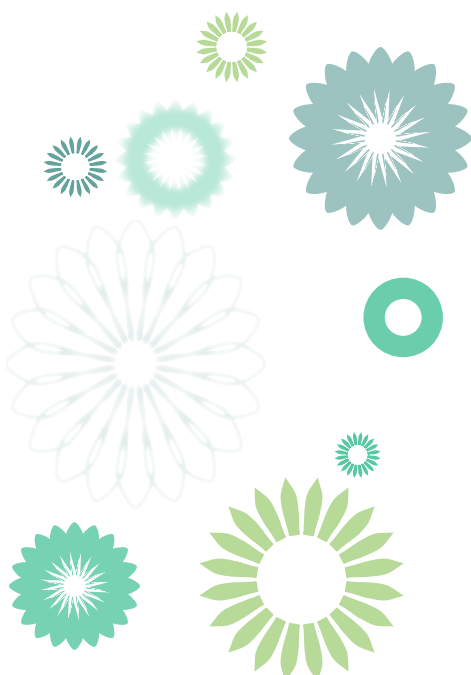




JUSTICE IN OFFICIAL LANGUAGES – NEWSLETTER

ACCESS · SERVICES · COMMUNITIES · TRAINING

N° 04 | FEBRUARY 2012



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INTRODUCTION

Those who work in the field of official languages at the federal level are very familiar with certain expressions: “enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development”; “fostering the full recognition and use of both English and French in Canadian society”; and “ensur[ing] that positive measures are taken” – these all come from Section 41, in Part VII of the *Official Languages Act*. However, while everyone agrees that implementing Section 41 is essential and not optional, how is this actually to be achieved in the field?

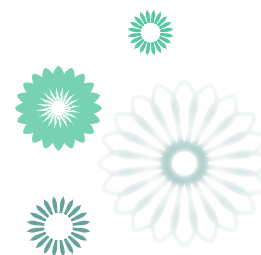
This fourth issue of the Justice in Official Languages Newsletter discusses the main means by which the Department of Justice Canada is implementing Section 41 and carrying out the commitment it contains. These means are part of the Department’s 2011-2016 Action Plan for the Implementation of Section 41 of the *Official Languages Act*, the application of which comes under the responsibility of the Justice in Official Languages (JOL) Team.

This issue describes the Action Plan’s key directions, the departmental policy statement, examples of positive measures, and the coordination structure for the implementation of Section 41. It also introduces the regional coordinators who are responsible for coordinating its implementation across Canada.

And, as usual, this issue of the Newsletter also highlights a few projects and events.

Happy reading!

The JOL Team



Come visit our website at the following address:
<http://canada.justice.gc.ca/eng/pi/franc/index.html>



A NEW ACTION PLAN

In June 2011, the Executive Committee of the Department of Justice Canada adopted the [2011-2016 Action Plan for the Implementation of Section 41 of the *Official Languages Act*](#). The new plan differs from the previous five-year action plan in several respects.

Community logic and organizational logic

The Department's first action plan covered the years 2005 to 2010 and was based on community logic. This approach enabled us to begin the first phase of the implementation of Section 41 at the Department of Justice Canada. Experience demonstrates that the time has come to start implementing Section 41 according to the Department's organizational culture. This means that the application of Section 41 must be based on the Department's policies and programs. This logic is reflected in the Action Plan's key directions, which are supported by positive measures.

Key objectives

The Action Plan is based on three strategic objectives: entrenchment, integration and convergence.

1. Entrenchment: Justice in official languages

The entrenchment of justice in official languages aims to integrate Section 41 of the *Official Languages Act* in the organizational culture of the Department. One way to achieve this is by continuing to build awareness among departmental stakeholders and inform them about issues involving justice in official languages.

2. Integration: Increasing knowledge

For these issues to be part of the Department's policies and programs, it is important to use data and knowledge that will help define the results to be attained and the actions to be taken.

The Department plans to acquire this knowledge by adopting a series of positive measures, including by conducting case studies and analyses, as well as by integrating a differentiated analysis of justice in official languages into research and evaluation projects.

3. Convergence: Mobilizing stakeholders

In accordance with the JOL Team's work philosophy, which consists of championing a spirit of collaboration, the initiatives presented in the Action Plan will be achieved in partnership with many federal, provincial, territorial, municipal, and non-governmental stakeholders.

The Department of Justice Canada is also committed to showing leadership through various formal and informal consultation and engagement processes. These include the [Advisory Committee on Access to Justice in Both Official Languages](#), the [Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages](#), and the [Justice and Security Network](#), as well as existing collaborative spaces in official language minority communities.

A novel approach: positive measures

Since 2005, subsection 41(2) of the *Official Languages Act* states that all federal institutions, including the Department of Justice Canada, must ensure that positive measures are taken for the implementation of the commitment under subsection 41(1). Not only does the Action Plan actually use the expression "positive measures", but it also specifies two categories: "process" measures and "results"

measures. Positive "process" measures must lead to the implementation of positive "results" measures in support of the Department's program activities. These positive measures are organized around the three strategic objectives.

Departmental policy statement

In 2011, the Department was innovative in adopting a policy statement as part of its Action Plan. This statement clearly indicates that the implementation of Section 41 is not optional, as it arises from a legislative provision contained in a quasi-constitutional law.

Part VII of the *Official Languages Act*: Advancement of English and French

41. (1) The Government of Canada is committed to

- (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and
- (b) fostering the full recognition and use of both English and French in Canadian society.

(2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.

Part VII of the OLA includes sections 41 to 45.

COORDINATION OF THE IMPLEMENTATION OF SECTION 41

Coordinating the implementation of Section 41 of the *Official Languages Act* – and of the Action Plan – requires effort on the part of many people within the Department of Justice Canada. In the [first issue](#) of the Newsletter, we introduced the JOL Team and its members. However, this team alone cannot be responsible for all the initiatives that are needed. This is why the [Departmental Network of Coordinators for the Implementation of Section 41](#), known as Network 41, was formed.

What is the role of Network 41?

Network 41 works to ensure that the commitment under Section 41 is implemented Department-wide. The Network brings together the Coordinators 41, who are responsible for coordinating the implementation of Section 41 within their program, sector or region.

Who are the Coordinators 41?

The Coordinators 41 are Justice employees who work within policy sectors, programs and regions. Program coordinators are program analysts who work within one of the programs targeted by the Department as having a special impact on the development of official language minority communities. Policy coordinators are policy analysts or lawyers who work within given policy sectors. Regional coordinators are lawyers who work in the Department’s regional offices. Their Section 41 responsibilities represent between five and ten percent of their workload.

What kind of support do they receive?

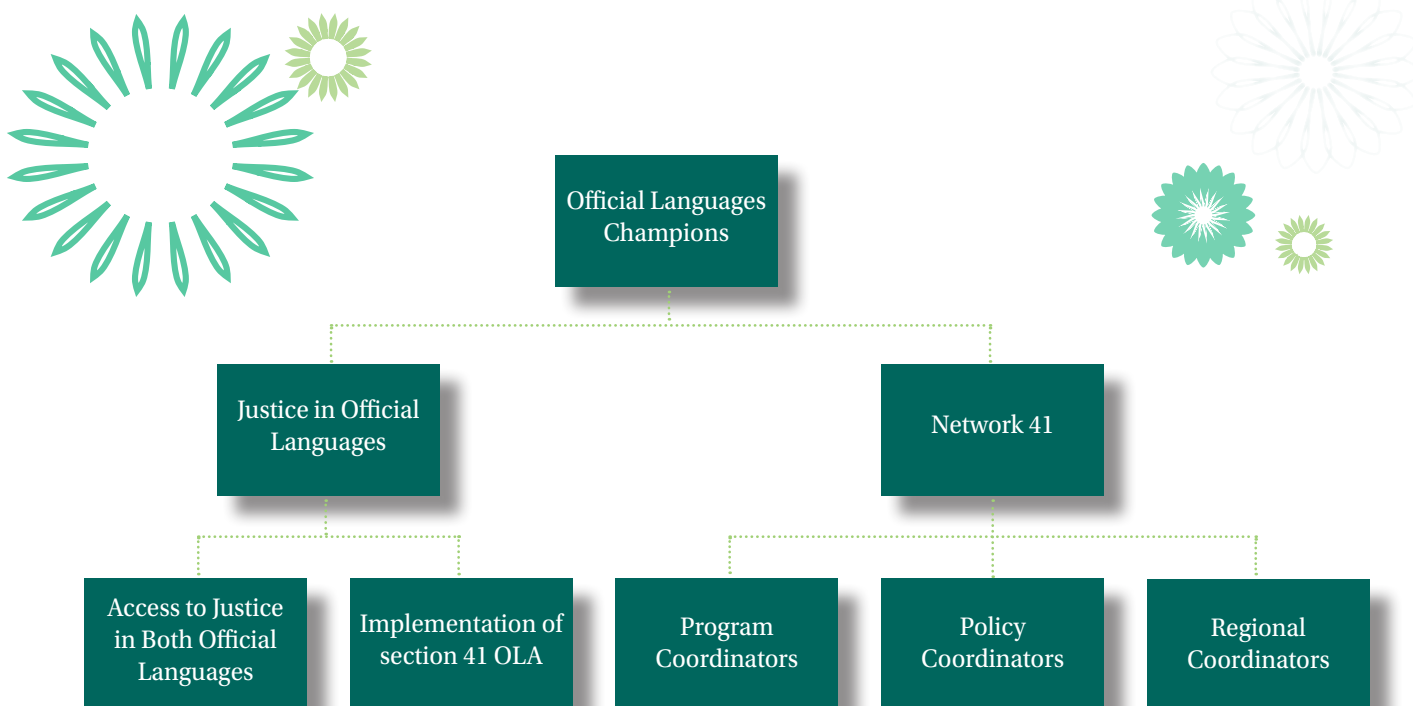
The JOL Team ensures that Network 41 operates smoothly by providing support to coordinators in every aspect of their work. Leadership is also provided by the Department’s Official Languages Champions, Associate Deputy Minister Yves Côté and Chief Legislative Counsel John Mark Keyes, who support all the Department’s official language efforts.

What are the responsibilities of the Coordinators 41?

All coordinators are responsible for ensuring that their colleagues are aware of the government’s commitment for the implementation of Section 41. They also have distinct responsibilities depending on their area of work.

Program Coordinators and Policy Coordinators

As part of their responsibilities, program coordinators and policy coordinators make sure that the needs of official language minority communities are taken into account in the development or renewal of programs or policies and that representatives of these communities are consulted. In other words, they must ensure that the specific circumstances of Anglophone and Francophone minorities are not overlooked.



Regional Coordinators

Coordinators 41 who work in regional offices are mainly responsible for building ties with non-government stakeholders within official language minority communities, working with various federal and territorial stakeholders, and promoting the Department’s programs and initiatives.

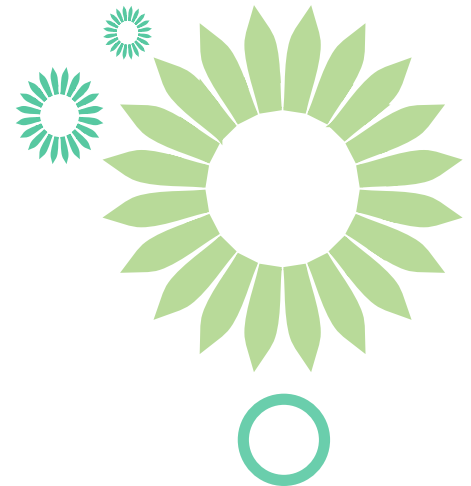
In effect, they serve as Network 41’s antennae in the field. They attend activities organized by associations of French speaking jurists and provincial organizations that represent official language minority communities, as well as inter-departmental meetings held in the regions.

The coordinator’s role – as explained by a coordinator

According to Julien Bédard, Coordinator 41 in Manitoba, the role of the regional coordinator is constantly evolving. “Briefly stated, a large part of our role is to facilitate communication between communities and the Department via the Justice in Official Languages Team.” To achieve this, he regularly attends the activities of organizations involved in the field of law in Manitoba.

The JOL Team is proud to introduce the coordinators who are responsible for the implementation of Section 41 of the *Official Languages Act* in the regions. Do not hesitate to contact them; they will be happy to connect you with the appropriate resource.

Upcoming issues of the Newsletter will contain capsules on the coordinators 41.



ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES SUPPORT FUND

Each issue of the Newsletter presents a number of projects funded by the Access to Justice in Both Official Languages Support Fund. The projects presented in this issue are special because they were funded jointly with another departmental fund. Although the Support Fund is the main funding arm for projects targeting justice in official languages, other funds may also provide financial assistance in specific areas. Here are two examples:

French training in family mediation

The purpose of this initiative by the Association des juristes d'expression française de l'Ontario [Association of French-speaking Jurists of Ontario] is to fulfill a need for French training resources, tools and activities for family law mediators. The objective of this project is to develop French professional tools and resources in the area of family mediation for two groups: professionals who already provide family mediation services and wish to be trained to do so in French; and professionals who wish to receive family mediation training in French. This project receives

funding from the Access to Justice in Both Official Languages Support Fund and from the [Supporting Families Experiencing Separation and Divorce Fund](#).

Nordique Action

This initiative by the Fédération franco-ténoise includes several activities, such as the development of French legal tools; promotion of access to justice in French in the territories; and implementation of the “Pacific Path” mediation and conflict resolution program in two Francophone schools in the territories. This last component of the project includes training educational and non-educational personnel, parents and children who wish to become mediators. In addition to engaging youth participation, this project aims to reduce violence, school dropout rates and juvenile delinquency. This project receives funding from the Access to Justice in Both Official Languages Support Fund and from the [Justice Partnership and Innovation Program](#).

HIGHLIGHTED EVENTS

Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages

This Working Group constitutes the governmental consultation body which focuses, among other things, on issues related to the *Criminal Code* linguistic provisions. Besides the representatives from the departments of justice of all the jurisdictions in the country, this group also includes provincial and territorial representatives from the Francophone Affairs as well as the Public Prosecution Service of Canada.

DATE: February 17, 2012

LOCATION: Ottawa, Ontario

INFORMATION: jelo@justice.gc.ca

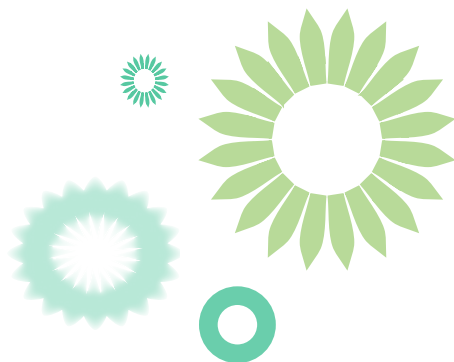
Ontario Justice Sector Francophone Stakeholders' Meeting

The Francophone Stakeholders' Meeting is an annual event that gathers Justice Sector divisions and agencies with the Francophone stakeholders to continue the work undertaken together. It provides an opportunity to present divisional activity and progress reports, establish priorities for upcoming years and create partnerships. This year, the meeting will focus on the work and progress carried out by both Justice Sector ministries over the last 12 months. It will also mark the accomplishments of the first year of the *Ontario Justice Sector Strategic planning on French Language Services - cycle two (2011-2015)*.

DATE: March 1-2, 2012

LOCATION: Toronto, Ontario

INFORMATION: mirjeta.dhamo@ontario.ca



Training Sessions for Provincially Appointed Judges

French training for provincial court judges, an initiative set forth by the New Brunswick Provincial Court, is offered by the Centre canadien de français juridique and is intended for bilingual judges who would like to improve their knowledge of legal French and their ability to manage legal activities in French.

DATE: May 27-June 1, 2012 or October 21-26, 2012
(Training sessions on Legal French)

DATE: June 10-14, 2012
(Advanced training session on Legal French)

LOCATION: Caraquet, New Brunswick

INFORMATION: annie.grant@gnb.ca or
allain.roy@institut.cipanb.ca

2012 Training Calendar for the Centre canadien de français juridique

	All groups	Probation Officers	Clerks	Crown Prosecutors
CALGARY	March 23 *			
EDMONTON		March 2 *	March 23 *	March 9 **
HALIFAX		February 17 *	February 24 *	March 14 **
IQALUIT	February 24 *			
MONCTON		March 16 *		March 16 **
REGINA			March 5 *	March 30 **
ST. JOHN'S	February 17 *			
SASKATOON	February 17 *			
VANCOUVER			February 24 *	February 8 **
WHITEHORSE	March 2 *			
WINNIPEG		March 9 *	March 2 *	February 10 **
YELLOWKNIFE	March 23 *			

* Topic: Sex violations

** Topic: Assault

INFORMATION: www.ccfjinc.ca

Advisory Committee on Access to Justice in Both Official Languages

The Committee's next meeting will focus on the emerging issues related to access to justice in both official languages. The Committee includes governmental and non-governmental representatives.

DATE: March 16, 2012
LOCATION: Ottawa, Ontario
INFORMATION: jelo@justice.gc.ca

