of the new legislation, Mr. Newman had many occasions to work with Mary Dawson, whose task it was to draft the English version of the bill, and Claude Bisailon, now deceased, who was the drafter of the French version.

In June 1987, Brian Mulroney’s Conservative government introduced a new *Official Languages Act*. Quoting an American witticism about civil servants in Washington, Mr. Newman joked that “I came to do good, and stayed to do well.”

An enduring legacy: equal treatment before the law

In 1988, the new OLA was enacted to ensure the full implementation of the language rights related to federal institutions and guaranteed by the *Canadian Charter of Rights and Freedoms*. The scope of the 1988 OLA is considerably broader than that of the 1969 OLA. First, it updates and specifies the rights of citizens and the obligations of federal institutions with respect to the language of services and communications. Its scope also extends to two new areas: language of work and the equitable participation of Francophones and Anglophones within the public service. One of its new components, Part VII, contains a formal and solemn statement by the Government of Canada. That statement is to advance Canada’s linguistic duality and to enhance the development of official language minority communities.

The purpose of the OLA of 1988 (see [Section 2](#)) is threefold:

- 1 To ensure respect for English and French and ensure equality of status and equal rights and privileges as to their use in federal institutions;
- 2 To support the development of English and French linguistic minority communities and generally advance the equal status and use of English and French within Canadian society;
- 3 To set out the powers, duties and functions of federal institutions with respect to the official languages of Canada.



As Mr. Newman pointed out, the new OLA of 1988 was a milestone, notably for ensuring equal treatment of Anglophones and Francophones before federal courts. In this regard, the 1988 statute goes beyond the constitutional minimum and adds other statutory obligations, including the duty of federal courts to make available interpretation services for witnesses and parties, to ensure that presiding judges are able to hear matters in the official language or languages of

the parties without resorting to the assistance of an interpreter, and to ensure the availability of judgments of the court in both official languages.

25 years later, the OLA has lost none of its relevance. It applies to all federal institutions as defined in its section 3. It continues to be a source of guidance and direction to countless people, in government and in society at large, by setting out the essential elements of

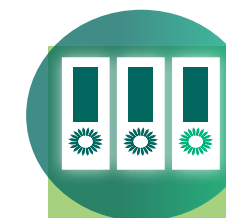


Source: Nadia Zwierchowska

what it means to live in a country where the central government has two official languages. On the whole, the OLA has aged well. Not only has it become part of the fabric of our daily reality as public servants, it has also successfully created “ground rules” that are respected throughout the Government of Canada. In the widest sense, the OLA has played a critical role in guiding and transforming public policy since its inception.

On a more fundamental level, Mr. Newman expressed the view that the current OLA continues to be a useful and reliable guide in the legal journey that stretches on into our collective future. Indeed, as they did throughout Canada’s history, the two official languages groups—as living cultural entities—will continue to evolve dynamically, adapting to new circumstances and, as the need arises, improving the legal framework in which their respective languages can thrive.

At the conclusion of the commemorative ceremony, Mr. Newman received a special recognition award for his work on the development and enactment of the OLA of 1988 that was presented to him by Associate Deputy Minister Pierre Legault.<



A look at

a few projects funded by Justice Canada under the *Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities*

> Justice Education for Marginalized Francophone Youth - Phase 3

The [Ontario Justice Education Network](#) will provide justice education sessions for Francophone youth living in high risk communities and for young Francophone newcomers. The sessions will focus on developing skills, building knowledge, changing attitudes and will also include information on the right to a trial in French and justice careers that young people may wish to consider.

> LawCentral Alberta Français

The [Legal Resource Centre of Alberta](#) will create a French-language version of LawCentral Alberta (a portal or collection of links to law-related information resources and services on justice and legal issues) to meet the legal information needs of Franco-Albertans. It will also work with groups that provide legal information to encourage the development of resources for French-speaking Albertans.

> Infos-Jeunesse

The [Association des juristes d'expression française de la Saskatchewan](#) will hold several activities to inform young people about the legal system and will develop resources to facilitate their learning. The activities and resources will target youth from grade 5 to grade 12 and will aim to increase their interest in the legal system.

Linguistic Rights Key Milestones

1969

- Official Languages Act (Canada)
- Official Languages Act of New Brunswick

1978

- Modifications to the *Criminal Code* (language of the accused) applicable in certain provinces

1981

- National Program for the Integration of Both Official Languages in the Administration of Justice (PAJLO)

- Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*

- Blaikie II* Decision

1984

- Official Languages Act* (Northwest Territories)

- Courts of Justice Act* (Ontario)

- Quebec Association of Protestant School Boards* Decision

1986

- MacDonald* Decision

- SANB Decision

- Bilodeau* Decision

- French Language Services Act* (Ontario)

1990

- Mahe* Decision

1993

- Addition of Section 16.1 (New Brunswick) to the *Canadian Charter of Rights and Freedoms*

1999

- French Language Services Act* (Prince Edward Island)

- Arsenault-Cameron* Decision

- Beaulac* Decision

2001

- Charlebois* Decision
- Lalonde* Decision (Montfort)

2003

- The Next Act: New Momentum for Canada's Linguistic Duality. The Action Plan for Official Languages* (2003-2008) (federal)

- Doucet-Boudreau* Case

2005

- Modifications to Part VII of the *Official Languages Act* of 1988

- Casimir* Decision

- Gosselin* Decision

- Solski* Decision

- Charlebois* Decision

2008

- Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future* (federal)

- New Official Languages Act* (Nunavut)

- Inuit Language Protection Act* (Nunavut)

- Modifications to the *Criminal Code* (language of the accused)

2013

- Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities* (federal)

- New French Language Services Act* (Prince Edward Island)

Charter of the French Language (Quebec, Bill 101)

1977

Canadian Charter of Rights and Freedoms (official languages, sections 16 to 23)

1982

- Forest* Decision
- Blaikie I* Decision

1979

1985

- Re Manitoba Language Rights* Decision

1991

- New Official Languages Act* (Canada)

- Mercure* Decision

- Paquette* Decision

- Languages Act* (Yukon)

- Modifications to the *Criminal Code* (language of the accused) applicable in each province and territory

1988

Official Languages (Communications with and Services to the Public) Regulations (federal)

1998

- Reference re Secession of Quebec*

2002

- New Official Languages Act* (New Brunswick)

2006

- French-language Services Act* (Nova Scotia)

- Modifications of the *Official Languages Act* (Northwest Territories)

- Forum des maires de la péninsule acadienne* Decision

- Doucet* Decision

2004

2009

- Desrochers* Decision

- Fédération Franco-Ténoise* Decision

The New Official Languages Directorate

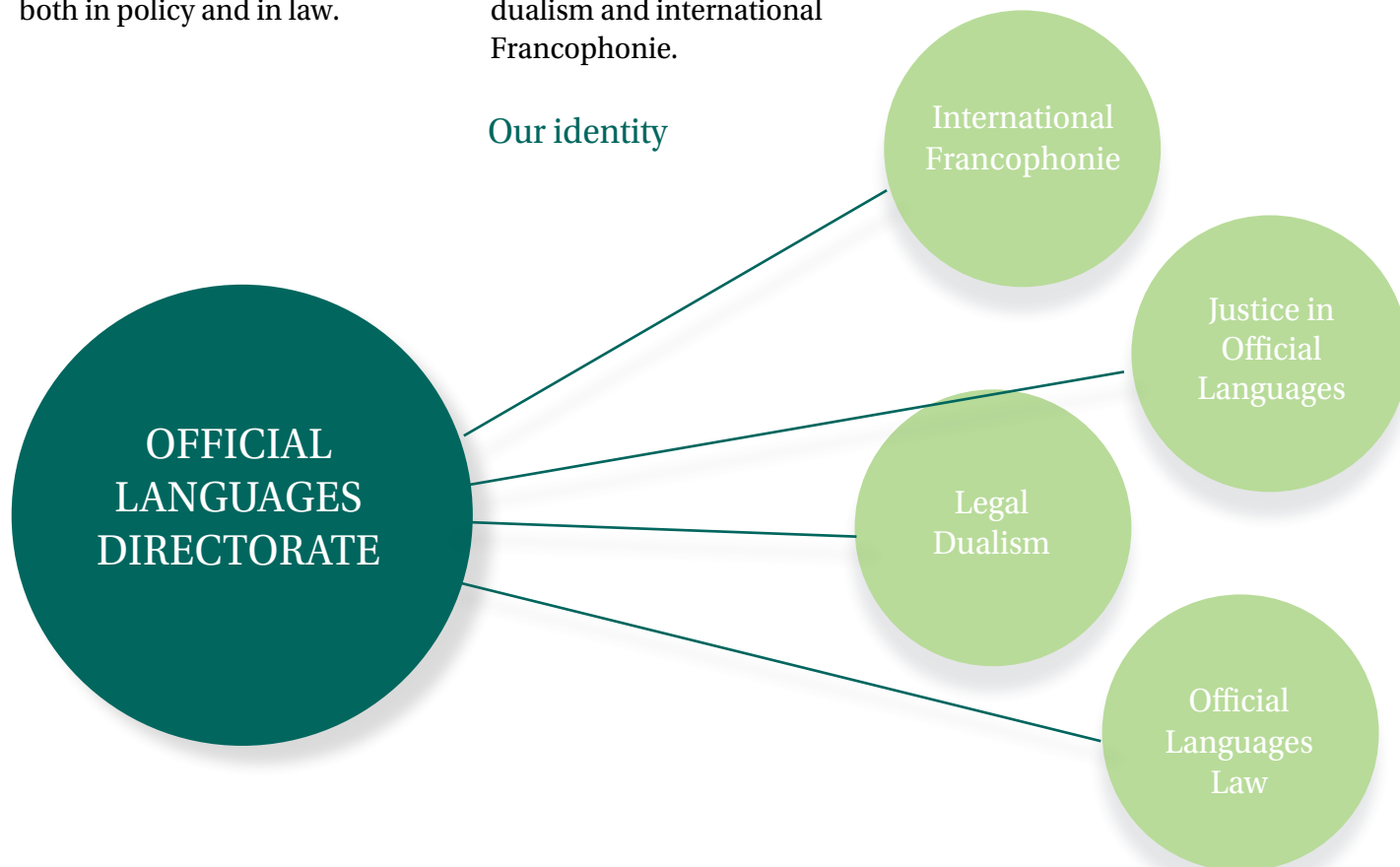
In July 2013, the Office of Francophonie, Justice in Official Languages and Legal Dualism merged with the Official Languages Law Section, and the organization gave itself a new name: the Official Languages Directorate. It is composed of four teams: International Francophonie, Justice in Official Languages, Legal Dualism et Official Languages Law.

We are actively engaged in providing opinions, advice and tools as well as offering our support to our government and non-governmental partners in order to help them carry out their respective activities, in accordance with departmental and governmental priorities and objectives.

Our mission

As a component of the Public Law Sector, the Directorate supports the mission of the Department of Justice by providing high-quality legal and policy advice to the government in the areas of official languages, access to justice, legal dualism and international Francophonie.

Our identity



Our values

The following values guide the members of the Directorate in the performance of their duties:

- respect
- ethics
- integrity
- diversity
- professionalism
- collegiality



Highlighted Events

Place your cursor over the events for more information

April 2014

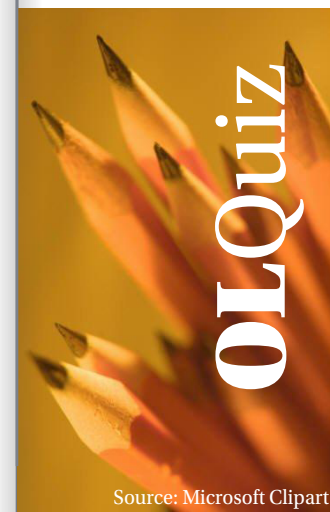
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2014

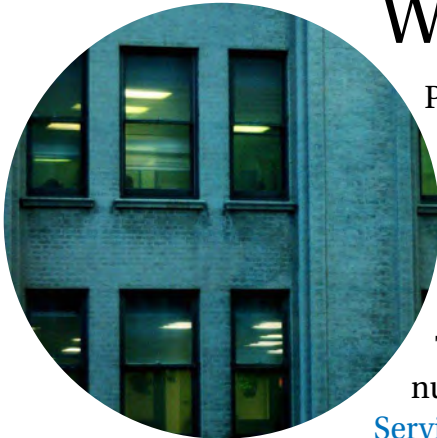
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Are you organizing an event related to justice in official languages?

Send us the details at jol@justice.gc.ca and we will happily announce it in our next issue!



According to the 2011 Census, which province or territory is the **third** most bilingual region in Canada? Click on the region to guess!

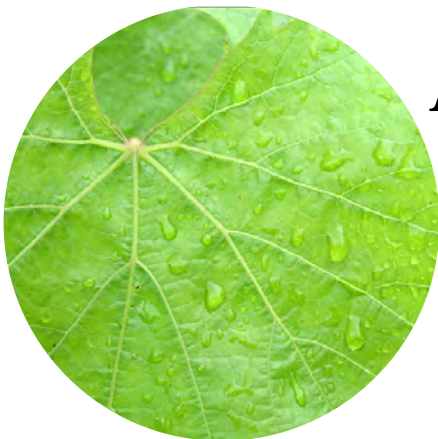


We Have Moved

Please note that the Official Languages Directorate has a new address:

180 Elgin Street, 7th Floor
Ottawa ON K1A 0H8

The Directorate employees also have new telephone numbers. Consult the [Government Electronic Directory Services \(GEDS\)](#) to obtain our new contact information.



A Greener Newsletter

The Justice in Official Languages Team is proud to announce that its newsletter will now be available in an electronic format only.

[Be sure to subscribe to our mailing list!](#)



How to Reach Us

Justice in Official Languages
Official Languages Directorate
Public Law Sector
Department of Justice Canada
Telephone: 613-954-2998

Fax: 613-946-3106

E-mail: jol@justice.gc.ca

www.justice.gc.ca/eng/csj-sjc/franc/justice/index.html