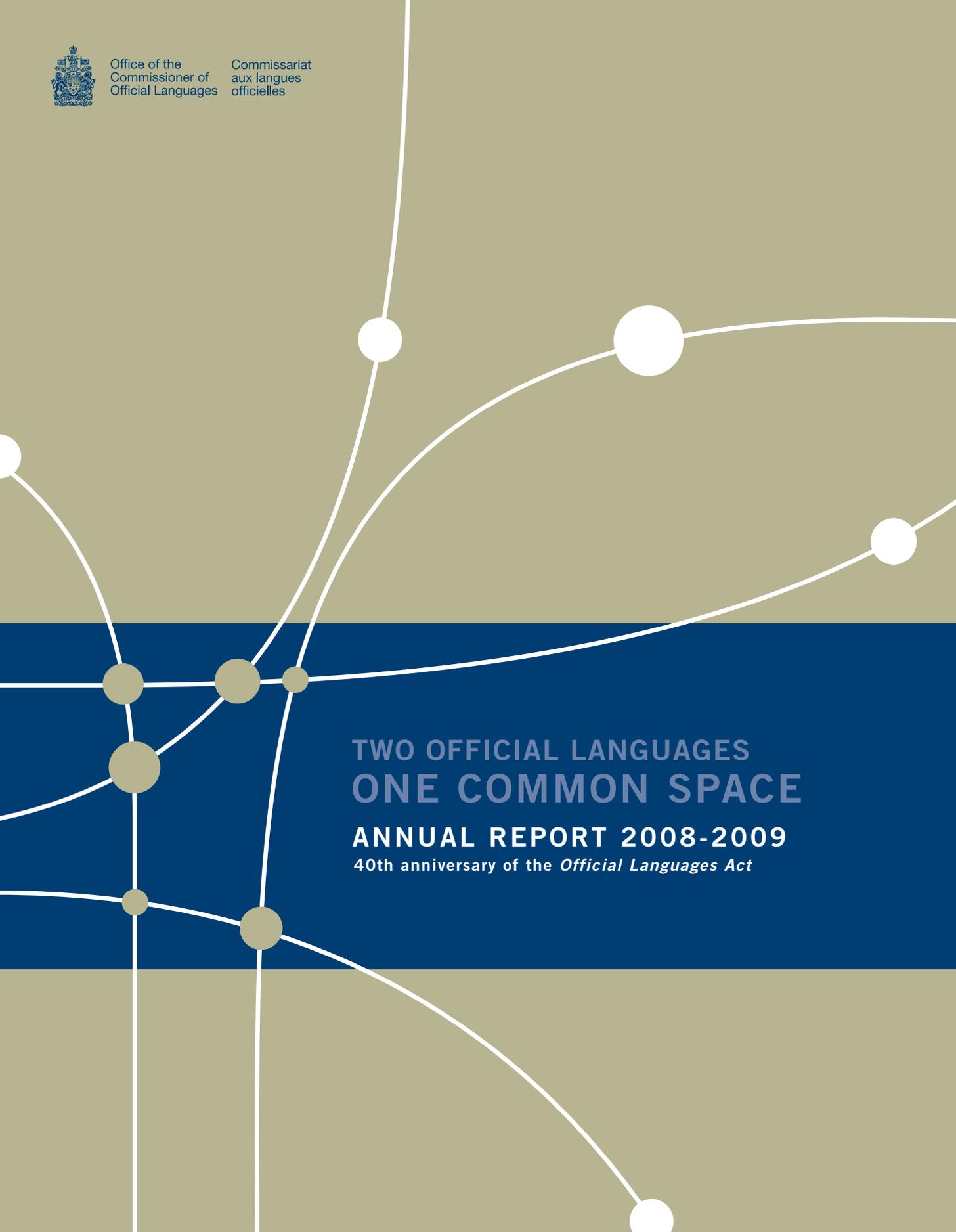




Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles



TWO OFFICIAL LANGUAGES
ONE COMMON SPACE

ANNUAL REPORT 2008-2009

40th anniversary of the *Official Languages Act*

Annual Report 2008–2009: Two Official Languages, One Common Space:
40th anniversary of the *Official Languages Act*

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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 annual report of the Commissioner of Official Languages covering the period from April 1, 2008 to March 31, 2009.

Yours respectfully,

A handwritten signature in blue ink, appearing to read "Graham Fraser". The signature is fluid and cursive, with the first name "Graham" being more prominent than the last name "Fraser".

Graham Fraser

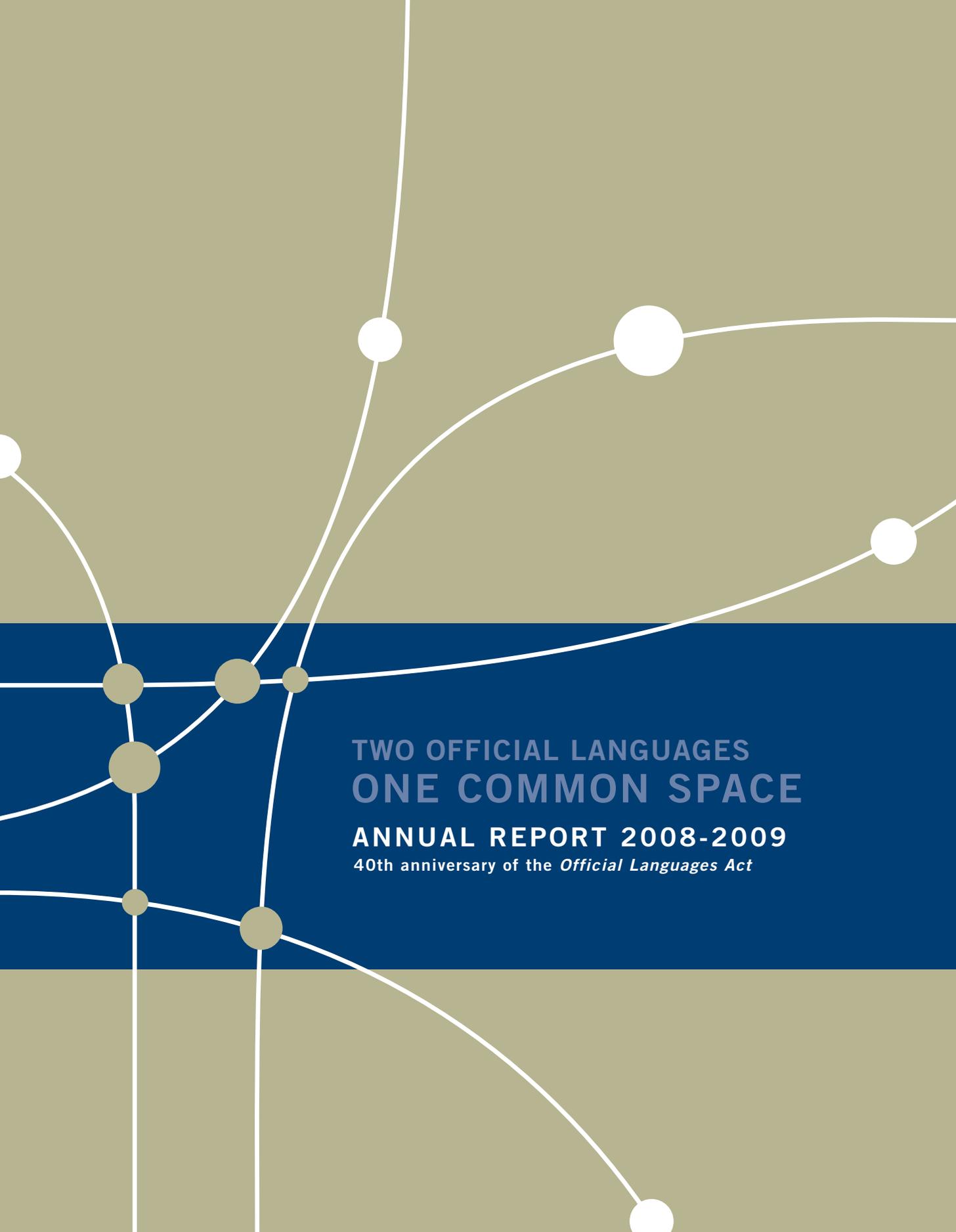
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Yours respectfully,


Graham Fraser



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ANNUAL REPORT 2008-2009

40th anniversary of the *Official Languages Act*

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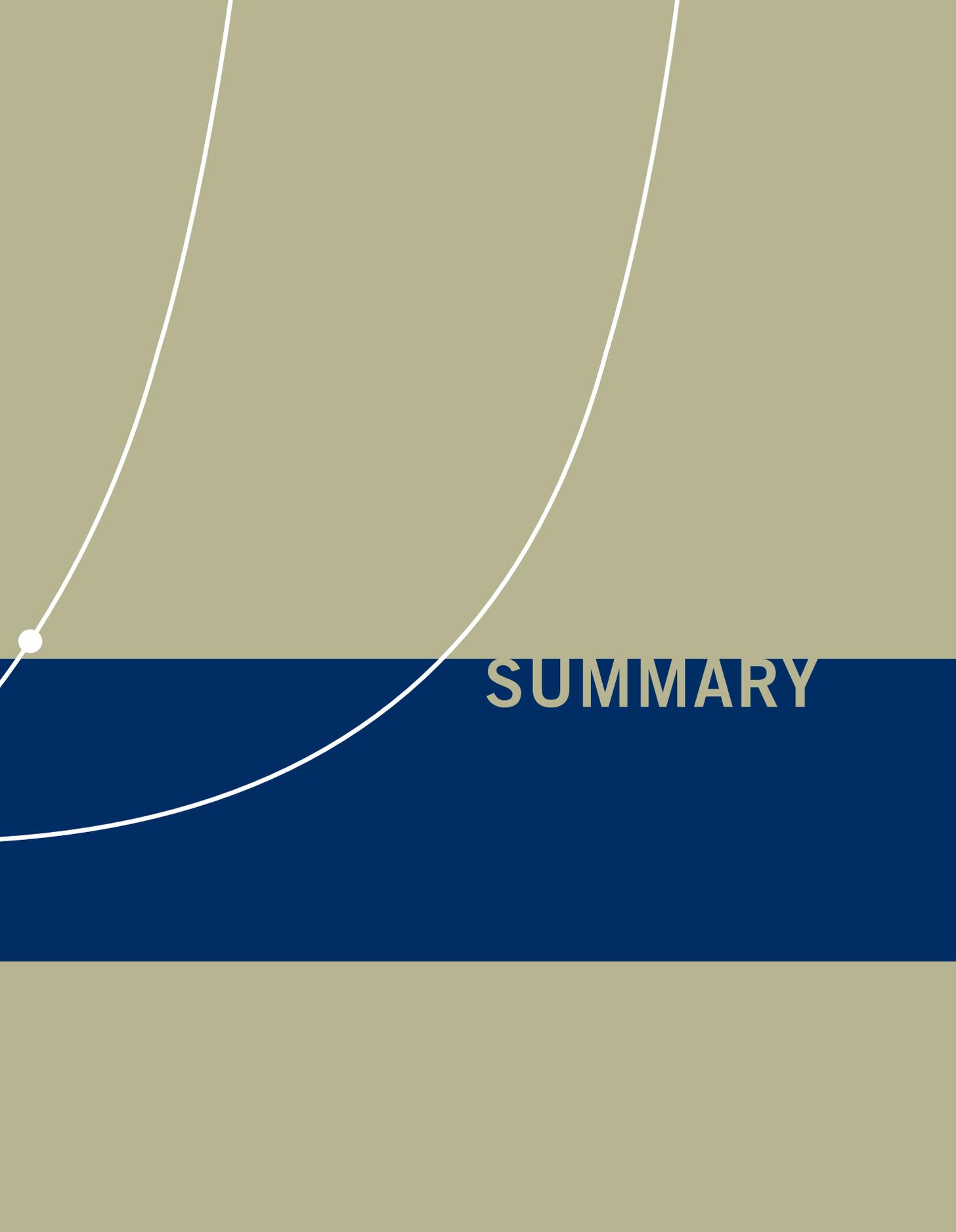
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SUMMARY

SUMMARY

This is the third annual report submitted by the Commissioner of Official Languages, Graham Fraser. It presents the main activities of the Office of the Commissioner of Official Languages over the past 12 months.

The tabling of the *Annual Report 2008–2009: Two Official Languages, One Common Space* is a particularly important milestone, because the *Official Languages Act* is celebrating its 40th anniversary this year. As the Commissioner states in his foreword (see p. 2), this event “gives us an opportunity to examine how far we have come and how far we still have to go to achieve the goals of the legislation.”

Six commissioners, four decades

As shown in Chapter 1 of this report, entitled “The 40th anniversary of the *Official Languages Act*,” the six people who have taken the helm at the Office of the Commissioner have each contributed to strengthening the place of English and French in federal institutions and Canadian society. The progress that has been made is impressive on many levels.

However, the other chapters of the Annual Report show that, despite this progress, many major obstacles are still hindering the achievement of the substantive equality of English and French in Canada.

English and French in federal institutions

Chapter 2, entitled “Vision, Leadership and Commitment: Fundamentals of the Full Implementation of the Act,” explains that linguistic duality has plateaued in federal institutions since the 1990s. The Government of Canada will need to make a sustained effort to ensure that the following vision becomes a reality:

- Members of the public feel comfortable communicating with federal institutions in the official language of their choice and receive services of equal quality in English and in French;
- Federal employees are proud to work in an environment where the use of both official languages is valued and encouraged;
- Official language minority communities and linguistic duality are recognized, supported and celebrated by Canadians.

A high proportion of the 15 separate employers that received a report card this year have seen their performance deteriorate in terms of active offer of service in person. Moreover, one out of four times, members of official language communities who do business with these institutions are still unable to obtain service in person in their language.

In this regard, Air Canada's performance and the Commissioner's observations at five major international airports across the country clearly show some of the negative effects of the transformation of federal institutions on the quality of the services offered in both official languages.

Chapter 2 also mentions that only 70% of Francophone federal employees in designated bilingual regions in Ontario, the National Capital Region and New Brunswick and 77% of Anglophone federal employees in designated bilingual regions in Quebec are generally satisfied with the existing language regime in their workplace. In the context of public service renewal, the message must be repeated loud and clear that English and French both have a place as languages of work in federal institutions and that bilingualism is an essential component of leadership.

The assessment of the 15 separate employers selected this year shows that these institutions have increased their support for official language communities. However, these communities should be consulted more often when new programs are developed and implemented. Canadian Heritage should also work more closely with other departments to help them apply Part VII of the Act.

Chapter 2 concludes with the observation that some of the recent changes made by the federal government have weakened the official languages governance structure. It is also unfortunate that the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* does not contain any measures to ensure that the Treasury Board Secretariat has the necessary resources to increase the extent to which English and French are taken into account in federal institutions.

Promoting the learning of the official languages

As the Commissioner notes in Chapter 3, entitled "Promoting the Learning of Our Two Official Languages: Seeking a True Language Continuum," we do not always realize the true value of a resource such as knowledge of English and French that

Canadians can use in all areas of activity, including the economy. For example, employees who know both of Canada's official languages often have an advantage when looking for a job.

As a result, a Canadian vision of bilingualism should include the following objective:

- All Canadians have access, in their community, to the necessary resources in order to effectively learn English or French as a second language.

However, various obstacles will have to be overcome to increase the number of Canadians who are able to use both official languages.

More students will have to be given the opportunity to effectively learn the other official language, more second-language courses will have to be offered to post-secondary students, more opportunities will have to be given to young people to participate in language exchanges and Canadians will have to be given the opportunity to acquire the language skills they need outside of the education system.

The Government of Canada has a key role to play in improving the English and French second-language learning opportunities provided to Canadians. Therefore, it is unfortunate that a specific objective for second-language learning is not included in the Roadmap 2008–2013.

Canada, like other countries in the world, is in the grips of one of the worst economic crises of the past 100 years. The Commissioner nevertheless ends Chapter 3 by insisting on the fact that economic and language issues are interrelated and that the government should not lose sight of its obligations regarding the implementation of the Act.

Support for official language minority communities

In Chapter 4, entitled "Official Language Minority Communities: Thriving in the Public Space, From Coast to Coast to Coast," the Commissioner mentions that the future of official language

communities is very promising because of various factors: the willingness of official language communities to use their language in the public sphere; the increased recognition of the importance of language skills, of the ability to adapt and of the networking abilities of official language communities; the partial break-down of geographical borders because of information technologies; and the openness of official language communities towards immigration.

Unfortunately, the federal government Roadmap 2008–2013 does not support official language community development as much as was hoped. For example, the funding announced in June 2008 will not be enough to meet all of the challenges the communities will face between now and 2013. This plan does not set out specific targets to guide federal institutions in their interventions. Moreover, nearly one year after the launch, the communities are still waiting for all of the details on how the Roadmap 2008–2013 will be implemented.

The Government of Canada will need to adopt vigorous measures to turn into reality the vision communities have of their future in areas such as education, economic development, justice, arts and culture, health and demographic vitality.

The federal government should make sure that it follows up on the desire expressed by the provincial and territorial ministers during the 13th Ministerial Conference on the Canadian Francophonie held in Québec City in September 2008 to “enhance their partnership with the [...] federal government with regard to the implementation of the Roadmap [2008–2013].”¹

In short, only federal government leadership and an enhanced partnership with the other levels of government will ensure that the current economic crisis does not reverse the hard-won progress of official language communities.

The coherence of government actions and the Olympics

The Commissioner concludes the report by pointing out that the health of Canada’s language regime depends on the health of all its components. In other words, weaker leadership from the federal government in one area is all it takes for problems to surface in all areas. However, coherent action can strengthen linguistic duality overall.

Canada will hold a successful Olympic Games in 2010 only if the federal government, along with its partners, ensures that linguistic duality is promoted in all federal institutions (including the country’s international airports) and draws on the language skills of bilingual Canadians.

¹ Canadian Intergovernmental Conference Secretariat, *Striving for Enhanced Partnership on the Canadian Francophonie*, news release, Ottawa, September 18, 2008. On-line version (www.scics.gc.ca/cinfo08/860555004_e.html) consulted March 31, 2009.

RECOMMENDATIONS

1. In order to stay the course on linguistic duality, the Commissioner recommends that the Prime Minister of Canada ensure the government, through its budget decisions and its economic stimulus investments, turns its commitment to linguistic duality and the development of official language minority communities into action.
2. The Commissioner recommends that the President of the Treasury Board:
 - fully assume his responsibilities under Part VIII of the *Official Languages Act* towards all federal institutions, including separate employers;
 - report to Parliament on the implementation of the Treasury Board's official languages programs.
3. With regard to the Vancouver 2010 Olympic and Paralympic Winter Games, the Commissioner recommends:
 - that the Minister of Canadian Heritage and the President of the Treasury Board exercise greater and coordinated leadership among federal institutions so that the responsibilities for linguistic obligations are clarified, all necessary human and financial resources are made available, and clear accountability mechanisms for bilingual service delivery are established;
 - that deputy heads of each federal institution involved in the Games clearly identify measures that their institutions are taking to ensure full compliance with all official languages obligations, and that they provide the Commissioner and parliamentary committees with regular progress updates.
4. The Commissioner recommends that the Minister of Transport table, as quickly as possible, a new bill to protect and uphold the language rights of the travelling public and Air Canada employees, regardless of the nature of the changes to the structure and organization of the air transport industry.
5. The Commissioner recommends that the Minister of Canadian Heritage and Official Languages:
 - implement, as soon as possible, the commitments announced in the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* to support second official language learning;
 - develop, by March 31, 2010, appropriate coordination mechanisms, bringing together all partners involved in English or French second-language learning in Canada;
 - report, by the end of fiscal year 2010–2011, on these measures and the results that they helped achieve.
6. The Commissioner recommends that the Minister of Canadian Heritage and Official Languages continue to fully implement, as quickly as possible, the commitments to official language minority communities in the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future*.



THE QUEST FOR COHERENCE

FOREWORD BY GRAHAM FRASER

Anniversaries are valuable occasions for learning and reflection, and this last year has been rich with just such opportunities. 2008 marked the 400th anniversary of the founding of Québec City and the 20th anniversary of the 1988 renewal of the *Official Languages Act*. 2009 marks the 40th anniversary of the *Act*.

The Québec City 400th has been a great success; the proof, for which the organizers, participating governments, citizens of Québec City and visitors all deserve credit and congratulations, has been the festive mood in the city throughout the year. In many ways, Samuel de Champlain, who founded the city in 1608, is a fitting historical figure to celebrate and learn about. He was an explorer, mariner, cartographer and artist; he was multilingual and commanded a diverse crew; he was a courageous warrior and an equally skilled diplomat. More than virtually any other European explorer, he treated the Aboriginal peoples he met with such respect that his memory lingered in Aboriginal oral histories across the continent for the next two centuries.

“Champlain [...] was genuinely interested in others and comfortable with their diversity,” wrote David Hackett Fischer in his superb biography, where he credits the French leader with launching three separate French-speaking communities—Québécois, Acadian and Métis. “Champlain’s greatest achievement was not his career as an explorer, or his success as a founder of colonies. His largest contribution was the success of his principled leadership in the cause of humanity.”¹ Hackett reminds us of the importance of using anniversaries not only to tell heroic stories of historic exploration and conquest, but also to learn that Canada’s history is built on enduring values of respect and diversity.

As the late Daniel Johnson (Premier of Quebec, 1965–1968) used to say: “Quand je me regarde, je me déssole; quand je me compare, je me console.” (When I look at myself, I am distressed, but when I compare myself, I feel better.) Looking at the flaws, failures and shortcomings of the state of official language policy now can be disconcerting—until the current situation is compared with what existed four decades ago.

¹ David Hackett Fischer, *Champlain’s Dream: The Visionary Adventurer Who Made a New World in Canada*, Toronto, Knopf Canada, 2008, pp. 528 and 531.

Since 2009 is the 40th anniversary of the original passage of the *Official Languages Act*, this gives us an opportunity to examine how far we have come and how far we still have to go to achieve the goals of the legislation. Why pay attention to 40 and not wait for 50? There is the saying “Life begins at 40”, but also something more important. By the time a 50th anniversary is celebrated, most people have difficulty recalling the original event. But a 40th anniversary marks an event that many people can recall. It enables people to recognize how much has changed—and the changes that still need to be achieved. In Chapter 1, we describe the challenges that each commissioner has faced. Perhaps the greatest one lies ahead: eliminating the contradictions in the implementation of Canada’s language regime, and achieving coherence in language policy.

In 2008–2009, the Commissioner of Official Languages visited 8 provinces and territories, gave 40 speeches, spoke at 8 universities, gave 90 interviews and appeared 7 times before parliamentary committees and the Canadian Radio-television and Telecommunications Commission (CRTC). The Commissioner’s legal team appeared as an intervener twice before the Supreme Court of Canada and once before the Federal Court.

Just like my predecessors, I have been profoundly impressed by the energy and vitality of Canada’s official language communities; against all odds, they have created dynamic institutions in virtually every sector of life, from education and the arts to medical care and from community media to senior citizens’ residences. But also like previous commissioners, I have often been dismayed at the failure of the federal government and its institutions to live up to the spirit of the legislation, and at their lack of commitment to embracing linguistic duality as a value, as a fundamental part of Canadian identity, and as a key element in public sector leadership. Unfortunately, this lack of commitment was reflected in both Budget 2008, where funds for the *Roadmap for Canada’s Linguistic Duality 2008–2013*:

Acting for the Future were left unspecified until weeks later, and in Budget 2009, where official languages and official language communities were ignored. The first suggested stealth rather than transparency; the second, a missed opportunity.

There continues to be a gap between professed intentions and demonstrable results. This 40th anniversary provides an opportunity for a fresh perspective on official languages, which we set out to do in Chapters 2, 3 and 4 of this annual report.

The Act was introduced at a time when language tensions were high. French-speaking Canadians were no longer prepared to accept less than equal status. The law was written to ensure that French-speaking and English-speaking Canadians would obtain service from the federal government in the official language of their choice. If the federal government had not acted to enshrine the equality of English and French in legislation, one can wonder where we would be today as a country.

The passage of Bill C-72 in 1988 brought the *Official Languages Act* into conformity with the Charter of Rights and Freedoms—but it did more than that. It enshrined the right to work in English or in French in designated regions of Canada: the National Capital Region, New Brunswick and parts of Ontario and Quebec. It enshrined the right to judicial recourse for those whose language rights had not been respected. It laid out the duty of federal institutions to take positive measures for the growth and development of official language communities and to promote English and French. With the protection of language rights in the Charter in 1982, the Act became quasi-constitutional in nature.

Establishing the right of public servants to work in the official language of their choice was, in some ways, a radical step. Concretely, it means that supervisors in the public service in these regions have to be able to read, speak and understand both English and French. Beyond that, employees are able to define what language they choose to work in, rather than have supervisors impose their preferred language.

The original goals of the 1969 Act were focused on delivering services from the federal government to citizens in the official language of their choice and on providing them with an effective way to report infractions or seek improvement if this did not happen. Significant progress has been made towards achieving these relatively limited goals. Over 90% of public servants in bilingual positions have met their language qualifications. Three-quarters of the time, French-speaking Canadians are satisfied with the service they receive from the federal government—progress, it is true, but there is nevertheless a failure rate of 25%. This is unacceptable. No institution dedicated to serving the public should be satisfied with this. Year in and year out, some institutions—like Canada Post, the airport authorities, the Canada Border Services Agency and Air Canada—are the subject of numerous complaints to my office. Even today, 40 years on, the act of greeting citizens in both languages and fully integrating both languages into the workplace is not part of the culture of service in the federal government and its institutions. As we announced in last year’s annual report, we are evolving our ombudsman role in a renewed effort to achieve better results.

The implementation of the subsequent amendments to the Act in 1988 and 2005 are more problematic. The right to work in English or French is often more symbolic than real; the dominant language and culture in most federal workplaces continue to be English, and many public servants who speak French at meetings or write their briefing notes in French are never sure whether their contributions are understood or appreciated. Even more misunderstood are the 2005 amendments to Part VII of the Act, which imposed an explicit obligation on the federal government to take positive measures for the growth and development of official language communities, and to promote the use of both languages. Those positive measures are critical; pressure for assimilation in official language communities remains strong. Despite that obligation, a series of programs vital to official

language communities were eliminated without consultation, one of the most dramatic examples being the Court Challenges Program. Similar situations are now under investigation, such as the cuts to cultural programs and to the Interdepartmental Partnership with Official-Language Communities.

In February, the Supreme Court rendered an extremely important judgment in the case of *Desrochers v. Canada (Industry)* (often referred to as the CALDECH case) that, as is elaborated in Chapter 2, will have a lasting impact on official language communities. In a unanimous judgment, Justice Charron described the obligation of the federal government to ensure the participation of these communities in the development and implementation of programs. “It is difficult to imagine how the federal institution could provide the community [with the] economic development services mentioned in this description without the participation of the targeted communities in both the development and the implementation of programs. That is the very nature of the service provided by the federal institution,” she wrote. “It necessarily follows, as is expressly recognized in the above passage, that the communities could ultimately expect to have *distinct* content that varied ‘greatly from one community to another, depending on priorities established’ by the communities themselves.”²

The links and connections in Canada’s language policy are often missing. Since linguistic duality is not taken for granted as part of the country’s identity, nor embraced throughout the school system, there is unequal access to second-language teaching in primary and secondary schools, and a shortage of incentives, exchanges or intensive second-language instruction in post-secondary education. (This issue is discussed in detail in Chapter 3 of this report.) As a result, 40 years after the passage of the Act, the federal government, Canada’s largest employer, still has to spend a substantial amount on language training—training that could be provided more

² *Desrochers v. Canada (Industry)*, 2009 SCC 8, para. 53.

effectively and less expensively earlier, before students enter the workforce, or, at the very least, earlier in their career. This is not only inconsistent; it is incoherent.

Even after 40 years and much progress, there are still few models of best practices. Part of the challenge of coherence is to identify what good looks like. If the federal government fully succeeded in respecting both official languages in the workplace, what would that mean for federal departments, agencies and institutions? We will be looking more closely at this issue. Measuring and comparing complaints from year to year is helpful, but a drop in the number of complaints may simply be an indication of falling expectations. Quantifying how many public servants have passed their language tests is useful, perhaps even essential, but if 100% of public servants have passed their tests and only one language is heard or read in the workplace, what has been achieved?

“Canada’s language policy has never been about ‘forcing the French tongue down people’s throats,’ despite the claims of many who would critique it on this basis. Nor is it about forcing all Canadians to be bilingual. Rather, it is about trying to create the conditions for a viable political community in which both official language communities—English and French—are able to coexist and have access to a full range of government services and opportunities. To make this function, a significant percentage of the population, particularly those working in federal institutions, will need to be bilingual. The challenge is to make these institutions truly bilingual, and to foster a political culture in which those who aspire to such leadership positions consider bilingualism a prerequisite.”

– Matthew Hayday, Department
of History, University of Guelph

What is the ultimate goal of Canada’s language policy? The goal is not, nor has it ever been, to have all Canadians become bilingual.

Critics of Canada’s language policy often insist that Canada is not a bilingual country, as if achieving this state would mean that all Canadians could speak both official languages. Indeed, only a minority of English-speaking Canadians speak French, just as only a minority of French-speaking Canadians speak English. The whole purpose of the legislation, introduced 40 years ago, was to ensure that the state would take on language obligations so that citizens were not required to do so. In some ways, to talk of “official bilingualism” is misleading; in reality, Canada has a policy of “dual lingualism” more commonly described as “linguistic duality:” two linguistic majorities that cohabit the same country, with linguistic minorities across the country.

Official languages policy was introduced within a few years of a number of other symbolic gestures related to Canada’s identity: the adoption of a Canadian flag and a national anthem. Each gesture provoked a substantial controversy and a vigorous debate; each, in its own way, became an important facet of Canadian identity.

For all the progress that many federal institutions have made in meeting the technical obligations of the *Official Languages Act*, on the level of Canada’s identity, linguistic duality often remains an afterthought. Whether it is a matter of literary awards, film festivals or contests to establish the greatest Canadian or landmark, there is often an unfortunate assumption that Canada is an English-speaking country, and that its culture and history are created in English. Too often, even in Ottawa, the nation’s capital, public remarks are made with only a token “Bonjour Mesdames et Messieurs” at the beginning and a “Merci” at the end: a gesture that is usually as distant from contemporary communication as a Latin grace at a formal dinner.

Despite public support for bilingualism, Canada has been reluctant to embrace linguistic duality as a key element in its identity. Often, one language or the other occupies the public space—or a neutral shared code, as is the case with Air Canada, Radio Canada International, VIA Rail and other carefully chosen names that work in both languages.

Gestures are not enough. More is required if Canada is to achieve coherence in its approach to official languages. For it is not difficult to find contradictory, inconsistent and incoherent policies and actions.

Access to quality second-language instruction remains limited; there is still resistance to the expansion of immersion programs to meet the demand. Despite the millions invested in training and testing public servants, those tests are not able to be used in schools. Despite the Edmonton Public School Board's success in using the Common European Framework of Reference (CEFR) to assess language skills, including the use of international language tests based on the CEFR, there is no Canadian-based standardized assessment tool to measure the extent to which second-language graduates become bilingual. Despite the fact that Canada's largest employer, the federal government, requires mastery of both official languages for its leadership positions, universities have been slow to provide incentives for immersion graduates, or language learning opportunities for those who have not benefited from immersion. The federal government continues to focus much of its language training investment on middle-aged public servants, who have reached an age where they are often contemplating retirement and where learning a language is much more difficult.

Outside government, national parks, the armed forces and the courts, it is often difficult for Canadians to see any visible signs of Canada's linguistic duality.

This is the challenge for the coming years: to make Canada's language policy consistent and coherent, so that linguistic duality is as much a part of Canadian

identity as the flag. All Canadians can feel a sense of ownership of Canada's official languages, even if they do not speak them. It means enlarging the sense of "us" so that all Canadians feel that what is written, filmed or sung in the other official language also belongs to them.

Achieving this sense of ownership, this larger sense of "us," requires a commitment to equality by the federal government. It means making sure there is accessibility to opportunities to learn the other language, so that young Canadians have access to the other culture; it means recognizing and understanding the complexity of the country; it means fully engaging in the legislated commitment to considering the growth and development of official language communities as part of the decision-making process; it means strengthening the efforts to assist in the recruitment and retention of immigrants and refugees into official language communities; it means developing clearer strategies to help the vitality of these communities; it means ensuring that the renewal of the public service takes official languages into account in the recruitment and training of new public servants. We explore these challenges in this report.

The story of four decades of language legislation is one of gradual progress from a set of obligations to a series of values, the most important of which is respect. It means building on a complaint process towards a broader set of ideals. Complaints remain critical to the legislation, and an invaluable tool; the legislation is built on the need to respond to them. However, as American environmental activist Van Jones put it, "Martin Luther King didn't get famous for giving a speech called 'I have a complaint.'" The goals of the legislation represent the ideals and values of the country.

Achieving our goals requires a renewed engagement to achieve those that were set out in legislation 40 years ago. With will, enthusiasm and determination, Canadians can do it. That challenge is as important now as it was in 1969.



AWARD OF EXCELLENCE

PROMOTION OF LINGUISTIC DUALITY



AWARD OF EXCELLENCE

PROMOTION OF LINGUISTIC DUALITY

Linda Leith, founder of the Blue Metropolis Foundation, is the first recipient of the Award of Excellence – Promotion of Linguistic Duality

Commissioner Fraser created the Award of Excellence – Promotion of Linguistic Duality this year to recognize the importance of leadership in this area.

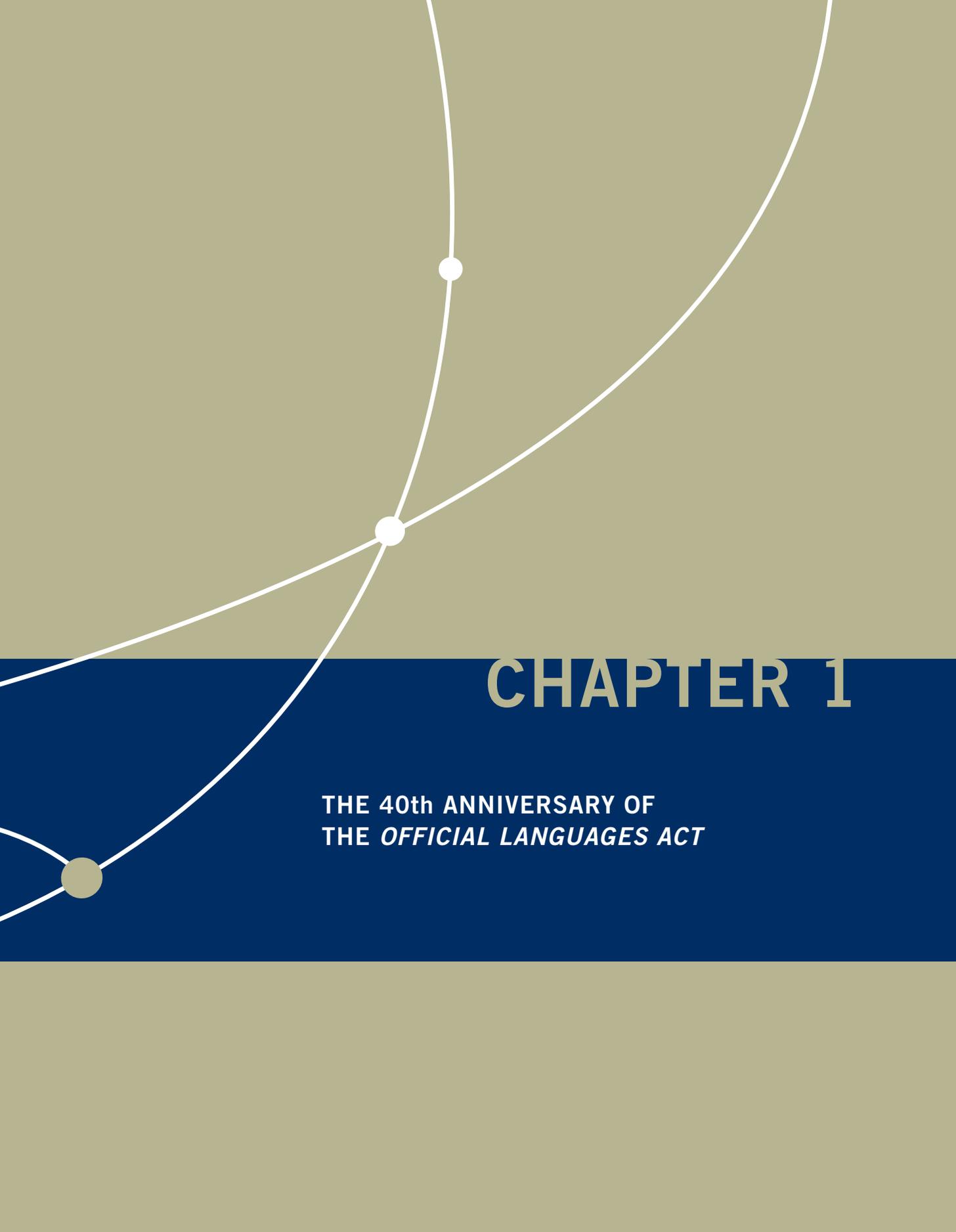
The Award is given to an individual or an organization in Canada that is not subject to the *Official Languages Act* but that stood out by promoting linguistic duality in Canada or abroad or by contributing to the development of official language minority communities.

The Montréal-based Blue Metropolis Foundation has played a unique role in Quebec and Canada, thanks in particular to its founder, Linda Leith. To recognize the significant contribution her foundation has made to the promotion of linguistic duality in Canada, Ms. Leith was presented with the Award.

The Blue Metropolis Foundation is dedicated to bringing people from different cultures together to share the pleasure of reading and writing. Ms. Leith directs the Foundation's best-known activity: the Blue Metropolis Montreal International Literary Festival, Canada's multilingual literary festival. Festival-goers consider the event a multicultural and bilingual meeting place where they can share a common love of literature.

The award was presented by the Commissioner on April 22, 2009, during the opening ceremonies of the Blue Metropolis Montreal International Literary Festival.

The recipient received a stylized statue of a human form twisted in a long upward curl, symbolic of Canada's linguistic duality.



CHAPTER 1

THE 40th ANNIVERSARY OF
THE *OFFICIAL LANGUAGES ACT*

THE 40th ANNIVERSARY OF THE *OFFICIAL LANGUAGES ACT*

The year 2009 marks the 40th anniversary of the *Official Languages Act*. This makes it a good time to take stock of what has been achieved and what is required in order to reach the objective of this act: the equal status of both official languages. Canada, where English was predominant, has become a country now characterized by linguistic duality. How has this transformation come to pass, and what were the defining moments and challenges? How has the vision of this linguistic duality evolved? This is the focus of the 40 year overview of the Act. A quotation from Commissioner D'Iberville Fortier aptly describes the progression of language reform: "The tide of history is often composed of progress, misunderstanding, reversals and ups and downs. The same holds true for the quiet revolution of official languages in Canada."¹

Many participants have contributed to the reform of the Canadian language regime. Some have even been pioneers or key players in the history of the country's linguistic duality. In this chapter, the contribution of several of these individuals and associations are highlighted.

In order to assess the road travelled over these past 40 years, the status of English and French in Canada before the first *Official Languages Act* was adopted in 1969 will be briefly described.

BEFORE THE 1969 *OFFICIAL LANGUAGES ACT*: A COUNTRY ON THE VERGE OF CRISIS

Concerned by the status of the French language and Francophones in the country, Canadian Prime Minister Lester B. Pearson established the Royal Commission on Bilingualism and Biculturalism (the B and B Commission) in 1963. He gave it the mandate of recommending "what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada."²

In a preliminary report published in 1965, the B and B Commission noted the inequality between the English and French languages and sounded the alarm: "We believe that there is a crisis, in the sense that Canada has come to a time when decisions must

¹ Office of the Commissioner of Official Languages, *1990 Annual Report*, Ottawa, 1991, p. xxvii.

² André Laurendeau and A. Davidson Dunton (co-chairs), *Report of the Royal Commission on Bilingualism and Biculturalism*, "Book I: General Introduction – The Official Languages," Ottawa, Queen's Printer, 1967, p. xxi.

THE RIGHT HONOURABLE LESTER B. PEARSON AND THE ORIGINS OF BILINGUALISM

After a successful career in Canadian and international diplomacy, which won him the Nobel Peace Prize in 1957, the Right Honourable Lester B. Pearson was Prime Minister of Canada from 1963 to 1968.

Having realized that Francophones were not occupying their rightful place in the federal government, he established the Royal Commission on Bilingualism and Biculturalism in 1963. His open-mindedness and sense of equality paved the way for the recognition of English and French as the official languages of Canada.

Lester B. Pearson hoped to be the last unilingual prime minister of Canada. In fact, for his successors, knowledge of English and French would become an unofficial criterion for the position of prime minister.

be taken and developments must occur leading either to its break-up, or to a new set of conditions for its future existence.”³

The country’s linguistic duality is recognized by the *Constitution Act, 1867*, but the language guarantees that the Act provides are limited to the right to use English and French in the Parliament of Canada and in the Quebec legislature, as well as before federal and Quebec courts.

Apart from these guarantees and a few examples that were by and large symbolic (such as the presence of both official languages on postage stamps and bank notes as well as the simultaneous interpretation of parliamentary debates), the predominant language of the Canadian state was English. In 1965, barely 9%⁴ of positions in the federal administration were defined as “bilingual;” services were only offered in English—even in Quebec, in many cases—and Francophones made up just 21%⁵ of the workforce in federal institutions, despite representing around 28% of the Canadian population.⁶ Moreover, very few young people were being taught French as a second language in educational institutions.

To remedy this situation, the B and B Commission recommended, among other things, that English and French be formally declared the official languages of the Parliament of Canada, as well as the federal administration and federal courts. The objective was to give Canadians the possibility of communicating with their government in English or French, to offer them equal opportunities to access positions in the federal administration, to enable them to work in the official language of their choice and to strengthen the vitality of official language communities. The B and B Commission’s vision of linguistic duality was based on the notion of two founding peoples, with a view to ensuring equality across the country.

While the B and B Commission was at work, Quebec society was going through a profound transformation. A powerful nationalist movement led to the establishment of a provincial government that called for greater autonomy within Canada. The French language and Francophones increasingly gained prominence and their rightful place in the province.

³ André Laurendeau and A. Davidson Dunton (co-chairs), *Report of the Royal Commission on Bilingualism and Biculturalism*, “Preliminary Report,” Ottawa, Queen’s Printer, February 1965, p. 133.

⁴ Jean-Louis Gagnon and A. Davidson Dunton (co-chairs), *Report of the Royal Commission on Bilingualism and Biculturalism*, “Book III: The Work World,” Ottawa, Queen’s Printer, 1969, p. 357.

⁵ *Ibid.*, p. 210.

⁶ Louise Marmen and Jean-Pierre Corbeil, “The French Language,” *New Canadian Perspectives: Languages in Canada, 2001 Census*, Heritage Canada and Statistics Canada, Ottawa, 2004, p. 23.

FATHER LÉGER COMEAU

Father Léger Comeau devoted his life to Acadian vitality and culture, in particular to his fellow Francophone Nova Scotians.

After holding a number of functions in educational institutions in Quebec and New Brunswick, he returned to his province of origin to work at Université Sainte-Anne in 1973. There, he successively held the positions of Director of Continuing Education and French Immersion and of Vice Rector in charge of external relations until his retirement in 1993. He then took on the responsibility of Nova Scotia's Francophone parishes until his death in 1996.

In addition to exercising his duties at Université Sainte-Anne, he played an important role in the social and economic development of the region, founding the University's Institut de développement communautaire and the Société du logement cooperative. He was also devoted to the Acadian people, which he introduced to the rest of Canada and to the world by heading the Société Nationale de l'Acadie (SNA) and by also being involved in most nationalist Acadian causes and organizations. In recognition of his work, he received a number of national and international distinctions, and the SNA created the Léger-Comeau medal in his honour in 1988. Father Léger Comeau was one of the main architects of the Acadian revival.

At the same time, a number of Francophone politicians rallying around Pierre Elliott Trudeau (including Gérard Pelletier and Jean Marchand) launched themselves into the federal arena in 1965. The presence of these politicians showed that Francophones and the French language could occupy an important place in the federal government.

1970 | THE FIRST COMMISSIONER
1977 | KEITH SPICER

LAYING THE FOUNDATIONS

*"[The Office of the Commissioner] seeks [...] to consider justice in State bilingualism simply as an ideal of human dignity and as one of the much-needed long-term bridges to understanding among Canadians."*⁷

– Keith Spicer, Commissioner
of Official Languages

In the wake of the B and B Commission's recommendations, and thanks to the leadership of Prime Minister Pierre Elliott Trudeau, the Parliament of Canada adopted the first *Official Languages Act* in July 1969, giving English and French the status of official languages of Canada. The Act created the position of Commissioner, whose role was defined by the B and B Commission as "the protector of the Canadian public and the critic of the federal government in matters respecting the official languages."⁸

The first commissioner, Keith Spicer, took office in April 1970. He saw institutional bilingualism as an ideal of human dignity that called upon the mutual respect of the two language groups. One of his main tasks was to explain the meaning of the Act, which received a rather lukewarm response from the public.

Moreover, the Supreme Court of Canada confirmed the constitutionality of the Act in response to an objection raised by the mayor of Moncton, Leonard Jones, in 1974. In the *Jones* case, the highest court in the country established that the language guarantees set forth in the Constitution represented a minimum protection and did not stop Parliament or the provincial legislatures from adopting more generous language regimes. In doing so, the Court introduced the notion of progression towards the equal status of Canada's official languages.

⁷ Office of the Commissioner of Official Languages, *1970–1971 Annual Report*, Ottawa, 1971, p. 4.

⁸ André Laurendeau and A. Davidson Dunton (co-chairs), *Report of the Royal Commission on Bilingualism and Biculturalism*, "Book I: General Introduction – The Official Languages," Ottawa, Queen's Printer, 1967, p. 141.

From the beginning, the Commissioner favoured a broad interpretation of the Act by supporting, in particular, the idea that it recognized public servants' right to work in the language of their choice, even if this right was not made explicit in the Act. For its part, the federal government felt it was worth making the scope of this right explicit by adopting a parliamentary resolution in 1973, one which also established the principle of full participation of English-speaking and French-speaking communities in the public service. The simultaneous adoption of a series of directives on language of work, the methods for designating and staffing bilingual positions and the parameters of language training laid the foundations for the internal framework for bilingualism in the public service.

In 1970, a significant step was taken with the establishment of the Official Languages in Education Program by the Secretary of State (Canadian Heritage), which aims to support both instruction in the language of the minority and second-language teaching. This program, still running today, served as a testing ground for two important aspects of linguistic duality: support for official language communities and the learning of both languages by Canadians.

The *Consumer Packaging and Labelling Act* of 1974, which stipulated that both languages must be used on packaged and labelled goods, gave Canada a bilingual image that would become familiar to the whole country.

These measures, taken soon after the adoption of the Act, demonstrated the clear desire of the government of the day to give real momentum to the Act's implementation. Unfortunately, the government made few efforts to explain the meaning and scope of the Act, and a segment of the Canadian population had the impression that bilingualism would be required of everyone from coast to coast to coast.

The difficulties in getting Canadians to accept linguistic duality led Commissioner Spicer to remark, at the end of his term, that improvement could only come if young people learned their second official

language. He therefore contributed in 1977 to the creation of Canadian Parents for French, an association that plays an active role in promoting French second-language learning and linguistic duality in Canadian society.

During the same period, official language communities outside Quebec were making better-supported claims, calling for measures to remedy the inequality they had suffered for many years. In 1975, they created the Fédération des francophones hors Québec to develop a common vision and give themselves a voice to affirm their language rights.

HUBERT GAUTHIER, A PIONEER OF MANY SKILLS

Hubert Gauthier paved the way in several different areas. Born in St. Boniface, Manitoba, he made his mark at the age of 20 by becoming Chief Executive Director of the brand new Société franco-manitobaine in the early 1970s. Along with his colleagues, he advocated more loudly and more openly for governments to respect the Francophone community's rights, after several years of closed-door negotiations that were, for the most part, unsuccessful.

In 1975, Hubert Gauthier co-founded the Fédération des communautés francophones hors Québec (known as the Fédération des communautés francophones et acadienne since 1991).

He then spent a number of years in senior positions within Quebec's health care system. He brought the experience and knowledge he gained back to Manitoba, where he held the position of Chief Executive Officer of the St. Boniface General Hospital from 1999 to 2005. From 2005 to 2008, he was Chief Executive Officer of the national organization Société Santé en français, and was responsible for overseeing the promotion and delivery of health care services in French through networks all across Canada.

PAT WEBSTER AND JOS CRAVEN SCOTT, PIONEERS OF CANADIAN PARENTS FOR FRENCH

Canadian Parents for French (CPF) was created in 1977 by Anglophone parents who wanted the Canadian school system to give their children an opportunity to become bilingual.

Having started a movement with other parents to support French second-language programs for students in Oakville, Ontario, Pat Webster helped found CPF in 1977, and was elected the association's first president. Using her strong organizational and promotional skills, she worked with others to set up CPF, whose membership increased from 20 initially to 26,000 today. Ms. Webster saw the French-language learning movement in English-language schools as a long-term social change that could transform local communities and the country as a whole.

Jos Craven Scott, another pioneer of the association, was involved from the beginning as a volunteer, and helped set up the first CPF branch in Saskatchewan. In 1979, she continued her work at the association's national office in Ottawa and became the first executive director of CPE, a position she held for over 15 years. Helping students successfully learn French was especially important to her.

Recognition of the contribution of Jos Craven Scott and Pat Webster to French second-language learning is also a testament to the commitment of many parents who have tirelessly worked and continue to work as volunteers in this association, in order to advance French-language teaching across Canada.

The crisis of the Association des gens de l'air du Québec made the last years of Commissioner Spicer's term difficult. Francophone members asked for bilingual air communications, which provoked fierce opposition from a large segment of the Anglophone population. This crisis severely tested English-French relations in Canada. According to Prime Minister Trudeau, it was the worst crisis that Canada had seen since conscription in 1942. The situation was resolved several years later, after studies showed that the use of French did not threaten air safety.

During his tenure, Commissioner Spicer took up an important challenge in giving visibility to the Act and making Canadians understand that Canada had to change. The country, where English was by far the dominant language, had to become bilingual. The government therefore took steps to bring about this transformation. However, the foundations of linguistic duality had a relatively limited scope and essentially boiled down to institutional bilingualism in the federal government.

1977 | COMMISSIONER
1984 | MAXWELL YALDEN

CONSTITUTIONAL RECOGNITION OF THE
EQUAL STATUS OF ENGLISH AND FRENCH

"The enshrinement of language rights in a made-in-Canada Constitution was a very substantial landmark in that process. [...] But there it unquestionably is: a set of constitutional guarantees which effectively says that English and French are our two official languages [...]."

– Maxwell Yalden, Commissioner
of Official Languages

Maxwell Yalden took office in a period of social and political turmoil. The Parti Québécois, elected in 1976, enacted the *Charter of the French Language* (Bill 101) in 1977. This law established the predominance of the French language in Quebec, while also recognizing certain rights of the

⁹ Office of the Commissioner of Official Languages, *1982 Annual Report*, Ottawa, 1983, p. 2.

Anglophone communities and the contribution of Anglophone institutions to Quebec society. However, the province's Anglophone communities challenged certain aspects of the law before the courts, on the grounds that it limited their language rights, particularly in terms of education and signage.

As a good portion of both the Anglophone and Francophone population was sceptical about the relevance of linguistic duality to maintaining the country's cohesion, Commissioner Yalden took a pragmatic approach to the Act. He stated that its application must be realistic and based on common sense, and remarked that it would not be possible to offer all federal services in both languages in all federal institutions everywhere, whether in Red Deer or Rimouski.

Members of official language communities turned to the courts to ensure respect of their rights, namely with the assistance of the Court Challenges Program, which was created in 1978 and which provided financial assistance to the population. In 1979, the *Manitoba Act, 1870*, which had abolished the French language's status as a language of the legislature and the courts, was declared unconstitutional by the Supreme Court of Canada (the *Forest* case). The same day, this court overturned the provisions of the *Charter of the French Language* that provided that only the French text of statutes and court judgments was official (the *Blaikie* case).

In 1980, the Government of Quebec held its first referendum on the sovereignty-association project. Although the referendum was rejected by the population, the event highlighted two opposing views of linguistic duality: one claiming that the French identity could only reach its full potential in Quebec, and the other claiming it could flourish across Canada.

JEANNE BEAUDOIN: A PASSION FOR THE FRENCH LANGUAGE AND CULTURE IN THE YUKON

Jeanne Beaudoin arrived in the Yukon in 1982, and has since supported nearly all the causes of Yukon's French-speaking community. She greatly contributed to the recognition of the community's needs and rights, as well as its development in the difficult context resulting from its geographic isolation and low number of Francophones. These challenges make her achievements and successes even more remarkable.

Jeanne Beaudoin is involved in most Franco-phone community organizations. She was President and Executive Director of the Association franco-yukonnaise, President of the Conseil scolaire francophone and President and Co-Founder of the Commission scolaire francophone du Yukon.

Determined and proud of her Francophone identity, Ms. Beaudoin has devoted her time and energy to ensuring that the new generation of Franco-Yukoners can have access to an environment that fosters their vitality in French. She has thus played an important role with regard to implementing the Yukon's *Languages Act*, revising the *Education Act* and helping Francophones obtain the right to manage their own schools. One of her most important achievements was her active participation in setting up the first French-language daycare (La Garderie du Petit Cheval Blanc) and school (École Émilie-Tremblay) in Whitehorse in 1996 .

THE RIGHT HONOURABLE PIERRE ELLIOTT TRUDEAU, ARCHITECT OF LANGUAGE RIGHTS

In 1965, the arrival on the federal scene of Pierre Elliott Trudeau, Prime Minister of Canada from 1968 to 1979 and from 1980 to 1984, strengthened the representation of Quebecers in Ottawa. An essential aspect of his political vision was the equal status of English and French as a foundation of Canadian society.

As soon as he took office as Prime Minister, Pierre Elliott Trudeau had the *Official Languages Act* passed, thereby implementing the main recommendation of the Royal Commission on Bilingualism and Biculturalism.

The other cornerstone of language rights put in place by the Trudeau government was the *Canadian Charter of Rights and Freedoms*, enshrined in the Canadian Constitution in 1982. It included many sections confirming the equal status of English and French in Canada, and recognized the right of parents belonging to official language communities to have their children educated in their language and to manage and control their educational institutions.

Despite this political upheaval, Canadians increasingly recognized the importance of young people learning a second language, particularly through French immersion. From modest beginnings in 1965, immersion gained in popularity and saw a significant jump in enrolment between 1980 and 1990, up from a little over 35,000 to nearly 250,000.¹⁰

The year 1982 marked an important milestone in language reform. Thanks to the leadership of Prime Minister Pierre Elliott Trudeau, the Government of Canada repatriated the Constitution, annexing to it the *Canadian Charter of Rights and Freedoms* (the Charter), which confirms the equal status of English and French in Canada as well as the right to be served by federal institutions in the official language of one's choice. It also confirms the status of New Brunswick as an officially bilingual province: the province adopted its first *Official Languages Act* in 1969 as well as the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* (Bill 88) in 1981.

In addition, the Charter recognizes the right of parents from official language communities to have their children educated in their language.

The Charter is a powerful tool for official language communities wishing to assert their language rights. It certainly formed the cornerstone of the legal basis of Canada's linguistic duality, which now has a greater scope than that provided by the *Official Languages Act*. Indeed, the Charter goes beyond federal institutional bilingualism and extends to the vital realm of education.

Commissioner Yalden ended his term by speaking of the need to review the 1969 *Official Languages Act* so as to ensure, in particular, its compliance with the language provisions of the Charter. In doing so, he laid the groundwork for his successor. Confronted with the language tensions that marked several years of his term, he helped mitigate the backlash from a large segment of the population against the Act.

¹⁰ Canadian Heritage, *Official Languages: Annual Report 2003–2004*, Ottawa, 2004, p. 31.

“[...] our past, present and future are marked by language, whether we like it or not.”¹¹

– D'Iberville Fortier, Commissioner
of Official Languages

In 1984, a new Progressive Conservative government was elected, declaring its support for linguistic duality and expressing a desire to work towards “national reconciliation.” In his first report, Commissioner D'Iberville Fortier responded by calling for a re-launch of the official languages program, based on an in-depth review of the 1969 Act. He also argued that federal institutions should provide better support to official language communities.

As was the case for his two predecessors, Commissioner Fortier's term was defined by periods of tension and calm. It was marked by a number of court decisions on language issues, based mostly on the *Canadian Charter of Rights and Freedoms*, which led to changes in nearly every province. In 1984, in a case involving the *Charter of the French Language*, the Supreme Court of Canada ruled that Quebec could not limit access to English schools to children whose parents were educated in English in Quebec.¹² This decision recognized the right of parents who were educated in English in the rest of Canada to also send their children to English schools.

The courts also decided cases from other provinces where parents and provincial authorities did not agree on the meaning of the expression “where numbers warrant,” nor whether section 23 of the Charter gave official language communities the right to manage and control education in their language. In Alberta in 1990, the *Mahé* case gave the Supreme Court of Canada the opportunity to rule that section 23 is “designed to correct, on a national scale, the progressive erosion of minority official language groups”¹³ and that it would also grant parents in these communities the right to manage and control their educational institutions. This was an important advance in achieving linguistic duality: education was at the very heart of the development and self-identification of official language communities. Linguistic duality was, therefore, based on history, but it also carved a path for the future.

This decision provided a liberal interpretation of language rights and therefore differed from the three important decisions rendered in 1986. These decisions interpreted section 133 of the *Constitution Act, 1867* in such a way that the rights established therein were significantly reduced. In these three cases, the Supreme Court of Canada found that a restrictive interpretation of language rights should be upheld because these rights were founded on political compromise.¹⁴

The implementation of the Charter also revived the debate on the application of the *Official Languages Act* in the Canadian territories. After an attempt by the federal government to clarify the issue through an amendment to the Act, a compromise was reached. In 1984, the Government of Canada signed

¹¹ Office of the Commissioner of Official Languages, *1990 Annual Report*, Ottawa, 1991, p. xxx.

¹² *Quebec (A.G.) v. Quebec Protestant School Boards*, [1984] 2 S.C.R. 66.

¹³ *Mahé v. Alberta*, [1990] 1 S.C.R. 342.

¹⁴ *Société des Acadiens du Nouveau-Brunswick Inc. v. Association of Parents for Fairness in Education*, [1986] 1 S.C.R. 549; *MacDonald v. Montreal (City of)*, [1986] 1 S.C.R. 460; *Bilodeau v. Manitoba (A.G.)*, [1986] 1 S.C.R. 449.

MARIE BOURGEOIS: AN UNWAVERING COMMITMENT TO BRITISH COLUMBIA'S FRANCOPHONE COMMUNITY

A native Acadian who lived in Quebec, Marie Bourgeois has now lived in British Columbia for 35 years. Through her leadership and exceptional work on various boards of directors for the province's Francophone organizations, she has helped represent, promote and defend the interests and rights of Francophones in many areas, such as education, health care and community development. She was President and Executive Director of the Fédération des francophones de la Colombie-Britannique for several years.

One of her major achievements was her contribution, in 1990, to the creation of Vancouver's Maison de la francophonie, of which she is currently President. The Maison has served as a model for a number of centres in other parts of the country. As Francophones are scattered throughout Vancouver and are from many different backgrounds, the Maison de la francophonie is a place for Francophones and Francophone associations to come together and strengthen their community's identity and solidarity.

an agreement with the Government of the Northwest Territories, under which the latter committed to implementing a language regime. For its part, the Government of Canada committed to permanently assuming all costs related to both the provision of services in French to the public and the establishment of French as an official language in the Northwest Territories.¹⁵

Following repeated requests from the Commissioner and official language communities, the government tabled a bill in 1987 for a new *Official Languages Act*. Adopted in 1988 under the leadership of Prime Minister Brian Mulroney, the new Act had a much greater scope than that of 1969 and obtained a quasi-constitutional status.¹⁶ It contained a preamble, officially recognized the right of federal employees to work in the official language of their choice, included the principle of equitable participation and demonstrated the federal government's commitment to enhancing the development of official language communities and the advancement of English and French in Canadian society. The Act also provided for the possibility of a court remedy. It thus offered considerable possibilities for the renewal of the official languages program. In 1992, the Act would be supplemented by the *Official Languages (Communications with and Services to the Public) Regulations*.

In 1988, the adoption of the *Multiculturalism Act* reflected the growing diversity of the Canadian population. Canada was now an inclusive and multicultural country, coming together around the principles of linguistic duality and the recognition of Aboriginal peoples' rights—both cornerstones of Canadian society.

In some provinces, the increasing recognition of language rights did not always go over smoothly. In 1988, Saskatchewan and Alberta adopted laws that abrogated the historic rights of their Francophone communities. In the same year, Quebec used the notwithstanding clause to maintain the validity of Bill 178, which provided for the exclusive use of French on exterior signage. Moreover, in 1990, a number of Ontario municipalities decided to declare themselves unilingual English. In addition to these events, the failure that same year of the Meech Lake Accord, which aimed to integrate Quebec into the Constitution of 1982 by recognizing its distinct character, for a time severely tested English-French relations.

¹⁵ The Supreme Court of Canada is expected to rule soon on the Government of Canada's constitutional responsibility regarding the Northwest Territories' Francophone community.

¹⁶ *Canada (A.G.) v. Viola* (1990), [1991] 1 F.C. 373 (C.A.).

During Commissioner Fortier’s term, the scope of linguistic duality was significantly broadened with the 1988 *Official Languages Act*. The government’s commitment to the development of official language communities laid the groundwork for these communities’ claims.

1991 | COMMISSIONER
1999 | VICTOR GOLDBLOOM

LINGUISTIC DUALITY AT THE HEART OF NATIONAL UNITY

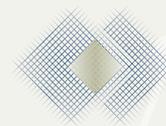
“We cannot preserve the unity of Canada if we set aside the historic premise that we have two official languages.”¹⁷

– Victor Goldbloom, Commissioner of Official Languages

Commissioner Victor Goldbloom took office in the difficult period of constitutional reform. The Meech Lake Accord had just failed, as would the Charlottetown Accord in 1992. Conscious of the fact that Canada was going through a decisive period in its history, the Commissioner dedicated all his energy to creating a climate conducive to dialogue between official language communities. He wanted to convince Canadians that language policy could help alleviate tensions rather than aggravate them.

Linguistic duality was once again at the heart of the debates on Canada’s future, and the focus was now on its crucial importance in preserving the country’s unity. The Commissioner gave many speeches across the country, not hesitating to forcefully and convincingly challenge the arguments of those claiming that Canada’s policy of bilingualism was a failure. He attributed great importance to his role as an ombudsman, since he saw himself mainly as a citizens’ protector charged with ensuring that all Canadians were treated with respect and consideration. In order to illustrate the composition of Canadian society, he had a symbol of linguistic duality designed.

SYMBOL OF LINGUISTIC DUALITY



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 symbolizes the meeting of our two linguistic communities and the richness of the dialogue between them.

Following in the steps of his predecessors, Commissioner Goldbloom insisted that the federal government launch a campaign to ensure that the language policy was understood and to dispel persisting myths. He reminded people that the cost of the bilingualism programs represented less than 0.5% of the federal budget—a modest sum, considering that these programs were aimed at strengthening Canadian unity.

Meanwhile, official language communities were growing impatient with the lack of progress in language reform, especially regarding the federal government’s commitment to supporting their development—a commitment that was articulated in the 1988 Act. Commissioner Goldbloom carried out two comprehensive studies in 1993–1994: one concerned the availability of services in both official languages at designated bilingual offices; the other, the implementation of Part VII of the Act. The first study showed that, outside Quebec, services were still not available in French in nearly 30% of cases, a proportion that reached 50% in certain Western provinces. Institutional bilingualism still had a long way to go. The other study, entitled *A Blueprint for Action*, revealed that the government had done little to implement section 41 of Part VII of the 1988 Act, which requires the government’s commitment to enhancing the vitality of official language communities and promoting the recognition and use of English and French in Canadian society. This study suggested a number of possible courses of action to jumpstart the application of section 41, such as assigning the role of coordinator of the entire language policy to the Privy Council Office.

¹⁷ Office of the Commissioner of Official Languages, *1991 Annual Report*, Ottawa, 1992, preface.

GRETTA CHAMBERS, AN ANGLOPHONE WITH STRONG ROOTS IN QUEBEC SOCIETY

Gretta Chambers has been involved in a number of causes in both the Anglophone and Francophone communities of Quebec. As a respected journalist who has worked in both print and television for some 40 years, most notably at *The Gazette*, she is recognized as an expert on Quebec politics and society. She has worked in numerous organizations and institutions in the Anglophone and Francophone communities, namely as Chancellor of McGill University (1991–1999).

Gretta Chambers has played an important role in the field of English-language education in Quebec. She chaired the working group on the English-language school network, whose report, submitted in 1992, sounded the alarm on the decline of the English-language school system. The working group's report produced positive results, and raised awareness in the Anglophone communities about the importance of community involvement in this issue. Also in 1992, a committee was created to advise the Minister of Education. This committee has been headed until very recently by Gretta Chambers, and plays an important role in the management of the English-language school network.

The desired revitalization of both linguistic duality within the federal government and the support of the official language communities did not materialize. Instead, in the mid-1990s, the Government of Canada carried out a cost-cutting exercise to reduce the deficit, which resulted in a number of setbacks, such as a reduction in support for official language communities, a more limited role for the Treasury Board and a lack of progress in implementing Part VII of the Act. The Commissioner concluded that these transformations had contributed to “a subtle but cumulative erosion of language rights.”¹⁸

Nevertheless, progress was being made in the provinces as a result of the decisions of the courts or of greater openness towards official languages. For example, in compliance with the Supreme Court of Canada's decision, Quebec modified the *Charter of the French Language* in 1993 so as to allow the use of languages other than French on exterior commercial signage, as long as the French was still predominant.

Encouragingly, the proportion of Canadians supporting linguistic duality continued to rise, reaching 64% in 1993.¹⁹

The very close results of the 1995 referendum on Quebec's future showed that the question of the province's place within Canada was far from being resolved.

At the end of the decade, the Supreme Court of Canada issued its ruling in the *Beaulac* case²⁰ in what was to become a turning point in the interpretation of language rights. In fact, the highest court in the country, in a decision written by Justice Bastarache, categorically rejected the argument that language rights stemmed from political compromise, and that they should therefore be interpreted in a restrictive way. The decision confirmed that language rights should always be interpreted in light of their purpose and in a manner compatible with the maintenance and development of official language communities in Canada. The Court also held that the principle of substantive equality requires the government to take positive measures to ensure implementation of language rights.

¹⁸ Office of the Commissioner of Official Languages, *Government Transformations: The Impact on Canada's Official Languages Program*, Ottawa, 1998, p. i.

¹⁹ Office of the Commissioner of Official Languages, *1994 Annual Report*, Ottawa, 1994, p. 3.

²⁰ *R. v. Beaulac*, [1999] 1 S.C.R. 768.

THE HONOURABLE MICHEL BASTARACHE AND THE RECOGNITION OF LANGUAGE RIGHTS

The Honourable Michel Bastarache had a brilliant career in the judiciary after a varied and successful career path as a lawyer, law professor, senior federal public servant and chief executive officer of the Moncton insurance company Assumption Life. He became a judge in the Court of Appeal of New Brunswick in 1995 and, two years later, was appointed to the Supreme Court of Canada, where he held his position until the summer of 2008.

Justice Bastarache revitalized language rights in Canada. He participated in three key decisions (the Secession Reference, the *Beaulac* case and the *Arsenault-Cameron* case) and had a hand in writing the Court's reasons for judgment in these last two cases. He established the key principles of language rights in these cases, especially regarding the broad and liberal interpretation of rights, substantive equality, the unwritten principle of protection for official language communities and the remedial purpose of language rights. He also oversaw the publication, in 2004, of the second edition of *Language Rights in Canada*, as well as that of *The Law of Bilingual Interpretation* in 2008. His vision has led to considerable advances in language rights.

In a time of political, social and economic difficulty, Commissioner Goldbloom relentlessly defended the importance of linguistic duality as a central component of national unity and social cohesion. However, the fight against the deficit effectively put the official languages program on the backburner, a setback that would not be overcome until the introduction of the *Action Plan for Official Languages* in 2003.

1999 | COMMISSIONER
2006 | DYANE ADAM

A REVIVAL FOUNDED ON COMMUNITIES,
DUALITY AND DIVERSITY

“Last year will be remembered as a turning point for official languages in Canada. The amendments brought to the Official Languages Act in November 2005 do indeed point to the new course the Government of Canada must follow to ensure the vitality of both official language communities and promote our country’s linguistic duality.”²¹

– Dyane Adam, Commissioner
of Official Languages

Commissioner Dyane Adam's term was quiet on the constitutional front. However, this period of political calm and the struggle with the deficit had the effect of reducing the importance of official languages as a government priority. Commissioner Adam felt that, were the situation to persist, it would risk compromising the pursuit of language reform for a long time to come. It was urgent to revitalize the official languages program on all fronts: within the federal government, through the support of official language communities and through the advancement of English and French in Canadian society. The Commissioner believed that change comes through the mobilization of the political and administrative leadership, as well as through the use of all the powers conferred by the Act (ombudsman, promotion, audits and court remedy), allowing her to serve as an agent of change. Dyane Adam was also able to count on the support of political leaders to revitalize language reform.

A first step in promoting this revitalization was taken in 2001, through the appointment of the first minister responsible for official languages, who set about to prepare an action plan. Launched in 2003 for a period of five years, the Action Plan 2003–2008

²¹ Office of the Commissioner of Official Languages, *2005–2006 Annual Report*, Ottawa, 2006, forward.

initially provided an additional \$751.3 million for official languages. As a new project, this governmental plan took into account the main issues tackled by the official languages program: education for members of official language communities in their language, the teaching of English or French as a second language, community development and the public service. As well as setting objectives, this plan included the Accountability and Coordination Framework, which established the responsibilities of the main federal organizations and entrusted the Privy Council Office with its general coordination. With the *Action Plan for Official Languages*, the government, for the first time, set out a comprehensive vision of Canada's linguistic duality and a consistent mode of governance.

Commissioner Adam attached great importance to the development of official language communities and aimed to ensure that their environment fostered their vitality. These communities should be able to rely on institutions that reflect their culture. Besides having access to education in their own language, they should be able to receive public services, such as health care, justice, support for early childhood and support for economic development, in their own language. Moreover, Francophone communities should further benefit from the contribution of Francophone immigration in order to ensure their vitality. As a step in this direction, the government recognized this need by including in the 2002 *Immigration and Refugee Protection Act* a provision stating that immigration should promote the development of official language communities.

Still, court remedies²² remained an important tool in ensuring the recognition of language rights of official language communities. In 2002, the mobilization of Francophones and the intervention of the courts

halted an attempt to close the Montfort Hospital in Ottawa and to then reduce the services it offered. The outcome was a victory for Francophones.

In addition, progress was made within the public service: in 2004, the Treasury Board revised official languages policies and directives. One of these policies now requires imperative staffing for bilingual positions.

A major step forward was also taken in 2005 when Parliament adopted Bill S-3, thanks to the ongoing interventions of official language communities and the Commissioner, and most notably the unflagging work of Senator Jean-Robert Gauthier. This bill, which clarified the scope of Part VII of the *Official Languages Act*, not merely commits but requires federal institutions to take positive measures to enhance the development of these communities and promote linguistic duality in Canadian society. This change consolidated the legal bases of Canadian duality. The challenge now was to proceed with the implementation of the Act.

Throughout her term, Commissioner Adam paid particular attention to the changing composition of Canada's linguistic landscape. As she saw the country become increasingly cosmopolitan and multilingual (nearly 20% of the population was of neither British nor French descent), she believed that this new reality should transform our vision of linguistic duality. "Duality and diversity are far from being contradictory. In fact, it is the very dualist tradition at the root of our society which has made us particularly open to diversity. In turn, it is now Canada's diversity that can and should contribute to our linguistic duality."²³

The government therefore had to find a fair balance between linguistic duality and the diversity of the population, two founding principles of Canadian society. Sociologist Will Kymlicka puts it well in his

²² In 2000, in *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, the Supreme Court of Canada consolidated the principle of school management by the communities. In *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3, the same court affirmed that the courts must issue remedies based on the purpose of the right, and that they can retain their jurisdiction until the remedy has been implemented.

²³ Office of the Commissioner of Official Languages, *2002–2003 Annual Report*, Ottawa, 2003, p. 9.

THE HONOURABLE JEAN-ROBERT GAUTHIER, ADVOCATE FOR FRANCO-ONTARIANS AND THE CANADIAN FRANCOPHONIE

Senator Jean-Robert Gauthier has dedicated more than 40 years of his life to advocating for the rights of Franco-Ontarians and official language communities in Canada. He initially carried out this role as a school commissioner (1961–1971), then as a member of Parliament (1972–1993) and a senator (1993–2004). He played an important role in many areas: funding and self-management of French-language schools, the constitutional renewal and the *Canadian Charter of Rights and Freedoms*, the fight against the closure of Montfort Hospital and the application of the *Official Languages Act*. He was a committed member of the Standing Joint Committee on Official Languages, and later the Standing Senate Committee on Official Languages.

The Senator's achievements include his contribution to part of the wording of subsection 23(3) in the *Canadian Charter of Rights and Freedoms*, which concerns the right to an education in the language of the minority. His accepted suggestion to replace “educational facilities” with “minority language educational facilities” led to recognition of official language communities' right to manage and control their own schools. Senator Gauthier also left a lasting legacy in language rights, as the force behind the bill to amend the *Official Languages Act* in 2005. In this last case, Senator Gauthier's unrelenting efforts helped strengthen Part VII of the *Official Languages Act*, thereby giving official language communities an essential tool for their development.

description of this new Canada: “[...] Canada is a world leader in three of the most important areas of ethnocultural relations: immigration, indigenous peoples, and the accommodation of minority nationalisms.”²⁴

Commissioner Adam ended her term by noting the enormous advances that had been made in establishing linguistic duality as a part of Canada's core values, while also underlining that more progress was crucial. “Like cultural diversity, we must see linguistic duality as a source of social reinforcement,”²⁵ she stressed. This linguistic duality, expressed for a long time through the concept of two founding peoples, has been enriched through the contribution of diversity and of the Aboriginal peoples.

2006 TO THE PRESENT | COMMISSIONER GRAHAM FRASER LINGUISTIC DUALITY, A FUNDAMENTAL PART OF CANADIAN IDENTITY

“[...] I want English and French to be fully appreciated, not as foreign languages, but as Canadian languages: central elements of Canadian identity that are critical to the national discourse.”²⁶

– Graham Fraser, Commissioner of Official Languages

The sixth commissioner began his term following the arrival on the political scene of a new Conservative government.

²⁴ Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada*, Oxford, Oxford University Press, 1998, pp. 2-3.

²⁵ Office of the Commissioner of Official Languages, *2005–2006 Annual Report*, Ottawa, 2006, p. i.

²⁶ Office of the Commissioner of Official Languages, *2006–2007 Annual Report*, Ottawa, 2007, p. v.

Commissioner Graham Fraser has set out his vision of linguistic duality, one that places it right at the heart of Canadian identity. He feels that this duality takes on even greater significance as cultural diversity increases: learning a second language, and the open-mindedness that this encourages, allows people to be more accepting of other cultures.

The Commissioner has expressed his expectation that these entirely appropriate language policy principles and the significant sums invested over the years by successive governments will produce more concrete results. The Commissioner has also pointed out certain inconsistencies in the official languages program—for example, the unrecognized importance of the knowledge of both languages in universities, compared with the energy and resources invested in this area at the primary and secondary levels. In fact, the public service, which is in the midst of a renewal process, is in need of a high number of bilingual graduates.

The Commissioner has placed great importance on the development of official language communities. He has urged that the new Part VII of the 2005 *Official Languages Act* be implemented and that an initiative succeed the Action Plan 2003–2008.

At the same time, in the fall of 2006, the government completed its expenditure review. The official languages program suffered some cutbacks, including the elimination of the Court Challenges Program that had, since 1994, enabled important cases on the rights of official language communities to be brought before the courts. The communities strongly protested and presented their case in Federal Court. The Commissioner investigated the matter and concluded, in the fall of 2007, that, in eliminating the Court Challenges Program, the government had not respected its obligations under Part VII of the Act. Reinforced by the Commissioner's intervention, the communities' mobilization was successful: in June 2008, the government announced a new language rights support program to financially support court remedies.

Within the public service, budget cutbacks have also had repercussions: the Canada Public Service Agency abolished the Official Languages Innovation Fund and reduced its monitoring program. Furthermore, a new management model for language training has meant that this responsibility falls entirely on the departments, which have not received any additional resources. Finally, in 2009, the government announced the abolition of the Canada Public Service Agency. The Agency's responsibilities now fall to the new Office of the Chief Human Resources Officer, which reports to the Treasury Board Secretariat, a change which, while potentially positive, has continued to foster a climate of instability in the area of human resources.

The systemic problems revealed by the complaints and the report cards of some 30 institutions indicate that progress has been minimal with regard to official languages, and there has even been a decline regarding language of work. Commissioner Fraser has clearly expressed his concerns: the goodwill expressed in government statements has not been translated into action on the ground and has not produced convincing results. The Commissioner has therefore encouraged political and administrative authorities to exercise better leadership in order to incorporate official languages into organizational culture. "Linguistic duality is not only a requirement—it's a value and an essential characteristic of public sector leadership."²⁷

Moreover, to help reverse this plateau in the Act's implementation, the Commissioner has decided to renew his role as ombudsman, in order to obtain better results when dealing with complaints. He wants complaints to be addressed in a more lasting and efficient manner, and problems to be prevented at their source, through closer collaboration with institutions so that they adopt preventive strategies.

²⁷ Office of the Commissioner of Official Languages, *2007–2008 Annual Report*, Ottawa, 2008, p. v.

Meanwhile, official language communities called loud and clear for the renewal of the Action Plan 2003–2008, which was scheduled to expire in March 2008. In June of the same year, the Government of Canada announced the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future*, which provided for an investment of \$1.1 billion to promote both linguistic duality among Canadians and support for official language communities in five sectors: health, justice, immigration, economic development, and arts and culture. While, overall, the Roadmap 2008–2013 seems to adequately address the communities' needs, it does not contain any ambitious vision for the implementation of the official languages program in federal institutions, which were in need of fresh ideas. What is more, unlike the Action Plan 2003–2008, the Roadmap 2008–2013 does not include an accountability and coordination framework.

However, new energy may come from the recent ruling by the Supreme Court of Canada in the *Desrochers* case,²⁸ which scored an important victory for linguistic equality. This decision marked the end of a hard-fought battle, thanks to the tenacity of the linguistic minority of Ontario's Georgian Bay area as well as the Commissioner, who showed his support and solidarity through court interventions all the way to the highest court in the country.

Armed with a unanimous decision from the Supreme Court of Canada clarifying the government's obligations regarding linguistic equality, Commissioner Fraser is beginning the third year of his term determined to keep up the pressure on the government. In a difficult economic climate, linguistic duality—which constitutes the cornerstone of Canadian identity, according to Prime Minister Stephen Harper—must remain a national priority achieved through concrete government action.

This overview of the road that has been travelled shows that the status of official languages has seen immense progress since the adoption of the *Official Languages Act* in 1969. As has been seen, this evolution is the result of advances and setbacks, of periods of questioning and of calm. Nevertheless, thanks to the efforts of a great many people (political leaders, representatives from both the majority and minority communities, educators, federal employees, etc.) and to the investment of resources, significant progress has been made.

Each in their own way, the six commissioners have contributed to shaping a society that better reflects Canada's linguistic duality. With the support of the courts, they have continually expanded the notion of linguistic duality. While this notion was initially limited to institutional bilingualism, it now extends to a number of areas in Canadian society.

Linguistic duality is, without a doubt, a characteristic of Canadian society. It was at the very heart of this country's foundation and is a part of our national history. It has encouraged respect for differences and the acceptance of diversity. If tolerance and a sense of accommodation are engraved in Canadian values, it is in large part thanks to our duality, which has taught us to respect each other.

Enormous progress has been made since 1969, at which time our goal was the institutional bilingualism of the State. Over time, and despite many upheavals and setbacks, Canada's language policy has broadened its scope to many sectors of society.

²⁸ *Desrochers v. Canada (Industry)*, 2009 SCC 8. The judgment was rendered on February 5, 2009.

That said, there are still important challenges ahead. While the progress in achieving the legal recognition of language rights has been considerable thus far, results are mixed when it comes to implementing the *Official Languages Act*. After 40 years, institutional bilingualism should be a given. However, little progress has been made in the past few years. Federal services are not always automatically offered in both languages everywhere in the designated bilingual offices, and the situation regarding language of work is stagnating. What is more, the problem of chronic under-representation of Anglophones in the federal public service in Quebec persists. All-too-frequent cutbacks and a continuing lack of leadership are causes for concern. The principles of the Act are adopted, but there is too large a gap between what is being said and what is being done.

The development of official language communities is improving, but remains fragile. The provincial and territorial governments must facilitate access to education in French and improve student retention, as only 49% of eligible students²⁹ are enrolled in a French-language school. Education is also an important issue for the Anglophone communities in Quebec. In some regions, the mass exodus of Anglophones and the aging of the population are reducing the number of eligible students, which threatens the survival of English-language schools. Moreover, young Anglophones are enrolling in French-language schools so that they can master the French language, making the continued existence of English-language schools even more precarious. It is important to support English-language schools so that they are able to offer quality French second-language programs. Official language communities

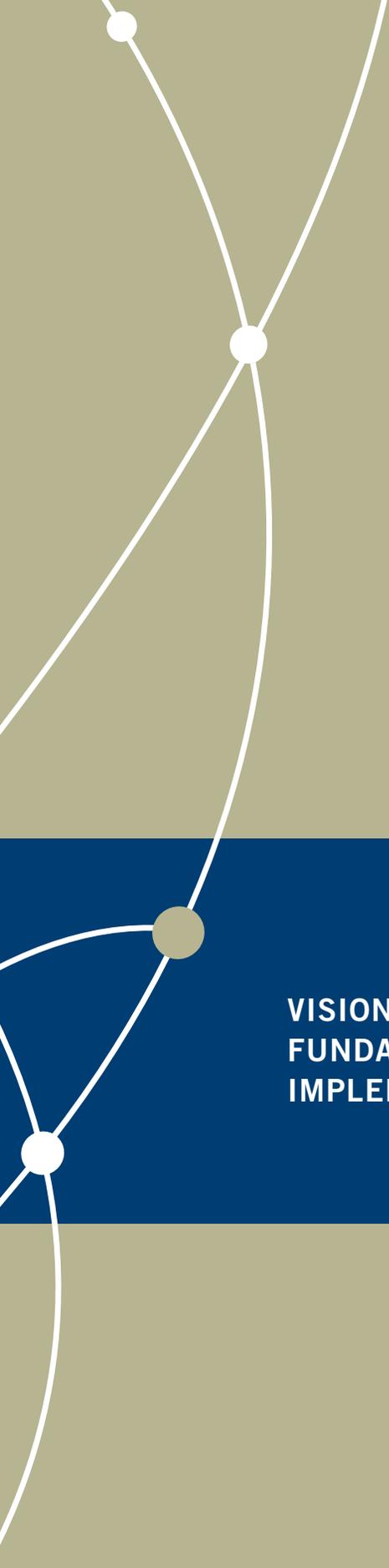
all too often have to turn to the courts to assert their rights, which are nevertheless clearly part of the legal bases of the Canadian language regime.

With regard to second-language learning, progress has been slow. According to the 2006 census data, only 22.3% of Canadians aged 15 to 19 are bilingual (a decline of approximately 2% since the 2001 census). This proportion is disappointing, particularly when the Action Plan 2003–2008 aimed to raise it to 50% by 2013.

The government needs to use public service renewal to further advance true linguistic duality in federal institutions. There must not be any interruption, and the difficult economic situation cannot be used as a pretext for slowing down. On the contrary, a crisis always provides an opportunity. As shown by the evolution of the status of official languages, a period of stoppage or setbacks has lingering effects that last nearly a decade. Québec City's 400th anniversary celebrations, the 40th anniversary of the *Official Languages Act* and the 2010 Vancouver Olympic Games should all serve as springboards for a new leap forward, so that linguistic duality can be firmly established as a Canadian value.

Key progress in language reform over the past 40 years has coincided with periods of strong leadership. The stage is set for such strong leadership now.

²⁹ Section 23 of the *Canadian Charter of Rights and Freedoms* sets out the three categories of parents whose children are eligible to receive instruction in the minority language of a province or territory. The term "eligible student" refers to a child whose parent is a citizen of Canada and (i) whose first language learned and still understood is that of the linguistic minority population, or (ii) who has received his or her primary school instruction in a province where the language in which he or she received that instruction is the language of the linguistic minority population, or (iii) of whom any child has received or is receiving primary or secondary school instruction in Canada in the language of the minority.



CHAPTER 2

**VISION, LEADERSHIP AND COMMITMENT:
FUNDAMENTALS OF THE FULL
IMPLEMENTATION OF THE ACT**

VISION, LEADERSHIP AND COMMITMENT:

FUNDAMENTALS OF THE FULL IMPLEMENTATION OF THE ACT

1.0

THE SITUATION IS EVOLVING, BUT TOO SLOWLY

The idea that the federal public service should be able to serve Canadians in the official language of their choice and that federal employees should be able to choose to work in English or in French makes perfect sense in 2009. However, this has not always been the case.

It was not until 1966 that the Canadian government adopted the first general policy on bilingualism in the federal public service. In that year, Prime Minister Pearson put forward that within a “reasonable period [...] communications with the public will normally be in either official language having regard to the person being served [...] and [...] a climate will be created in which public servants from both language groups will work together toward common goals, using their own language.”¹

The adoption of the *Official Languages Act* in 1969 allowed federal institutions to make significant progress towards meeting the Canadian public’s linguistic expectations. The unanimous adoption, in 1973, of a resolution in Parliament that explicitly establishes the right of federal employees to work in the language of their choice² contributed to the advancement of French in federal institutions.

However, the advances made in the past 40 years with respect to official languages have often been hard won, namely because they were the result of legal action. In addition, it must be recognized that advancement of linguistic duality in federal institutions has stalled since the 1990s.³

In fact, results of the assessment conducted by the Commissioner in 2008–2009 on the performance of 15 federal institutions with “separate employer”⁴ status too closely resemble the performance found

¹ From the statement of policy regarding bilingualism in the public service, made by Prime Minister Lester B. Pearson on April 6, 1966. See Canada, *Official Report of the Debates of the House of Commons*, Ottawa, Queen’s Printer, vol. IV, 1966, p. 3915.

² The *Parliamentary Resolution on Official Languages in the Public Service* reiterated the principles of the 1969 *Official Languages Act* and confirmed the right of public servants to work in the official language of their choice, while subject to certain conditions.

³ To learn more about the official languages situation in the 1990s, see Office of the Commissioner of Official Languages, *Service to the Public: A Study of Federal Offices Designated to Respond to the Public in both English and French*, Ottawa, 1995. Between 1996 and 2000, other studies were conducted in the provinces and territories to follow up on this initial study. On this subject, see Office of the Commissioner of Official Languages, *Studies*. On-line version (www.officiallanguages.gc.ca/html/etudes_studies_e.php) consulted March 31, 2009.

⁴ “Separate employers” are institutions whose employer is not the Treasury Board Secretariat.

in previous annual reports: while some federal institutions performed well this year and improved in certain areas, many are still slow to adequately fulfill all of their linguistic obligations.⁵

Three crucial elements are necessary to rectify this situation and ensure the full implementation of the Act: vision, leadership and commitment on the part of leaders and elected officials.

2.0

UPDATE ON THE RENEWED APPROACH OF THE COMMISSIONER OF OFFICIAL LANGUAGES

In his first annual report (2006–2007), the Commissioner noted that implementation of the Act had reached a plateau and he foresaw the need to adopt other methods of intervention than those already at his disposal. In his 2007–2008 annual report, he presented the conclusions of an in-depth review on how to use his ombudsman role to accelerate implementation of the Act in the federal government. This year, this approach resulted in the adoption of a more proactive approach drawing on managers' leadership and on their commitment to finding a lasting and more effective means of resolving complaints and preventing the problems that give rise to complaints.

Most notably, the Commissioner launched a campaign in January 2009, entitled *Raising Our Game: Official Languages and the Vancouver 2010 Games*. The purpose of this campaign was to raise awareness, among all federal stakeholders taking part in organizing the XXI Winter Games, of the importance of athletes, journalists and visitors being able to experience the Olympics in French as much as in English. As part of this initiative, representatives from the Office of the Commissioner visited some 20 federal institutions in Vancouver, Toronto, and Ottawa.

Furthermore, the Commissioner is continuing the process initiated in 2007 with the Greater Toronto Airport Authority to better identify its linguistic challenges and to help it carry out activities that better reflect Canada's bilingual nature. It is hoped that these concurrent initiatives will enhance visitors' experience in Canada, as half of those visitors heading to the Vancouver Olympic Games will pass through Toronto's Pearson International Airport.

The Commissioner has also improved investigation mechanisms by adding a facilitated resolution process (see Appendix A). With this method, the Commissioner aims to encourage institutions involved to quickly resolve the issue raised by the complainant, if necessary, without him having to determine whether the complaint is founded or not, while also ensuring that the public interest is respected. In cases where the facilitated resolution process does not produce results, or where the complainant or institution involved in a dispute is not in favour of this approach, the Commissioner conducts a formal investigation.

The Commissioner has also undertaken initiatives with a small number of federal institutions to convince them to work together with his office to pinpoint the recurrent, systemic language problems they face. The purpose of this initiative is to establish a memorandum of understanding through which the signatory institution commits to developing effective means of remedying the shortcomings identified and thus increasing respect for linguistic duality.

In addition, the Commissioner has adapted his audit and follow-up processes, as well as federal institution report cards, to his proactive approach focused on lasting results (see Appendix D). As a last resort, if all other options have been exhausted, he may, with the consent of the complainant, appeal to the Court.

The Commissioner believes that, in years to come, these improved tools and the use of proven methods will help eliminate the obstacles that prevent federal institutions from fully complying with the Act.

⁵ Appendix D presents the results of the report cards as well as the methodology used this year to produce them.

3.0

A DYNAMIC VISION OF LINGUISTIC DUALITY

It is by adopting a dynamic vision of linguistic duality, one based on respect, dialogue, partnership and equity, that the Government of Canada and federal institutions will achieve linguistic equality. This vision should inspire leadership in federal institutions' senior leaders and engage them to work towards achieving the full potential that the Act has to offer.

This vision must include the following elements:

- Members of the public feel comfortable communicating with federal institutions in the official language of their choice and receive services of equal quality in English and in French;
- Federal employees are proud to work in an environment where the use of both official languages is valued and encouraged;
- Official language minority communities and linguistic duality are recognized, supported and celebrated by Canadians.

As the rest of this chapter shows, significant efforts will be needed to turn this vision into a reality.

4.0

COMMUNICATIONS WITH THE PUBLIC AND DELIVERY OF SERVICES OF EQUAL QUALITY

The Commissioner's vision...

Members of the public feel comfortable communicating with federal institutions in the official language of their choice and receive services of equal quality in English and in French.

⁶ *Desrochers v. Canada (Industry)*, 2009 SCC 8.

⁷ *Ibid.*, par. 51.

⁸ *Ibid.*, par. 54.

With respect to communications with the public and delivery of services by the federal government, the Supreme Court of Canada rendered a very important decision on February 5, 2009, that clarifies the obligations of federal institutions, and thus indicated the path that the government must follow.

In *Desrochers v. Canada (Industry)*,⁶ the case involving the Centre d'avancement de leadership et de développement économique communautaire de la Huronie (CALDECH) in which the Commissioner acted as co-appellant, the Supreme Court established that substantive equality with respect to delivery of services may require distinct content if this is necessary for meeting the needs of both official language communities. As stated by Justice Charron, "[i]t is possible that substantive equality will not result from the development and implementation of identical services for each language community. The content of the principle of linguistic equality in government services is not necessarily uniform. It must be defined in light of the nature and purpose of the service in question."⁷ What ultimately matters, according to the Supreme Court, "is that the services provided be of equal quality in both languages."⁸ This statement marked a step forward in the interpretation and application of the principle of substantive equality in service delivery. This constitutes a victory for official language communities.

However, it must be acknowledged that federal institutions have generally not yet fulfilled the vision of linguistic duality for communications and service delivery. For the 15 separate employers that received a report card this year, problems can still be seen in terms of active offer of services in both official languages and the availability of service in English and French.

In 2008–2009, 382 admissible complaints submitted to the Commissioner concerned language of service (Part IV of the Act). (See Appendix B for a further breakdown of complaints.) Analysis of these complaints shows that the main problems dealt with in-person communications, written communications and ground services to the travelling public.

4.1

ACTIVE OFFER OF SERVICE

In order to respect the rights of Canadians to receive service in the official language of their choice, offices with obligations in terms of bilingual service delivery and communications must make an active offer of their services in English and in French at all times. In other words, their staff must spontaneously and clearly indicate to the public that they can obtain the desired service in the official language of their choice, in writing (with a pictogram, for instance) or verbally (as with a bilingual greeting).

However, federal services are not, to say the least, always actively offered to Canadians in both official languages, despite the requirement to do so at section 28 of the Act.⁹

The results of the Commissioner's observations in 2008–2009 show that active offer is a well-established practice for telephone services provided by “separate employer” institutions. In fact, 14 of the 15 institutions surveyed this year received a perfect score in that respect. (See Table 4 of Appendix D for full observation results.)

However, in-person active offer continues to be neglected. On the one hand, for some institutions, such as the Royal Canadian Mounted Police, the CBC/Radio-Canada and VIA Rail, the use of signage and other visual tools to inform citizens that they can ask to be served in English or in French was less exemplary than it was last year.

On the other hand, despite the fact that the Canada Mortgage and Housing Corporation, the Canadian Food Inspection Agency, the National Arts Centre, VIA Rail and the National Film Board had improved their performance in terms of in-person active offer since 2007–2008, the overall results obtained on this

CONGRATULATIONS...

... to the Canadian Museum of Civilization Corporation, the Canadian Tourism Commission, the National Arts Centre and the National Film Board, which all received perfect ratings in the category of visual active offer.

matter this year are disappointing. In fact, the performance of customer service agents at 9 of the 15 federal institutions examined has deteriorated. These nine institutions will have to take serious steps to correct this situation, following the example of other federal institutions that corrected their shortcomings in terms of active offer.

HEALTH CANADA TAKES ACTION ON ACTIVE OFFER

A review of the situation enabled Health Canada officials to understand that the few recorded improvements in this department with respect to active offer—especially during in-person contact—was less attributable to the staff's weak language skills than to their poor understanding of the issues. This finding led Health Canada to adopt a policy on service to the public, to create a list of greetings and to publish a document describing the services to offer in both official languages. Health Canada also conducted an awareness campaign to ensure that its employees understand the importance of active offer. Health Canada intends to conduct a follow-up to determine the effectiveness of these corrective measures.

⁹ Section 28 reads as follows: “Every federal institution that is required under this Part to ensure that any member of the public can communicate with and obtain available services from an office or facility of that institution, or of another person or organization on behalf of that institution, in either official language shall ensure that appropriate measures are taken, including the provision of signs, notices and other information on services and the initiation of communication with the public, to make it known to members of the public that those services are available in either official language at the choice of any member of the public.”

SERVICE CANADA MONITORS PROGRESS AT ITS NEW BRUNSWICK CENTRES

In 2008, representatives from Service Canada's regional office in New Brunswick visited Service Canada Centres to identify shortcomings in active offer and to take the necessary corrective measures. Targeted were those designated bilingual offices that did not actively offer bilingual services in 2007–2008, according to the report card produced by the Office of the Commissioner of Official Languages.

These visits were used to check whether front-line employees and officers were actively offering services in both official languages at first contact. Observations were also made to determine whether services in each official language were of equal quality and whether the timeframes, waiting periods and level of service were comparable.

The results of this exercise were shared, verbally and in writing, with the appropriate managers. The region has made active offer a priority and intends to put it into practice 100% of the time through constant monitoring.

In his 2006–2007 annual report, the Commissioner recommended that “deputy heads in federal institutions ensure that front-line employees and all agents who respond to client enquiries actively offer services in both official languages at first contact in order to enhance the use of the public’s official language of choice.”¹⁰ It is worth acknowledging that, except in the case of active offer by telephone, this recommendation did not have the expected impact on the majority of the 15 separate employers evaluated this year. However, the importance of all federal institutions implementing active offer in all their communications with the public cannot be overemphasized. Citizens should not have to wonder whether they are welcome to use English or French when dealing with these institutions. By developing the active offer reflex, federal institutions create an environment where members of the public feel completely comfortable using the official language of their choice.

4.2

AVAILABILITY OF SERVICES

As the Commissioner pointed out during Justice Canada’s 2008 Managers’ Forum, “every time a [Francophone] citizen has trouble getting service in

the official language of his or her choice, or [...] deals with a public servant who is obviously uncomfortable in his or her second language, the perception grows that French is an afterthought at the senior levels in Ottawa.”¹¹ English-speaking Quebecers also face this kind of situation, but to a lesser degree.

Unfortunately, a large number of Francophones are still confronted with the unacceptable fact that the expected service is not always accessible in their language. In fact, according to the Commissioner’s observations, 2 of the 15 separate employers examined this year clearly had more difficulty than in 2007–2008 in providing Canadians with telephone service in the language of their choice. These employers were the Royal Canadian Mounted Police and the National Film Board (which, as shown earlier, nonetheless stands out with respect to active offer in person).

Furthermore, according to the Commissioner’s observations this year, Francophones were unable to obtain service in person in their language one out of five times. Although five federal institutions received perfect ratings in this regard (see the “Congratulations...” textbox), others,

¹⁰ Office of the Commissioner of Official Languages, *Annual Report 2006–2007*, Ottawa, 2007, p. 49.

¹¹ Commissioner of Official Languages, *Thoughts on Leadership*, notes for an address given at Justice Canada’s 2008 Managers’ Forum, Ottawa, 2008. On-line version (www.officiallanguages.gc.ca/html/speech_discours_17012008_e.php) consulted March 31, 2009.

such as the Business Development Bank of Canada, the Canada Revenue Agency, the Canadian Food Inspection Agency and, once again, the Royal Canadian Mounted Police and the National Film Board, need to increase their efforts to ensure service of equal quality in English and French.

Separate employers should also improve their performance in a new sector evaluated in federal institution report cards: e-mail services. Data collected in 2008–2009 shows that Anglophones and Francophones alike are able to receive services from federal institutions by e-mail in their language. However, since Francophones generally receive slower service than Anglophones through this medium, there is still work to be done in order to provide service of equal quality.

EFFECTIVE CONTROL MECHANISMS FOR SERVICE TO THE PUBLIC

The Canada Mortgage and Housing Corporation hired a private firm to assess its services in both official languages. The exercise took into account both active offer and service delivery over the telephone and in person. This enabled the organization to exercise tighter control over its performance and helped it to identify and correct shortcomings, as well as to raise awareness among its staff of the importance of always offering and providing service of equal quality in English and in French.

This good practice certainly contributed to the excellent results the institution obtained this year in its report card with respect to service to the public. Other institutions would do well to follow suit.

CONGRATULATIONS...

... to the Canadian Museum of Civilization Corporation, the National Capital Commission, the Canadian Tourism Commission, the National Arts Centre and the Canada Mortgage and Housing Corporation, which all received perfect ratings for their ability to provide services in person that are of equal quality in English and in French.

4.3

INSTITUTIONAL TRANSFORMATION: WILL THE PAST PREDICT THE FUTURE?

In 1998, Commissioner Goldbloom concluded, in a report entitled *Government Transformations: The Impact on Canada's Official Languages Program*, that “[d]evolution, partnering, commercialization and restructuring of federal services and programs, in addition to changes in the relationship between central agencies and departments, have resulted in a cumulative weakening of language rights and of the federal government’s effectiveness with respect to official languages.”¹² As reported by Commissioner Adam in 2001, these transformations led in particular to a 25% decline in the number of offices and points of service designated bilingual, a drop which has adversely affected the linguistic quality of services offered to official language communities.¹³

In 2008–2009, the Commissioner is still concerned about the repercussions of government transformations on the recognition of Canadians’ right and desire to be informed and served in the language of their choice by federal institutions. The Commissioner is particularly concerned about federal institutions’ tendency to use third parties to fulfill their main responsibilities.

¹² Office of the Commissioner of Official Languages, “Conclusion,” *Government Transformations: The Impact on Canada's Official Languages Program*, Ottawa, March 1998. On-line version (www.officiallanguages.gc.ca/html/stu_etu_031998_e.php) consulted March 31, 2009.

¹³ Office of the Commissioner of Official Languages, *National Report on Service to the Public in English and French: Time for a Change in Culture*, Ottawa, April 2001. On-line version (www.officiallanguages.gc.ca/html/stu_etu_service_042001_e.php) consulted March 31, 2009.

SECTION 25 OF THE *OFFICIAL LANGUAGES ACT*

Section 25 of the Act¹⁴ provides that third parties acting on behalf of a federal institution must comply with Part IV of the Act. This provision rarely creates major problems when federal institutions use third parties for specific projects of limited scope. However, problems complying with the Act often arise when institutions use third parties to fulfill, on their behalf, the main responsibilities deriving from their mandate.

In *Desrochers v. Canada (Industry)*, the Federal Court of Appeal clarified situations where a third party acts on behalf of a federal institution within the meaning of section 25: “[T]he issue is whether, given the facts and circumstances of the case, the third party is providing the services of a federal institution or a federal government program with the accreditation, agreement, confirmation, consent, acceptance or approval of the institution or the government. In the affirmative, it must be held that this third party is acting on behalf of a federal institution within the meaning of section 25 of the [Act]. And the third party is required to provide these services in both official languages if [...] the federal institution or federal government were themselves subject to this obligation.”¹⁵

In the current economic context, federal institutions will be increasingly tempted to use strategies that might reduce operating costs or simplify human resources management. However, the Commissioner believes that this approach involves risks where

linguistic matters are concerned. Institutions that use third parties (such as Canada Post, Air Canada and the Canadian Air Transport Security Authority) are losing control over their service delivery mechanisms. It is often challenging for third parties

UNAVOIDABLE LINGUISTIC OBLIGATIONS

In *Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v. Canada*,¹⁶ the Supreme Court of Canada clarified the linguistic obligations of the Royal Canadian Mounted Police (RCMP) when they act as provincial police on behalf of the Government of New Brunswick.

The Court clarified that the RCMP is required to comply with the linguistic obligations that the *Canadian Charter of Rights and Freedoms* imposes on the Government of New Brunswick. The Court specified that the RCMP retains its status as a federal institution in all provinces where it provides provincial police services, and therefore must also comply with the *Official Languages Act* at all times.

This decision is important, as it confirms that a government cannot, by way of an agreement, dispose of its linguistic obligations under the Charter. This principle also applies to federal institutions with linguistic obligations under section 20 of the Charter and Part IV of the Act.

¹⁴ Section 25 reads as follows: “Every federal institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in Canada or elsewhere can communicate with and obtain those services from that person or organization in either official language in any case where those services, if provided by the institution, would be required under this Part to be provided in either official language.”

¹⁵ *Desrochers v. Canada (Industry)* 2006, [2007] 3 F.C. 3, (C.A.) at para. 51, aff’d 2009 SCC 8 (decision confirmed by the Supreme Court of Canada).

¹⁶ *Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v. Canada*, [2008], 292 D.L.R. (4th) (S.C.C.)

to recruit bilingual staff. Finally, it is difficult for federal institutions to verify the language proficiency levels of these employees.

Federal institutions must bear in mind that they cannot abandon their constitutional and legislative obligations to deliver bilingual services to the public. The Supreme Court of Canada recently reiterated this crucial principle in *Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v. Canada*.¹⁷

4.4

AIR CANADA'S TRANSFORMATIONS AND THE EROSION OF ITS EMPLOYEES' AND CUSTOMERS' RIGHTS

In 1988, the federal government privatized Air Canada, a Crown corporation created with public funds. Canada's national carrier has since undergone restructuring a number of times, and this has led to the erosion of the language rights of the travelling public.

Following privatization, Air Canada created a network of regional carriers to provide the various routes for which it was responsible. In 2000, to resolve a disagreement on how the Act applied to its regional carriers, Parliament intervened by modifying the act governing Air Canada.

In 2003, gripped with financial difficulties, Air Canada underwent restructuring again, and then set up new legal entities (Jazz, Ground Handling Services, Technical Services and Cargo) intended to replace its former subsidiaries and divisions.

Since that time, the government has publicly committed to upholding the language rights of the travelling public and of Air Canada employees. To this end, since 2005, three bills have been tabled in Parliament, but all of them died on the order paper.

IT IS NEVER TOO LATE TO DO THE RIGHT THING, BUT TIME IS RUNNING OUT...

The report cards of the major Canadian international airports (see Table 2 in Appendix C) clearly show that, unless drastic changes are made, Vancouver's International Airport will be unable to properly welcome, in both official languages of Canada—and of the International Olympic Committee—the thousands of Canadian and foreign visitors and athletes who will be attending the 2010 Winter Olympic Games in less than a year from now.

The same holds true for Toronto's Pearson International Airport, through which half of the visitors and athletes will travel on their way to Vancouver.

To prevent such an outcome, all institutions involved, including the Vancouver Airport Authority, the Greater Toronto Airport Authority, Air Canada and the Canadian Air Transport Security Authority, must roll up their sleeves and work together, along with the Canada Border Services Agency, to showcase Canada's linguistic duality to the world.

Air Canada subsequently was obliged to close its points of service in a number of cities, such as Moncton, Fredericton, St. John's and Québec City. A large number of Air Canada employees now work for one of these legal entities and have consequently lost their right to work in the official language of their choice.

Air Canada's organizational structure continues to evolve without clarifying, in Air Canada's governing statute, the linguistic obligations of the entities resulting from its restructuring. It is high time for the government to correct this unfortunate situation,

¹⁷ *Ibid.*

THE COMMISSIONER'S INTEREST IN THE AIRPORTS CONTINUES

In addition to studying the compliance of airports through report cards, the Commissioner conducted, in 2008, an audit of the overall management of the official languages program at Halifax's Robert L. Stanfield International Airport. The main objective of the audit was to examine whether the Airport Authority effectively carries out its obligations, particularly in terms of communications with and service to the travelling public.

The Commissioner submitted his preliminary report to the Halifax International Airport Authority. In light of this audit's results and the Commissioner's observations while reviewing five major Canadian international airports, the Authority recognizes that there is work to be done to achieve the desired results. Airport Authority representatives will develop an action plan to implement the Commissioner's recommendations. The Commissioner will comment on this plan and attach it to his final report, which will be published in 2009.

especially since Air Canada's logo still features the maple leaf, a true symbol of the Canadian identity, which includes linguistic duality. Parliament should intervene once again to fill the legal void that remains with respect to the linguistic obligations of Air Canada's various entities.

4.5

THE SITUATION IN MAJOR AIRPORTS

The Commissioner studied five major international airports for the first time this year: Montréal–Pierre Elliott Trudeau International Airport, Ottawa Macdonald-Cartier International Airport, Halifax Robert L. Stanfield International Airport, Toronto Pearson International Airport and Vancouver International Airport. Within these airports can be found three institutions that are not part of the

public service but that must nevertheless comply with linguistic obligations. Air Canada and the Canadian Air Transport Security Authority remain subject to the Act in its entirety, while the administration of each airport is subject to all parts of the Act except for Part VII.

The Commissioner's observations reveal that travellers all too often have trouble being served in the official language of their choice.

In fact, Appendix C shows that, of the five airports targeted in this exercise, only Montréal's received high ratings. The other four airports had much less glowing results, except where visual active offer is concerned.

The Commissioner hopes that this initial assessment will lead management of the institutions that are subject to the Act within the same airport to join forces in tackling the shared challenges they face with respect to official languages. The Commissioner also hopes that, across the country, managers of the same institution will readily share their solutions so that, regardless of location, travellers will have a pleasant travel experience as far as language is concerned.

5.0

TOWARDS A WORKPLACE THAT RESPECTS BOTH OFFICIAL LANGUAGES

The Commissioner's vision...

Federal employees are proud to work in an environment where the use of both official languages is valued and encouraged.

A vast majority of federal institutions have yet to create a workplace where their employees feel comfortable using either official language and are encouraged to do so. Although federal institutions employ a growing number of bilingual

THE LANGUAGE OF INTERACTIVE TOOLS

A wiki, a Web-based application where anyone can easily create or modify pages, is especially useful for collectively writing a document, managing a project or leading discussions among communities of practice. The number of wikis within the federal public service has markedly increased and will continue to do so, especially since young federal employees are used to working with each other on-line and wish to keep doing so.

However, one fact to be taken into account is that there can be strong pressure to use a single language in knowledge management tools such as wikis. For instance, wiki participants may find it advantageous to use English, so that the information is understood by the highest number of people.

The Commissioner therefore believes that the government must study the linguistic ins and outs of the use of wikis and all other collaboration and networking tools. To this end, an official languages working group, led by the Treasury Board Secretariat, was created in the fall of 2008 and has been meeting regularly since January 2009 to discuss these issues. The working group includes representatives from the Treasury Board Secretariat, the Office of the Chief Human Resources Officer and the Office of the Commissioner of Official Languages.

The Commissioner also believes that the government must ensure that the establishment and content of these forums respect linguistic duality.¹⁸

senior managers and the level of bilingualism for incumbents of bilingual positions has increased, the evidence shows that:¹⁹

- French is not used as much as it should be as a language of work in federal offices located in the National Capital Region and outside Quebec;
- French does not have its rightful place in communications between the federal government's head offices and its regional offices in Quebec;
- English remains underused as a language of work in the Quebec offices of federal institutions.

In 2008–2009, the Commissioner examined 107 admissible complaints related to language of work (Part V of the Act), which is approximately the same number as last year. An analysis of these complaints shows that the main problems involve internal communications, training as well as central and personal services provided to federal employees.

¹⁸ The authors noted, in a recent article describing Natural Resources Canada's experience in launching a wiki, that official languages was one of the seven barriers to the success of this type of project. See Marj Akerley, Anna Belanger and Peter Cowan, "Collaborative Revolution," *NetworkedGovernment.ca*, October 2008. On-line version (www.netgov.ca/cp.asp?pid=758) consulted March 31, 2009.

¹⁹ Since 2001, the Commissioner of Official Languages has conducted a number of studies to identify the root of these shortcomings: *Walking the Talk: Language of Work in the Federal Public Service* (March 2004); *Making It Real: Promoting Respectful Co-existence of the Two Official Languages at Work* (April 2005); *Towards Real Equality of Official Languages: Language of Work Within Federal Institutions of New Brunswick* (June 2006). See Office of the Commissioner of Official Languages, *Studies*. On-line version (www.officiallanguages.gc.ca/html/etudes_studies_e.php) consulted March 31, 2009.

5.1

PROGRESS THAT IS A LONG TIME COMING

According to a survey of separate employers' staff (see Appendix E), which involved the participation of Francophone employees in designated bilingual regions of Ontario,²⁰ the National Capital Region and New Brunswick, as well as Anglophone employees in the designated bilingual regions of Quebec,²¹ only 69% of Francophones and 75% of Anglophones are generally satisfied with the language regime in their workplace. These results are more or less the same as last year's.

As shown in Table 6 in Appendix E, Francophone employees primarily identify shortcomings relating to the use of French as a language of meetings, written material and training. In fact, only 62% to 69% of Francophones say that they are satisfied with the use of French in these three areas.

The situation is similar for Anglophones working in Quebec: they identify shortcomings related to the place of English as a language of training and meetings. Only 64% of Anglophone employees are satisfied with the training currently available in their language and only 72% feel that English is sufficiently used in the meetings they attend. It is worth noting that 66% of Francophones and 80% of Anglophones surveyed said they were currently satisfied with the use of their language in communications with supervisors.

In 2008–2009, some federal institutions have been taking positive steps to create a workplace where both official languages are on equal footing. To this end, in 2008, the Canada Mortgage and Housing Corporation developed and implemented a major awareness campaign entitled “Two Languages Under the Same Roof.” Publicly supported by the President of the Corporation, this campaign focused on encouraging active offer as well as maintaining and improving the language skills of staff.

²⁰ The bilingual region of Eastern Ontario and the bilingual region of Northern Ontario.

²¹ The bilingual region of Montréal as well as the bilingual regions of parts of the Eastern Township and parts of the Gaspé Peninsula.

²² Level “C” (advanced) in written comprehension, level “B” (intermediate) in written expression and level “C” (advanced) in oral interaction.

A CLEAR MESSAGE FROM THE CHIEF OF THE DEFENCE STAFF

On January 5, 2009, as part of succession planning, Chief of the Defence Staff General Walter Natynczyk sent a letter to all general and flag officers in the Canadian Forces (i.e. General, Lieutenant-General, Major General and Brigadier General in the Army and Air Force, and Admiral, Vice-Admiral, Rear-Admiral and Commodore in the Navy). This letter stipulated that proficiency in English or French as a second language would henceforth be considered a key leadership skill that would be taken into account for promotions to higher ranks. More specifically, he reminded general officers that they should not expect to be promoted if they are unable to reach the CBC²² level in their second language by the date specified in National Defence's Official Languages Program.

For its part, the Canada Border Services Agency (CBSA) office in the Atlantic region has undertaken a number of innovative projects supporting official languages and Francophone community development. For example, the CBSA has developed a strategy for improving its capacity to recruit bilingual employees, namely by promoting itself to the clients of Francophone school and community centres in south-western New Brunswick. The CBSA is also seeking to establish ties with Francophone organizations in the Halifax area, to give its non-Francophone employees an opportunity to work there for a given period and to increase their proficiency in French.

FEDERAL PUBLIC SERVICE RENEWAL IN QUEBEC

Thanks to public service renewal, the current climate in federal institutions seems especially conducive to major linguistic transformations. In particular, the time seems right for federal institutions with offices in Quebec to significantly increase the number of Anglophone employees.

5.2

LINGUISTIC DUALITY: A QUESTION OF LEADERSHIP

The Office of the Commissioner's studies on language of work²³ showed that federal institutions that have succeeded in establishing an organizational culture conducive to the use of both official languages are those where management, especially senior management, sets an example and shows leadership in terms of linguistic duality.

To be a good leader, as the Commissioner previously stated before the Standing Senate Committee on Official Languages in June 2008, "it is necessary to be able to inform, evaluate, explain, give advice and inspire in both English and French."²⁴

All federal leaders should send the message loud and clear, in both words and actions, that English and French both have a place as languages of work in federal institutions and that bilingualism is an essential skill for any leader.

However, there are still too many shortcomings in this area. Some managers hinder the use of the minority language, either because they are not proficient enough in the language or because they hesitate to use it. Similarly, Francophones fearing that their professional contribution will not be fully recognized tend to work in English when their superiors do not use French daily and do not stress the importance of using it.

Public service renewal is a wonderful opportunity to correct these types of shortcomings and transform government culture. This would ensure that linguistic duality is perceived as an essential component of good government service, as a driving force of

productivity and efficiency at work, and as a necessary tool for understanding Canada and Canadians, rather than as a burden.

Unfortunately, the Government of Canada has yet to fully seize this opportunity.

The Advisory Committee on the Public Service, appointed by the Prime Minister, has stressed the importance of staffing the public service with leaders who are able to adhere to certain important values and to fully integrate these values into their management policies and practices. However, all evidence suggests that the federal government has failed to adequately emphasize the fact that linguistic duality is one of the essential values that every leader should take into account.

Furthermore, while 12,000 to 15,000 people enter the public service each year, it is disappointing to see that the *2008–2009 Public Service Renewal Action Plan*²⁵ does not mention that the language issue should be taken into consideration at the human resources planning stage, nor does it deal with the importance of official languages in leadership development. This having been said, how can official languages be seriously addressed when the government's definition of the word "leader" does not even seem to consider the importance of bilingualism in federal institutions?

However, considering the "linguistic duality" dimension at the planning stage of public service workforce renewal would allow the government to benefit from a portion of the significant investments it makes each year to increase bilingualism among young Canadians. In fact, few other measures would have a faster and more cost-effective impact on the language skills of tomorrow's public service.

²³ Since 2001, the Commissioner of Official Languages has conducted a number of studies on language of work: *Walking the Talk: Language of Work in the Federal Public Service* (March 2004); *Making It Real: Promoting Respectful Co-existence of the Two Official Languages at Work* (April 2005); *Towards Real Equality of Official Languages: Language of Work Within Federal Institutions of New Brunswick* (June 2006). See Office of the Commissioner of Official Languages, *Studies*. On-line version (www.officiallanguages.gc.ca/html/etudes_studies_e.php) consulted March 31, 2009.

²⁴ Commissioner of Official Languages, *Notes for an Appearance before the Senate Standing Committee on Official Languages*, speech delivered June 9, 2008. On-line version (www.officiallanguages.gc.ca/html/speech_discours_02032009_e.php) consulted March 31, 2009.

²⁵ Treasury Board Secretariat, *2008–2009 Public Service Renewal Action Plan*, Ottawa, 2008. On-line version (www.tbs-sct.gc.ca/dev/apla-eng.asp) consulted March 31, 2009.

THE COMMISSIONER LAUNCHES A STUDY ON LEADERSHIP IN A BILINGUAL PUBLIC SERVICE

In 2009, the Commissioner will conduct a study in which he will examine the behaviours that managers in the federal public service should adopt, and he will describe the practices these managers should implement in order to fulfill their leadership role and promote linguistic duality in the workplace.

Despite missed opportunities, it is encouraging to see that, in the fall of 2008, the Clerk of the Privy Council mandated Monique Collette, President of the Atlantic Canada Opportunities Agency, “to develop new and pragmatic approaches to improve diversity, and to foster full recognition and usage of Canada’s two official languages in the workplace.”²⁶ One of these areas was support for a bilingual public service across Canada. Although the Clerk’s decision is a first step towards fully recognizing linguistic duality as an essential component of the public service, the Commissioner would have liked to see this initiative receive more visibility and resources. He hopes that the Clerk’s prioritization of support for a bilingual public service will nonetheless translate into tangible measures and appropriate resources.

It is important to remember that linguistic duality has been one of Canada’s values for the past 40 years and that proficiency in both official languages is a condition for success in the federal administration, seeing as its employees are required to deal with clients and staff in the official language of their choice. It is therefore crucial that, from the time they enter the workforce, the new generation of federal employees are strongly encouraged to adopt this value and to promote it on a day-to-day basis. Within the federal government, good leaders must be bilingual in order to effectively communicate with its two language groups.

LANGUAGE OF TRAINING IN THE CANADIAN FORCES

The availability of training in both official languages is a systemic problem in the Canadian Forces. This problem can have negative consequences on employment and advancement opportunities for military staff and on respect for their right to work in the official language of their choice. This issue, which has been a concern for all the commissioners, has resurfaced in recent years.

Therefore, in 2008, the Commissioner conducted an audit whose primary objective was to determine the extent to which the Canadian Forces’ current training and education system complies with the Act’s language of work requirements.

This large-scale project would not have been possible without the excellent cooperation of Canadian Forces representatives. From the outset, the officer responsible for official languages at National Defence and the Canadian Forces offered his team’s assistance in choosing the 40 military schools, bases and units to visit and in facilitating the consultation of approximately 500 military members who participated in interviews or surveys. Furthermore, a letter from the Chief of the Defence Staff explaining the added value of the audit and the importance of cooperating was distributed to all targeted units. This project will allow the Commissioner to make recommendations that will help the Canadian Forces adopt an action plan to improve the situation, while also respecting the operational requirements of the Canadian Forces. Publication of this audit report is scheduled for 2009.

²⁶ Kevin G. Lynch, Clerk of the Privy Council and Secretary to the Cabinet, *Sixteenth Annual Report to the Prime Minister on the Public Service of Canada*, for the year ending March 31, 2009, p. 7.

In his 2007–2008 annual report, the Commissioner recommended “that the deputy heads of all federal institutions take concrete steps, by December 31, 2008, to create a work environment that is more conducive to the use of both English and French by employees in designated regions.”²⁷ In early 2009, the Commissioner asked the institutions to report on their progress; the results of this follow-up will be made public over the course of the next year.

5.3

LANGUAGE TRAINING: A KEY TO SUCCESS

On April 1, 2007, the responsibility of providing public service employees with statutory language training, which some employees need in order to meet the language requirements of their position, was transferred from the Canada School of Public Service to the departments. To find service providers, the departments launch calls for tenders. As mentioned in the Commissioner’s 2007–2008 annual report, this new training model poses some problems in terms of the actual quality of training provided by certain external suppliers, especially when the focus is on finding the lowest price. Moreover, as the departments have not received additional financial resources for their new responsibilities, their employees’ language training needs may not be adequately fulfilled.

The Commissioner is also concerned that managers are losing sight of the fact that language training must be incorporated into their employees’ learning and development plans from the beginning of their careers. In fact, the government and senior management of federal institutions have a responsibility to send the message that federal employees must be able to take advantage of all available opportunities to learn English or French as a second language.

The government and senior managers must also ensure that federal employees outside the National Capital Region have access to the language training they need. Additional resources should be set aside for improving the language skills of employees in federal institutions’ regional offices, which is an important but neglected issue.

The Parks Canada Agency has created the *Parks Canada Official Languages Training and Retention Guide* to answer employees’ frequently asked questions on official languages. This guide answers questions such as: “You have just accepted to work in a bilingual position... what’s next?”, “How do I choose the right language-training program?”, “What training options and resources are available for second language training?” and “Who pays for language training?” In addition, the Guide provides advice for employees who would like to practise their second language and retain their skills. It also includes information on official language minority community organizations.

In this regard, the Commissioner notes that federal institutions should take advantage of the flexibility of the Canada School of Public Service’s on-line self-learning tools.²⁸ Still, no matter how well they are designed, these tools are not a solution for all the language-training needs of public service employees.

Moreover, the Public Service Commission of Canada has begun to design and administer new tests to assess the second-language skills of federal public service applicants and employees. These tests are better adapted to the context of federal employees’ official languages use. However, the Commissioner

²⁷ Office of the Commissioner of Official Languages, *Annual Report 2007–2008*, Ottawa, 2008, p. 135.

²⁸ In 2008, the School of Public Service won a silver medal for “creating innovative learning solutions for maintaining language skills” at the GTEC (Government Technology Exhibition and Conference) Distinction 2008 Awards Program and Gala.

insists that a test is only a snapshot of a situation at a given point in time. The government must continue its efforts to ensure long-term retention of language skills.

The Commissioner is pleased that the Commission has succeeded in considerably reducing wait times for language skill assessments. In the spring of 2007, it took 21 weeks to determine whether a person met the language requirements of a position at the time of his or her appointment, but a year later, the waiting period has been reduced to two weeks.²⁹

However, for this trend to continue, the government will have to ensure that the Commission has the necessary resources in the coming years to accommodate the increase in language assessment requests. The number of requests will inevitably multiply due to public service renewal, especially when imperative staffing is applied.³⁰

6.0

PROMOTION OF ENGLISH AND FRENCH AND DEVELOPMENT OF OFFICIAL LANGUAGE COMMUNITIES

The Commissioner's vision...

Official language minority communities and linguistic duality are recognized, supported and celebrated by Canadians.

In 2008–2009, the Office of the Commissioner received 29 complaints related to Part VII of the Act, as compared with 31 in the previous year. Nearly half of these complaints dealt with the development of official language communities; the others were related to the promotion of linguistic duality.

6.1

INCREASE PROMOTION OF ENGLISH AND FRENCH AND SUPPORT THE DEVELOPMENT OF OFFICIAL LANGUAGE COMMUNITIES

As it specifies that every federal institution has the legal duty to ensure that positive measures are taken to enhance the vitality of the Anglophone and Francophone minority communities in Canada, the amendment of Part VII of the Act enacted on November 25, 2005 addresses the official language communities' growing desire to reach their full potential rather than to simply exist.

Unfortunately, while the Commissioner has set out principles to guide federal institutions in the implementation of Part VII, and while Canadian Heritage has defined the process for implementing the government's commitments in its *Guide for Federal Institutions*, Part VII has not yet produced the results that the communities expected.

There are a variety of reasons for this. For one, federal institutions do not always quite know how to implement positive measures as outlined in the Act. Second, federal institutions need to consider more closely the specific needs of official language communities while planning their activities.

Implementation of Part VII is still progressing too slowly. In the coming years, only implementation that complies with the letter and spirit of Part VII will enable official language communities to develop further, increase their capacity for self-reliance and make the most of the various resources available for them to reach their full potential in all spheres of activity.

All institutions have obligations under Part VII. First, they must consider the extent to which their programs and interventions contribute to the development of the communities. Second, they

²⁹ Paul Gaboury, "Délais plus courts, malgré la hausse," *Le Droit*, December 9, 2008, p. 15.

³⁰ Imperative staffing means that only candidates who meet all the language requirements of a bilingual position at the time of the selection process can be considered for appointment.

must invest in Canada-wide promotion for linguistic duality. Without this twofold commitment by federal institutions, Part VII of the Act will remain little more than an empty gesture.

Alongside the measures taken by the institutions, Canadian Heritage must work more closely with other departments to help them effectively apply Part VII. Canadian Heritage must also increase its monitoring of measures adopted in the federal administration to implement Part VII of the Act.

In this regard, it is important to note that, in the past year, Canadian Heritage has launched a number of initiatives to strengthen its interdepartmental coordination role for Part VII, and thus have a structuring effect on the federal administration and its decision-making processes. For example, Canadian Heritage currently offers training sessions to analysts from the Privy Council Office and the Treasury Board Secretariat so that they are aware of the importance of Part VII and of how to take it into consideration when reviewing submissions and memoranda to Cabinet prepared by the departments and agencies.

Furthermore, Canadian Heritage is currently finalizing a work tool on Part VII to help departments preparing memoranda to Cabinet properly analyze the potential impact of their program and policy proposals on official language communities and linguistic duality.

Last year, the Commissioner's annual report highlighted the importance for Canadian Heritage to strengthen its interdepartmental coordination role in the regions, so as to support federal offices across the country. In his 2007–2008 annual report, the Commissioner observed that coordination of the implementation of Part VII was suffering outside the National Capital Region and that leadership in the regions was not as clear as one might have hoped. The Commissioner therefore asked Canadian Heritage to fully embrace its role as national coordinator for Part VII.

There are already interdepartmental networks of Part VII coordinators in nearly all regions of the country, and Canadian Heritage's role is to support them. However, to date, this work has not always

EVALUATING PROGRAMS' IMPACT ON OFFICIAL LANGUAGE COMMUNITIES: AN ESSENTIAL PART OF GOVERNMENTAL EXPENDITURE REVIEWS

Following the 2006 governmental expenditure review, the Commissioner recommended, in his 2007–2008 annual report, that the Secretary of the Treasury Board take the necessary steps “to ensure expenditure and similar reviews within the federal government are designed and conducted in full compliance with the commitments, duties and roles prescribed in Part VII of the *Official Languages Act*.”³¹

In February 2009, as part of the follow-up to this recommendation, the Commissioner was informed that measures had been taken to ensure that the expenditure review process takes into account the impact of budget decisions on official language communities.

In referring to the strategic reviews designed to assess whether programs are achieving their intended results, are effectively managed and are aligned with the priorities of Canadians, the government pointed out that departments have been instructed to discuss the impact of their activities on official language communities and to define strategies to mitigate this impact when necessary. The Commissioner is pleased to see that this approach has been adopted, and he reiterates the importance to consult communities in order to fully measure the impact of these budget decisions on their development. He will examine the adopted measures more closely in the coming months.

³¹ Office of the Commissioner of Official Languages, *Annual Report 2007–2008*, Ottawa, 2008, p. iv.

been considered a priority and departmental resources to support these networks have been very limited in the regions.

This year, Canadian Heritage met with its regional senior managers to raise their awareness of the importance of prioritizing Part VII, of making clear commitments in their regional business plans and of more actively supporting federal institutions in their region. The first positive sign: the hiring at Canadian Heritage's Prairie and Northern office of an analyst whose sole role will be interdepartmental coordination. The Commissioner encourages Canadian Heritage to pursue such initiatives and to increase its support in all regions of the country.

Finally, the Commissioner welcomed Canadian Heritage's decision to undertake an extensive study on Part VII over the next year. The aim of this project is to prepare a report on the status of the implementation of Part VII by federal institutions and to identify best practices and limitations to Part VII's implementation; to assess the state of Part VII's implementation in federal institutions; and to recommend to federal institutions optimal mechanisms for official languages frameworks, support and accountability.

In his 2006–2007 annual report, the Commissioner discussed the mechanisms created by Canadian Heritage to ensure that federal institutions are accountable for their implementation of Part VII. The Commissioner recommended “that the Minister for Official Languages ensure Canadian Heritage review its accountability mechanisms for the implementation of sections 41 and 42 of the Act in order to place more emphasis on results.”³²

The Commissioner is impatiently awaiting the results of the study conducted by Canadian Heritage. He hopes that this study will give the government avenues for ensuring that all federal institutions concerned can be made fully accountable for the

measures they have taken in supporting the development of official language communities, and for the effectiveness of these measures.

6.2

REPORT CARD RESULTS

This year, the Commissioner evaluated 15 federal institutions (see Appendix D) for compliance with Part VII of the Act. To do this, he examined the following: the institution's action plan for Part VII; the permanent mechanisms that were implemented to take into account the impact of its decisions and programs on Part VII; the efforts made to consult with official language communities; and measures taken by the institution.³³

The results of this year's report cards are similar to last year's, and are generally good. The institutions have continued their efforts. They have even made progress in terms of promoting linguistic duality, an area where, as the Commissioner reported in 2007–2008, they had to show greater leadership.

A good number of institutions have begun to prepare activities for the 2010 Vancouver Olympic Games. Others have taken advantage of the Jeux de l'Acadie or the 400th anniversary of Québec City to promote linguistic duality. Some have begun to develop relationships with educational institutions in official language communities in order to recruit staff or develop projects.

The report cards show that non-designated institutions (i.e. institutions that are not required to submit an action plan to Canadian Heritage or to report on progress in the application of Part VII) often produced an action plan and implemented mechanisms to address Part VII.

However, these institutions could further consult communities to learn more about their needs. By becoming closer to official language communities,

³² Office of the Commissioner of Official Languages, *Annual Report 2006–2007*, Ottawa, 2007, p. 36.

³³ The Commissioner now gives more points, in the institutions' report cards, to results obtained through measures taken in relation to Part VII.

non-designated institutions would be better positioned to launch initiatives or projects that would promote the communities' long-term development.

The majority of designated institutions are doing well in all areas evaluated in the report card. Certain institutions would benefit from further consultation with communities in order to better target their interventions and to design projects that are better adapted to community needs.

6.3 EXAMPLES OF POSITIVE MEASURES

The Commissioner is pleased to see that certain institutions have taken positive measures in 2008–2009 to comply with Part VII of the Act.

6.3.1 Farm Credit Canada

To ensure that Part VII is respected, Farm Credit Canada followed up on the review of its policies and programs by creating a new investment fund, the Expression Fund. Launched in the fall of 2008, this \$20,000 fund aims to help official language communities set up community centres, daycares and art galleries, and to organize events such as plays or concerts. This program was so successful that Farm Credit Canada plans to inject more money into it next year.³⁴

6.3.2 CBC/Radio-Canada

CBC Charlottetown has, for some time already, been looking for ways to better represent all cultures of Prince Edward Island, particularly the Acadian community. Management had the idea to take advantage of an intercultural project funding program set up by CBC/Radio-Canada to create a series on the 250th anniversary of the Acadian Deportation. Two features on the subject were

broadcast from École Évangéline in Abrams Village on December 12, 2008, on the CBC program *Island Morning* and the Radio-Canada program *Le Réveil*. This experience helped CBC journalists realize the importance of the French presence, an issue that could appear again in the network's future programming.³⁵

6.3.3 Indian and Northern Affairs Canada

In 2008, the Department of Indian and Northern Affairs' eight-year collaboration with the Association franco-yukonnaise, the Fédération franco-ténoise, the Association des francophones du Nunavut and the Fédération des communautés francophones et acadienne du Canada culminated in three projects geared towards promoting the economic development of the Yukon Francophone community. In the absence of an economic development agency for the North, such as Western Economic Diversification Canada, the three communities launched a common strategy to urge Indian and Northern Affairs Canada to fulfill this role. These projects, the first of their kind in the Canadian North, include the launch of a public awareness campaign on the presence of a sizeable Francophone community in the Yukon, the implementation of a project to attract Francophone tourists to the Yukon, and a feasibility study on the creation of a training centre where Yukon workers could acquire the language skills needed to advance in their careers.

6.3.4 The Prince Edward Island Federal Council

The Prince Edward Island Federal Council, together with the Société Saint-Thomas-d'Aquin, is currently working on a strategy for government and community capacity building through the establishment of joint projects. One component of this strategy is a pilot project aiming at creating

³⁴ Farm Credit Canada (FCC), *FCC Expression Fund*. On-line version (www.fac-fcc.ca/en/AboutUs/Responsibility/FCCexpressionfund/index.asp) consulted March 31, 2009.

³⁵ Jacinthe Laforest, "Radiodiffusion historique à partir d'Abram-Village," *La Voix Acadienne*, December 17, 2008, p. 13.

opportunities for experienced federal employees to do a work placement in the Acadian and Francophone community, in order to provide immediate expertise to the community.

This is how a Veterans Affairs employee accepted an assignment with the Société Saint-Thomas-d'Aquin. This exchange will contribute to the development of the Prince Edward Island Acadian and Francophone community network, ensure that the employee maintains her language skills and help raise the federal administration's awareness of the community's needs and characteristics.

Furthermore, federal employees will soon have access to a project that combines classroom language training and practical French-language learning experiences within the Acadian and Francophone community's organizations. This project is currently at the exploratory stage, and is the next step in the strategy.

As these examples of positive measures show, some federal institutions take action to make the vision set out in Part VII of the Act a reality. However, leaders of federal institutions cannot do all of the work alone; they will also need help from central agencies.

7.0

GOVERNANCE: ESSENTIAL TO SUPPORTING LEADERSHIP

The leaders who are called upon to achieve the vision of linguistic duality described in section 3 of this chapter cannot do so unless they are supported by an appropriate governance framework. Specifically, they cannot truly fulfill their role unless the central agencies responsible for coordinating the implementation of linguistic duality in the public service, under the Act, fulfill their own role. It is unfortunate that a number of recent changes made by the federal government have led to ambiguity in the official languages governance structure, and therefore weakened it.

On February 6, 2009, the Prime Minister of Canada announced the creation of the Office of the Chief Human Resources Officer, which reports to the Treasury Board Secretariat. Since March 2, 2009, the Office has been responsible for the duties of the now-abolished Canada Public Service Agency. The Office of the Chief Human Resources Officer also carries out the Treasury Board Secretariat's former compensation and human resources management responsibilities.

With these transformations, the government is aiming to simplify its organizational structures, reduce overlapping responsibilities and confirm the role of the deputy ministers as those having primary responsibility for human resources management in the federal administration. While the objectives of this restructuring seem laudable, the Commissioner is concerned about its possible impact on official languages governance.

In fact, these constant shifts create a great deal of instability in human resources management and, by extension, in official languages management and coordination. While it was worthwhile to give this responsibility to a central agency, this latest change increases confusion about the roles and responsibilities of the various actors in official languages, which can no doubt negatively affect the implementation of initiatives in this area. The government must implement a stable structure that promotes strong official languages coordination within the federal administration, as well as greater accountability to parliamentarians.

In this context, it is unfortunate that the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* does not propose ways to ensure that the Treasury Board Secretariat has the necessary resources to ensure a proper coordination of official languages within federal institutions.

The government must correct this by reiterating loud and clear that bilingualism in the public service remains an absolute priority. The government must also remind central agencies that they are still responsible for supporting federal institutions in the implementation of the Act, and that these agencies must continue to demonstrate leadership in this area.

While the role of deputy ministers in terms of having primary responsibility for human resources management has been confirmed, central agencies must not abdicate their role in terms of managing and coordinating official languages promotion efforts in the federal public service. In fact, this role should be strengthened so that it takes the new governance structure into account.

8.0

CONCLUSION: WE MUST STAY ON COURSE FOR LINGUISTIC EQUALITY

While the implementation of the Act has seen progress since the 1960s, it stalled over a decade ago. According to the 2008–2009 results of 15 federal institutions with “separate employer” status, there are still shortcomings in terms of in-person active offer and service delivery of equal quality in English and in French. The creation of a workplace where both English-speaking and French-speaking employees are comfortable using the official language of their choice has yet to be achieved. And federal institutions are still slow to adopt positive measures through which official language communities can enhance their vitality.

It is hoped that, in the coming years, the Government of Canada will work to remove the roadblocks that prevent the current situation from improving, and that prevent a vision of linguistic duality based on respect, dialogue, partnership and equality of Anglophones and Francophones from being achieved.

Specifically, the federal government should ensure that these transformations in the federal administration do not result, as has happened so often before, in losing ground for the language rights of Canadians, federal employees and official language communities.

The government should also make use of public service renewal to attract and train employees who can set an example and demonstrate leadership with respect to linguistic duality. It should also ensure that central agencies carry out their responsibilities to support all federal institutions in the implementation of the Act, and that they continue to assume their management, coordination, monitoring and accountability responsibilities in this area.

The measures taken in the areas of communications with and service to the public, language of work, and advancement and development of official language communities can sometimes make us lose sight of the ultimate objective: achieving linguistic equality in Canada. The place of bilingualism at the Vancouver 2010 Olympic Games will certainly attest to the federal government’s ability to harmonize these approaches in order to promote the country’s bilingual character.

RECOMMENDATIONS

1st recommendation

In order to stay the course on linguistic duality, the Commissioner recommends that the Prime Minister of Canada ensure the government, through its budget decisions and its economic stimulus investments, turns its commitment to linguistic duality and the development of official language minority communities into action.

2nd recommendation

The Commissioner recommends that the President of the Treasury Board:

- fully assume his responsibilities under Part VIII of the *Official Languages Act* towards all federal institutions, including separate employers;
- report to Parliament on the implementation of the Treasury Board's official languages programs.

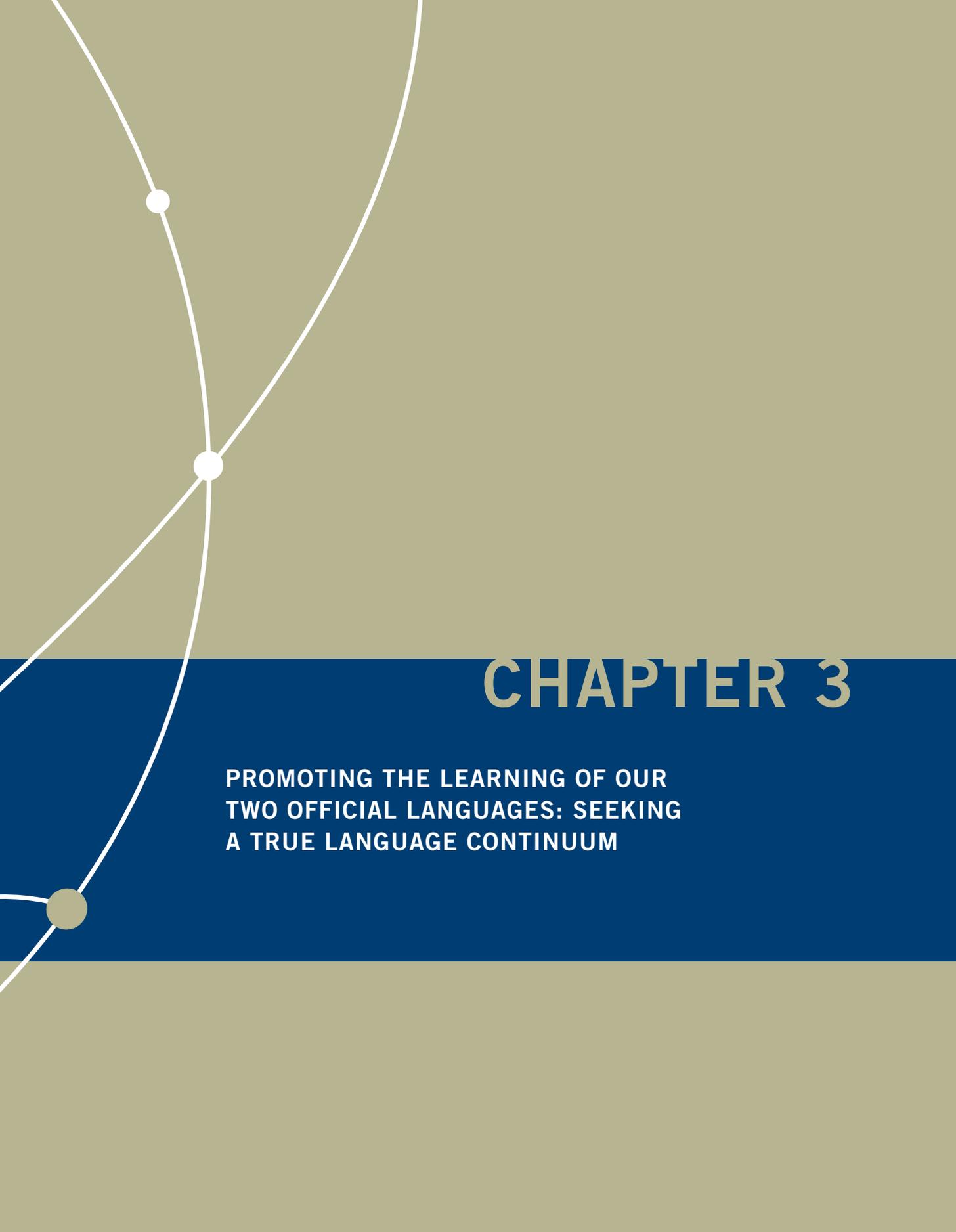
3rd recommendation

With regard to the Vancouver 2010 Olympic and Paralympic Winter Games, the Commissioner recommends:

- that the Minister of Canadian Heritage and the President of the Treasury Board exercise greater and coordinated leadership among federal institutions so that the responsibilities for linguistic obligations are clarified, all necessary human and financial resources are made available, and clear accountability mechanisms for bilingual service delivery are established;
- that deputy heads of each federal institution involved in the Games clearly identify measures that their institutions are taking to ensure full compliance with all official languages obligations, and that they provide the Commissioner and parliamentary committees with regular progress updates.

4th recommendation

The Commissioner recommends that the Minister of Transport table, as quickly as possible, a new bill to protect and uphold the language rights of the travelling public and Air Canada employees, regardless of the nature of the changes to the structure and organization of the air transport industry.



CHAPTER 3

PROMOTING THE LEARNING OF OUR
TWO OFFICIAL LANGUAGES: SEEKING
A TRUE LANGUAGE CONTINUUM

PROMOTING THE LEARNING OF OUR TWO OFFICIAL LANGUAGES: SEEKING A TRUE LANGUAGE CONTINUUM

1.0 BILINGUALISM: FROM THE 1960s TO THE PRESENT

In the first book of their report, the members of the Royal Commission on Bilingualism and Biculturalism stated that “[a] bilingual country is not one where all the inhabitants necessarily have to speak two languages; rather it is a country where the principal public and private institutions must provide services in two languages to citizens, the vast majority of whom may very well be unilingual.”¹

The members of the Commission were very conscious of the advantages associated with Canadians knowing English and French. Having pointed out that being able to master a second language “gives access to a different culture” and can help when one is seeking employment, they underlined the importance of some individuals being bilingual for the country to run smoothly. “[A] bilingual institution, province, or country,” they wrote, “can function efficiently only if there are a sufficient number of bilingual people to maintain contact between the two language groups.”²

Canada had a substantial number of bilingual citizens when the members of the Commission wrote their report. In 1961, more than 2.2 million Canadians, or 12% of the population, stated that they could speak both official languages. Today, that figure is 5.4 million, or 17% of the population.

However, at the time, the English and French mother-tongue communities were far from being equally bilingual. In 1961, Quebec’s Francophone majority and the Francophone communities outside Quebec accounted for 70% of the country’s bilingual population, even though they represented only 28% of the total population.³

In light of these statistics, it is easy to conclude that, before the *Official Languages Act* came into force, the responsibility for bilingualism lay mainly with Francophones. Even in Quebec, the Francophone population often had to master English to be able to earn a living, communicate with storekeepers or deal with the federal government.

This situation has improved, and, over the years, linguistic duality has become a Canadian value.

¹ André Laurendeau and A. Davidson Dunton (co-chairs), *Report of the Royal Commission on Bilingualism and Biculturalism*, “Book I: General Introduction—The Official Languages,” Ottawa, Queen’s Printer, 1967, p. xxviii.

² *Ibid.*, p. xxviii.

³ *Ibid.*, pp. 38–39.

However, it is important that the federal government and its various partners intensify their efforts to increase the proportion of bilingual Canadians, particularly the proportion of Anglophones able to speak French. Among these partners are all those involved in English or French second-language learning and, most importantly, the provincial and territorial governments, employers, universities and associations dedicated to promoting bilingualism, such as the Canadian Association of Second Language Teachers, Canadian Parents for French, the Canadian Association of Immersion Teachers, the Society for Educational Visits and Exchanges in Canada (SEVEC), French for the Future and the Society for the Promotion of the Teaching of English as a Second Language in Quebec.

Indeed, an increased knowledge of English and French will help Canadians meet many challenges, including those they are facing in the current economic climate.

2.0

BILINGUALISM GIVES AN EDGE

We are only now realizing the extent to which the language regime established in Canada 40 years ago has helped the country tackle the challenges of the 21st century.

In the 1960s, globalization was already well under way, and this phenomenon has continued to grow over recent decades due to factors such as the reduction of trade barriers, the population's increased mobility and the emergence of new communication tools, for example, the Internet.

Moreover, the proportion of the labour force that works in customer service, disseminates scientific information, produces analysis reports or has any other duties requiring proficient written or spoken language skills, has considerably increased since the adoption of the *Official Languages Act*.

In light of these phenomena, it has never been so important or so rewarding for Canadians to master their first official language and to improve their knowledge of their second language.

In a world where travelling is now so easy, English-speaking Albertans who also speak French can not only easily explore Quebec or France, but also discover the vitality of their second language in countries like Germany or Spain, where it is considered, along with English, one of the two foreign languages to learn in order to succeed professionally.⁴

In the same way, a bilingual hotelier from Ottawa or Toronto can effectively target a Francophone clientele, particularly that of Quebec.⁵ According to a recent study, Francophone tourists “feel that they are poorly understood culturally and linguistically by Ontarians”⁶ and list the availability of French services as “a deciding factor in choosing a travel destination.”⁷

As for bilingual Newfoundlanders, they can read *The Telegram* or Robertson Davies novels, and can also obtain an alternate view of current affairs and the world from an on-line version of the *Courrier International* or the original works of Jacques Poulin.

Finally, Francophone management consultants who also speak English are not only able to advise companies in their region, but can also consult the most

⁴ European Commission, *Europeans and their Languages, special edition of the Eurobarometer*, Brussels, 2006, p. 32. On-line version (http://ec.europa.eu/public_opinion/archives/ebs/ebs_243_en.pdf) consulted March 31, 2009.

⁵ “Besides visits from Ontario residents, the Quebec market is currently Ontario's main Canadian market and accounts for 69.7% of the Canadian tourism clientele outside of Ontario.” —Direction Ontario, *Solution Ideas for the Future of Tourism in Ontario: Community and Francophone Viewpoints*, 2008, p. 11.

⁶ *Ibid.*, p. 10.

⁷ *Ibid.*, p. 11.

up-to-date works by the most famous management experts in the world, and take advantage of the numerous job and contract opportunities available in North America and even internationally.

As these examples show, knowing both of Canada's official languages pays off personally as well as professionally.

This explains why Canadian employers are increasingly looking for applicants who have attained a given level of proficiency in both official languages. A study published in 2008 by Canadian Parents for French showed that, outside of Quebec and the federal public service, 81% of supervisors of bilingual employees considered them "a valuable asset"⁸ to the organization.

In this context, it is understandable that, among the businesses consulted by Ipsos Reid for Canadian Parents for French, 49% of respondents involved in staffing appointments considered the applicant's bilingualism an important evaluation criterion. "One in five (21%) expect that their need for bilingual employees will increase, while just five percent expect their need for bilingual employees to decrease."⁹

Bilingualism is also highly sought-after by Quebec businesses. The results of a survey conducted for Québec multilingue, a committee of the Québec City Chamber of Commerce, showed that 40% of Québec City's businesses employ people who need to master a second language for work—English, in the vast majority of cases.¹⁰

The importance of bilingualism in the professional sphere shows why, in Canada, workers who can speak both English and French often have an advantage when looking for a job (for instance, 53% of graduates from Saskatchewan's immersion programs report that their knowledge of French has helped them find work¹¹). Moreover, their income is often higher than that of their unilingual colleagues.¹²

That said, bilingualism is more than just a means of personal or economic development: it is a building block of Canadian identity and one of the factors contributing to Canada's prestige abroad. It is also key to ensuring that the country runs smoothly, which is an essential condition of the pursuit of meaningful dialogue between Anglophones and Francophones.

Thus, the Canadian government will only be able to perform its role if its Anglophone and Francophone employees are able to collaborate effectively. For this reason, a good proportion of the thousands of graduates who will join the federal public service each year as part of public service renewal will have to be bilingual.

Furthermore, UNESCO has stated that "intensive and transdisciplinary learning of at least a third modern language [...] should represent the normal range of practical linguistic skills in the twenty-first century."¹³

⁸ Canadian Parents for French, *Survey of Supervisors of Bilingual Employees*, Ottawa, 2008a, p. 17. On-line version (www.cpf.ca/eng/pdf/resources/reports/fsl/2008/IpsosReid_FSL2008_E.pdf) consulted March 31, 2009.

⁹ *Ibid.*, p. 2.

¹⁰ Écho Sondage, *La langue seconde dans les entreprises de la MRC de Portneuf et de la ville de Québec*, study carried out for the Québec multilingue committee, Québec City, 2007, p. 15.

¹¹ Canadian Council on Learning, "Parlez-vous français? The advantages of bilingualism in Canada," *Lessons in Learning*, Ottawa, October 16, 2008. On-line version (www.ccl-cca.ca/CCL/Reports/LessonsInLearning/LinL20081016Bilingualism.htm?Language=EN) consulted March 31, 2009.

¹² See *Ibid.* as well as Éric Fargues, Maurice Beaudin and Nicolas Béland, *L'évolution des disparités de revenu entre les francophones et les anglophones du Nouveau-Brunswick de 1970 à 2000*, Moncton, Canadian Institute for Research on Minority Languages, October 2006. On-line version (www.icrml.ca/images/stories/documents/fr/evolution_des_disparites_de_revenu_entre_les_francophones_et_les_anglophones_du_nouveau-brunswick_de_1970_a_2000.pdf) consulted March 31, 2009.

¹³ UNESCO, *Implementation of a language policy for the world based on multilingualism*, 2000, section 12 iii. On-line version (http://webworld.unesco.org/imld/res_en.html) consulted March 31, 2009.

Also, the European Union established that, in the long term, each of its citizens should speak his or her mother tongue and two other languages.¹⁴

By reinforcing linguistic duality and encouraging multilingualism among Canadians, Canada will, in turn, be able to help its citizens stand out at home and around the world, where linguistic diversity is becoming more and more important.

3.0

THE VISION OF BILINGUALISM IN CANADA

In light of what has been said, the Canadian vision of bilingualism should include the following target:

All Canadians have access, in their community, to the necessary resources in order to effectively learn English or French as a second language.

This means that:

- Parents and their children are aware of the importance of mastering a second language.
- During preschool and throughout their schooling, all young Canadians have access to quality programs to learn a second language.

- All students are able to continue learning their second language in a post-secondary institution in their province, and should even be encouraged to do so.
- These young Canadians' teachers are able to draw on the energy of the country's official language communities and the potential of existing resources, such as information technology, to help their students practise their new language and explore the cultures associated with it.
- Throughout their studies, these young Canadians have the opportunity to practise and master their second language within the other linguistic community.
- At the end of their studies, all Canadians are able to acquire or enhance the English or French second-language skills required for their social and professional integration.

4.0

OBSTACLES TO BILINGUALISM

There are still many obstacles that suggest this vision of bilingualism is far from being fully achieved. The federal government has been investing considerable sums of money over the past several years to improve Canadians' ability to speak English and French.

These efforts have delivered convincing results. In fact, as described in the text box entitled "The bilingualism of Canadians," more non-Francophones in Canada—especially Anglophones in Quebec—are bilingual now than ever before.

However, many obstacles must be overcome in order to significantly reduce the gap between the number of Anglophones and the number of Francophones who can use both official languages and to ensure that such an achievement has lasting effects.

¹⁴ Council of the European Union, "Council Conclusions on the European Indicator of Language Competence," *Official Journal of the European Union*, July 25, 2006. On-line version (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:172:0001:0003:EN:PDF>) consulted March 31, 2009.

THE BILINGUALISM OF CANADIANS¹⁵

In the last census, more than 17% of the Canadian population—that is, 5.4 million people—claimed that they could hold a conversation in English and in French; this is 5% more than in 1961. More specifically, 42.4% of people whose first language is French stated that they speak English and French, compared with just 7.4% of Canadians whose first language is English.

Quebec has the highest proportion of bilingual people in Canada: more than one-third of Francophones (36%) and two-thirds of Anglophones (69%) in the province stated that they speak English and French. Among Anglophones aged 18 to 34, this percentage has increased to nearly 80%. In fact, in the past 40 years, no other Canadian community has increased its ability to speak a second official language as much as the Anglophone communities in Quebec.

4.1

MISPERCEPTIONS LIMIT THE DEMAND FOR SECOND-LANGUAGE SCHOOL PROGRAMS

Misperceptions explain why the demand for second-language school programs is lower than it could be. For example, a high proportion of non-Francophone parents who enrol their children in the regular English program believe that French immersion is an experimental project, while it is in fact a method

that has proved itself time and again.¹⁶ Other parents believe that second-language courses hinder their children's abilities in their first language.¹⁷

Misperceptions also exist among young people themselves. In English Canada, young Anglophones sometimes think twice about learning French because they perceive French classes as being difficult, or because they “do not really see the point of learning a second language.”¹⁸ In Quebec, the participants in a 2008 round table organized by Industry Canada indicated that the majority of Québec City's CEGEP students lacked the motivation to learn English because they viewed the language as being of little use.¹⁹

By intensifying communication and promotion activities, the federal government and its partners will be able to counter inaccurate perceptions. They will also be able to reinforce the desire of young people to learn the other official language and the desire of parents to enrol their children in advanced language programs.

“In Canada, I think that bilingualism is really important, particularly for the country's unity. Bilingualism could be what helps bring us together so that we better understand our cultural differences. [translation]”²⁰

– A Francophone student giving his opinion in a video by the Society for Educational Visits and Exchanges in Canada

¹⁵ Statistics Canada, *The Evolving Linguistic Portrait, 2006 Census: Bilingualism*, Ottawa, 2007. On-line version (<http://www12.statcan.ca/english/census06/analysis/language/bilingual.cfm>) consulted March 31, 2009.

¹⁶ Canadian Council on Learning, *2007 Survey of Canadian Attitudes Toward Learning*, Ottawa, 2007. On-line version (www.ccl-cca.ca/NR/rdonlyres/E0F4A3A4-9619-4C41-AE22-38C1D9ADDFDC/0/SCAL_Report_English_final.pdf) consulted March 31, 2009.

¹⁷ Canadian Parents for French, *The State of French-Second-Language Education in Canada 2008*, Ottawa, 2008b, p. 15. On-line version (www.cpf.ca/eng/pdf/resources/reports/fsl/2008/FSL2008.pdf) consulted March 31, 2009.

¹⁸ Society for Educational Visits and Exchanges in Canada (SEVEC), *Living and Learning in a Bilingual Canada*, summary of findings of the Regional Youth Forums, Ottawa, 2008, p. 6. On-line version (www.sevec.ca/vm/newvisual/attachments/802/Media/SEVECForumsReportJune2008EN.pdf) consulted March 31, 2009.

¹⁹ Fosburys Experts-Conseils, *Compte rendu de quatre tables rondes tenues dans la région de Québec pour discuter des questions de multilinguisme*, report submitted to Industry Canada, Mont-Royal, 2008, p. 7.

²⁰ SEVEC, *Vivre et apprendre dans un pays bilingue : Les jeunes discutent du bilinguisme*, video of comments from participants at the regional youth forums entitled *Learning and Living in a Bilingual Canada*. On-line version (www.youtube.com/watch?v=LFRT78AehjU) consulted March 31, 2009.

4.2

TOO MANY STUDENTS LACK THE OPPORTUNITY TO EFFECTIVELY LEARN THE OTHER OFFICIAL LANGUAGE

“[Young people] felt that learning a second language is not always supported in their schools, communities or families [...]. The effort required to learn a second language is significant and they see a large number of their friends give up [...].”²¹

– One of the main conclusions of the Society for Educational Visits and Exchanges in Canada following their *Living and Learning in a Bilingual Canada* forums.

All students in Quebec, both in the English-language and French-language school systems, now have access to second-language courses at school. This learning begins in the first grade of elementary school²² and continues throughout secondary school. Although certain difficulties must be overcome to

ensure the quality of second-language teaching in Quebec schools, courses are at least available everywhere in the province.

In contrast, only 47% of young Anglophone Canadians currently learn French in pre-school, elementary school or secondary school, as part of a French immersion, intensive French or core French program. Indeed, as Canadian Parents for French points out, all evidence in Canada suggests that “[certain] practices [...] limit enrolment and retention in elementary [and] secondary [...] programs.”²³

Generally, a number of provinces across the country are still doing too little to ensure that allophones have equal access to French immersion programs and are encouraged to enrol in them, despite the fact that two-thirds of Canada’s demographic growth is attributed to immigration.

WHEN THE ANGLOPHONE MAJORITY TAKES ACTION FOR BILINGUALISM

In 2007, the New Brunswick Minister of Education, Kelly Lamrock, asked commissioners Jim Croll and Patricia Lee to review French second-language teaching methods in the province, in order to improve the academic performance of its students. The commissioners submitted their final report in February 2008.

This report contained 18 recommendations, including the elimination of early immersion programs. This proposal provoked an outcry. With the support of the provincial branch of Canadian Parents for French, New Brunswick’s Anglophone community rose up to defend the existing programs, through newspapers, the Internet and the courts.

To comply with a decision from the Court of Queen’s Bench of New Brunswick, Minister Lamrock held new consultations, starting in summer 2008. As a result, he decided to offer those students who were interested the option of enrolling in French immersion in Grade 3. The other students would start learning French in Grade 3, and participate in an intensive program in Grade 5.

²¹ SEVEC, *op. cit.*, 2008, p. 4.

²² Since 2006, young students in Quebec’s French-language school system have been learning English at school as of Grade 1.

²³ Canadian Parents for French, *op. cit.*, 2008b, p. 3.

More specifically, many parents in British Columbia must draw lots to enrol their children in a French immersion program because, in certain school districts in this province, the availability of French immersion classes limits rather than meets the demand. Such a lottery would be unthinkable in the case of parents wishing to enrol their children in advanced mathematics courses, for example.

In Ontario, more than half of elementary students enrolled in French immersion programs use school transportation to get to school. Unfortunately, some school boards do not offer this service to immersion students at the secondary level, leading many parents in the province's rural and northern regions, particularly those parents who are less fortunate, to resign themselves to enrolling their children in a regular school program.²⁴

The recruitment of teachers constitutes another obstacle to providing quality English or French second-language classes. For example, some French-language school boards in Quebec are having trouble recruiting the certified teachers they need to deliver the new English second-language program that the Quebec Ministère de l'Éducation has set up for elementary students in grades 1, 2 and 3.²⁵ The lack of "qualified, committed and interesting"²⁶ teachers is seen as a "serious problem"²⁷ by young people, who, according to the conclusions of the regional forums on bilingualism held by SEVEC, "would like to have Francophone French teachers (and Anglophone English teachers)."²⁸

Some schools in Canada have tried to overcome this problem, as well as the problem of a lack of key pedagogical resources, by turning to information technology. "Some French courses, in Newfoundland for example, are only available online," points out

SEVEC. "Instant messaging can facilitate learning by connecting youth to one another and allowing them to practise their writing skills through emails or chat services. The Internet is an essential tool for school libraries with a limited number of [resources] in other languages."²⁹

GETTING YOUNG PEOPLE INTERESTED IN LEARNING A SECOND LANGUAGE

Some schools are not hesitating to adopt new practices to entice young people to learn a second language and sustain their interest. For instance, in Manitoba, the École St. Avila has heavily integrated the arts into its French immersion program. Francophone artists, musicians, actors and storytellers are invited into the classroom to work with students and help them develop their artistic potential. In Alberta, the William Aberhart High School has, for its part, come up with various tools, such as the www.immersionenaction.ca Web site and the *Passeport francophile*, which encourage immersion students to continue exploring Francophone culture after class.

Of course, public stakeholders should work together in implementing these kinds of technological solutions in select Anglophone and Francophone communities. However, the federal government, the provinces and the territories, as well as their partners, must strive to eliminate the various obstacles currently limiting the availability of second-language learning programs across the country.

²⁴ *Ibid.* p. 18.

²⁵ See especially Mélanie Adam, "Plus de 60 enseignants sans permis à la CSA – Les qualifications dans les écoles : une denrée rare?" *Le Trait d'Union*, October 16, 2008. On-line version (www.letraitdunion.com/article-260873-Plus-de-60-enseignants-sans-permis-a-la-CSA.html) consulted March 31, 2009, (Web site available only in French).

²⁶ SEVEC, *op. cit.*, 2008b, p. 11.

²⁷ *Ibid.*, p. 11.

²⁸ *Ibid.*, p. 11.

²⁹ SEVEC reports that the Iqaluit library "can only offer Harlequin novels to students wishing to read in French." SEVEC, *op. cit.*, p. 11.

4.3

TOO FEW COURSES ARE OFFERED TO STUDENTS AT THE POST-SECONDARY LEVEL IN THEIR SECOND LANGUAGE

In 2008, the Commissioner asked Ipsos Reid to list the measures adopted by post-secondary institutions across Canada to promote French second-language learning, and to identify those implemented by Quebec universities for the purpose of supporting proficiency in English as a second language. Among the 96 institutions invited to complete the survey, 84 agreed to participate.

“Like many Canadians, I began learning French in elementary school. I don’t really remember when it began, but the songs and stories in French are a part of my childhood. Through grades 10 to 12, as part of my International Baccalaureate diploma, I took a higher-level French program that aimed to make me bilingual in two years. [...] Unfortunately, after high school, I didn’t continue learning French and I haven’t needed it until now, 17 years later. It has become one of my biggest regrets. I’ve become a little obsessed with learning French, to the point where I think I’m speaking French in my dreams.”³⁰

– Alden E. Habacon, Manager, Diversity Initiatives,
CBC Television Network

The survey results show that most Canadian post-secondary institutions currently enable their students to learn English or French as a second language or to hone their language skills.

It should be noted that the number of language courses associated with a given specialty (e.g. “French for Law” at the University of Western Ontario) is much more limited. In addition, only

22% of English-language institutions and 50% of French-language institutions surveyed provide students with the opportunity to take some courses in their field of study (e.g. biology, political science or journalism) in their second language. Moreover, it has been noted that the availability of courses taught in English or French as a second language is generally quite limited.

It is encouraging to find that the students who have learned English or French as a second language at the primary or secondary level can usually take courses at the post-secondary level to upgrade their skills. However, it would be important for the federal government and its partners to encourage post-secondary institutions to follow the example of universities or faculties that give students the opportunity to receive part of their education in their second language. The following are examples of post-secondary institutions that have taken such action:

- In Quebec, HEC Montréal and McGill University introduced in 2007 a joint MBA program for experienced executives where courses are taught in a bilingual manner. “[...] candidates must understand both languages, but may contribute to discussions and write exams and papers in either language.”³¹
- Since 2006, the University of Ottawa has been offering English-speaking and allophone students enrolled in criminology, history, nursing sciences or approximately 50 other undergraduate disciplines the opportunity to participate in its new French immersion program. To successfully graduate, students must take several courses in their program of study in French, and can rely on the customized support of language teachers and students who

³⁰ Participant at the Discussion Forum on the Perspectives of Canadians of Diverse Backgrounds Toward Linguistic Duality on November 24, 2008, at the Morris J. Wosk Centre for Dialogue at Simon Fraser University in Vancouver.

³¹ HEC Montréal, *EMBA McGill – HEC Montréal*, Montréal, February 5, 2009. On-line version (<http://www2.hec.ca/en/emba/>) consulted March 31, 2009.

act as mentors. The University of Ottawa hopes that approximately 1,100 students will enrol in the French immersion program by 2010–2011,³² and is well on its way to meeting its target.

- In British Columbia, Simon Fraser University offers a program in public administration and community services where the language of instruction is mostly French. This program includes a major in political science and an extended minor in French. Students must take some courses in French and study for one full term in a Francophone university. Designed and managed by the institution's Bureau des affaires francophones et francophiles, "this program allows students from French immersion and Francophone programs in British Columbia to pursue their university studies in French and in their own province."³³

4.4

TOO FEW POST-SECONDARY INSTITUTIONS ACTIVELY PROMOTE THE IMPORTANCE OF BILINGUALISM TO THEIR STUDENTS

According to a study the Office of the Commissioner intends to publish in 2009, only a handful of post-secondary institutions currently require their students to know the other official language when they enrol in a program of study or when they graduate.

In 2009, partial proficiency in English or French as a second language is a requirement for most Canadian students, regardless of the selected discipline. By adopting language policies, post-secondary institutions would be sending a strong message in favour of bilingualism at the primary and secondary levels.

³² University of Ottawa, *Régime d'immersion en français*, Ottawa, April 23, 2008. On-line version (www.uottawa.ca/vr-etudes-academic/en/ee_3.html) consulted March 31, 2009.

³³ Simon Fraser University, "Advantages," Program in Public Administration and Community Services. On-line version (www.sfu.ca/frcohort/main/avantages_e.htm) consulted March 31, 2009.

³⁴ SEVEC, *op. cit.*, p. 6.

It would be beneficial if the implementation of such language policies were based on common terms of reference for languages, such as those that the Council of Ministers of Education, Canada started reviewing in 2006, and that the Canadian Association of Second Language Teachers has started to promote. By using this standardized tool based on a European model, Canadian educational and post-secondary institutions would assess the second-language skills of their applicants and graduates in a consistent fashion—that is, by using accurate and objective indicators.

Of course, employers' behaviour could have a significant impact on the measures taken by primary and secondary schools and post-secondary institutions to support the development of their students' language skills. For example, by strongly reaffirming that the public sector seeks recruits who are also proficient in their second official language, the Government of Canada would convey a message whose impact would be felt at all levels in every provincial and territorial education system.

4.5

THERE ARE TOO FEW LINKS BETWEEN STUDENTS AND OFFICIAL LANGUAGE COMMUNITIES

Concerns have been raised that teachers in French second-language programs are not doing enough to draw on the presence of thriving official language communities across Canada. As revealed in the SEVEC report *Living and Learning in a Bilingual Canada*, students in such programs "were astonished to learn, through networking at the forum, that there often exist Francophone organizations and centres in their community."³⁴

With respect to teaching at the post-secondary level, the Office of the Commissioner's work demonstrates that a minority of English-language institutions in the country see to it that their students strengthen their French second-language skills by taking part in the activities hosted by official language communities. For example, in Saskatchewan, the University of Regina maintains close, regular ties with the Franco-Saskatchewanian community. However, only seven institutions out of 84 help their students connect with French-speaking people in Canada or overseas through teleconferencing or videoconferencing.

Canada's Francophone communities are thriving and have a lot to offer those wishing to learn French. At the same time, as highlighted by the editorial writer André Pratte, French-speaking Quebecers would benefit from learning more about the contributions of Quebec's English-speaking communities to the development of Quebec society.³⁵ Consequently, the federal government and its partners should continue to support the relationship between each majority language community in the country and the official language communities.

4.6

STUDENTS LACK LANGUAGE EXCHANGE OPPORTUNITIES IN CANADA

Exchanges can have a noticeable impact on the development of participants' language skills. For example, 93% of 12- to 17-year-old Canadians who have taken part in this type of exchange as part of the programs managed by SEVEC believe that this experience has enhanced their confidence in their ability to use their second official language.³⁶

OFFICIAL LANGUAGE COMMUNITIES: UNDEREXPLOITED POTENTIAL

Members of Francophone communities outside Quebec are among the most bilingual Canadians in the country (84% speak English and French³⁷). However, employers who seek employees able to speak both official languages often fail to maximize the potential of this labour force in order to meet their language needs.

This situation has led the Standing Senate Committee on Official Languages to recommend that Air Canada continue to encourage young Canadians to pursue second-language learning, that it establish "partnerships with community groups and educational institutions in minority communities" and that it launch recruitment campaigns in areas outside major urban centres, such as in Eastern and Northern Ontario or New Brunswick's Acadian Peninsula.³⁸

Similarly, in the report entitled *Raising our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport*, the Commissioner recommended that the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter games "promptly establish a targeted strategy for seeking applications from bilingual volunteers, by reaching out to groups, including the entire network of French-speaking communities and associations that promote French as a second language learning."³⁹

³⁵ André Pratte, "A History of the Conquest," *La Presse*, February 7, 2007, p. A20.

³⁶ Impact Consulting, *A Report to the Board of Directors on Educational Exchanges*, Ottawa, 2006, p. 11. On-line version (www.sevec.ca/vm/newvisual/attachments/802/Media/ReportonEducationalExchangesImpactJune2006EN.pdf) consulted March 31, 2009.

³⁷ Statistics Canada, *The Evolving Linguistic Portrait, 2006 Census: Bilingualism*, Ottawa, 2007. On-line version (<http://www12.statcan.ca/english/census06/analysis/language/bilingual.cfm>) consulted March 31, 2009.

³⁸ Standing Senate Committee on Official Languages, *Bilingual Staff at Air Canada: Embracing the Challenge and Moving Forward*, Ottawa, 2008. On-line version (www.parl.gc.ca/39/2/parlbus/commbus/senate/Com-e/offi-e/rep-e/rep05jun08-e.htm) consulted March 31, 2009.

³⁹ Office of the Commissioner of Official Languages, *Raising our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport*, Ottawa, 2008, p. 24. On-line version (www.officiallanguages.gc.ca/docs/e/vanoc_covan_e.pdf) consulted March 31, 2009.

Moreover, a vast majority of young participants in the language exchanges hosted by SEVEC believe that their experience has strengthened their sense of belonging to Canada.⁴⁰

Unfortunately, among the millions of Canadian students at the primary and secondary levels, only a few thousand have had an opportunity in 2007–2008 to take part in a bilingual exchange hosted by SEVEC or in such other programs as Explore, managed by the Council of Ministers of Education, Canada, and Summer Work Student Exchange, managed by the YMCA.⁴¹

At the same time, a majority of post-secondary institutions offer their students the opportunity to take part in exchanges meant to help them improve

their skills in English or French as a second language. However, English-language institutions usually enter into agreements with foreign institutions rather than Canadian ones. Moreover, few Canadian institutions have signed partnership agreements that are designed specifically for language purposes.

In addition, financial barriers prevent some institutions from sending their students overseas. Thus, as noted by the director of a Francophone CEGEP, “exchanges with the Canadian provinces are a promising avenue for enhancing students’ bilingualism, but time and money are needed for an institution to organize them.”⁴³

The federal government and its partners should support the efforts made by SEVEC and other similar organizations that host language exchanges for students at the primary and secondary levels. They should also help post-secondary institutions to provide their students with more opportunities to participate in exchanges within their own province or elsewhere in Canada.

THE MOLSON FOUNDATION'S IMMERSION SCHOLARSHIPS

In 2008, the Commissioner took part in an annual awards ceremony to honour the recipients of the Molson Foundation immersion scholarships. The Foundation gives \$5,000 to five mother-tongue English-speaking Canadians from outside Quebec each year, so that they can pursue their undergraduate studies in French at Université Laval.

The Molson Foundation’s French immersion scholarships were created in 2005, thanks to a \$500,000 donation from this organization. According to Andrew T. Molson, who is Vice-President of the Molson Foundation and a graduate of Université Laval, the scholarships will be used to promote the discovery of the French language and of Quebec culture for “generations to come.”⁴²

4.7

TOO FEW CANADIANS HAVE AN OPPORTUNITY TO ACQUIRE SECOND-LANGUAGE SKILLS OUTSIDE THE SCHOOL SYSTEM

For different reasons, few Canadians have been able to learn both of Canada’s official languages while they were students. Consequently, it would be important to make sure that all Canadians have many opportunities to learn English or French as a second language—or to improve their proficiency—outside of the school system.

This is not always the case. In fact, although many organizations feel it is important for their employees to be proficient in both official languages, few

⁴⁰ Impact Consulting, *op. cit.*, p. 11.

⁴¹ YMCA, *Summer Work–Student Exchange*. On-line version (www.emplois-ete.com/en/frames/fr_main.html) consulted March 31, 2009.

⁴² Université Laval, “Don de 500 000 \$ de la Fondation Molson,” *Au fil des événements*, Québec City, September 29, 2005. On-line version (www.scom.ulaval.ca/Au.fil.des.evenements/2005/09.29/molson.html) consulted March 31, 2009.

⁴³ Fosburys Experts-Conseils, *op. cit.*, p. 7.

organizations provide employees with opportunities to hone their language skills. Thus, 46% of supervisors outside Quebec state that they have difficulty finding bilingual employees,⁴⁴ but only 14% of businesses give their staff time to take language courses, and only 5% of them offer in-house French courses.⁴⁵

To ensure that Canadians can learn English or French as a second language once they complete their studies, it would be in the best interests of the federal government and its partners to continue to strongly support language industry organizations (represented by the Association des industries de langue/Language Industry Association [ALLIA]) that specialize in developing language training tools and services that are more and more effective.

The Canadian government and its partners should also continue to support the development of standardized tools that, as in the case of the common terms of reference for languages for Canada, will enable businesses and public organizations to accurately assess the English or French second-language skills of their staff. Finally, they should raise awareness among Canadian organizations about the importance of language training, and aim to support businesses and organizations that want to provide better language training to their staff.

5.0

THE FEDERAL GOVERNMENT: AN ESSENTIAL PLAYER

Over the next few years, it will be important for Canadian society to take steps to significantly increase the number of people who can speak both official languages.

Federal support in this regard will be crucial, as recognized by Canadians themselves: 70% of the country's population in fact believes that the federal government has an important role to play in promoting the use of French in Canada.⁴⁶

In the fall of 2008, the appointment of James Moore, a graduate of the French immersion program in British Columbia, as Minister of Canadian Heritage and Official Languages is a testament to the fact that linguistic duality is not an issue that only affects official language communities, and that second-language learning by Anglophones is an important value. "I want all students to enjoy the same opportunities as my two sisters and I did in studying French,"⁴⁷ the Minister recently said.

However, the message sent by the Canadian government when it adopted the *Roadmap for Canada's Linguistic Duality 2008–2013*, its plan for official languages, seems, at least at first glance, less visionary with respect to second-language learning by Canadians.

The good news is that the Roadmap 2008–2013 predicts an increase in the budget for second-language teaching and assistance to the language industry (which encompasses the area of language training).⁴⁸ However, it is unfortunate that the federal government did not incorporate any specific targets for increasing bilingualism, while the *Action Plan for Official Languages* set out the federal government's intention to increase the ratio of young bilingual Canadians aged 15 to 19 from 24% in 2001 to 50% in 2013.

⁴⁴ Canadian Parents for French, *op. cit.*, 2008a, p. 18.

⁴⁵ *Ibid.*, p. 21.

⁴⁶ Bernard Lord, *Report on the Government of Canada's Consultations on Linguistic Duality and Official Languages*, Ottawa, 2008, p. 8. On-line version (www.pch.gc.ca/pc-ch/consלטn/lo-ol_2008/lord-eng.pdf) consulted March 31, 2009.

⁴⁷ From an interview conducted in December 2008 by the Fédération des aînés et des retraités francophones de l'Ontario with Minister Moore. On-line version (www.fafo.on.ca/index.cfm?p=news&id=1291) consulted March 31, 2009, (Web site available only in French).

⁴⁸ On this issue, the Canadian government should be congratulated for granting \$2.5 million to the Canada School of Public Service to help it extend access to its language learning products to Canadian universities.

Does the lack of reference to this ambitious target in the Roadmap 2008–2013 mean that bilingualism targets have been abandoned? One hopes that this is not the case, since, in an era of results-oriented management and accountability, this could lead to the disengagement of federal departments from the provinces and territories where this matter is concerned.

The Canadian government will be implementing the Roadmap 2008–2013 in the next few months. It is hoped that the measures taken by federal institutions in consultation with their various partners will be of help in solving the problems that currently prevent an increase in the number of Canadians who can speak both official languages.

6.0

CONCLUSION: LANGUAGE ISSUES ARE ECONOMIC ISSUES

In 40 years, Canada has made significant progress in terms of individual bilingualism. At the present time, more than five million Canadians (approximately 17%),⁴⁹ and nearly 500,000⁵⁰ young Canadians aged 15 to 19 (approximately 23%) state that they can hold a conversation in English and in French.

This said, there are still various obstacles facing some Canadians who would benefit from learning English or French as a second language, or who would like to do so. This situation must be rectified.

In fact, at a time when Canada is facing a major world-wide economic and financial crisis, it is important to stress that economic and language issues, contrary to what some might say, are related.

Indeed, for proof of this relationship and proof that language issues are increasingly a concern for industrialized countries, one need look no further than the work by the Organisation for Economic Co-operation and Development and by Statistics Canada on the link between literacy and productivity, or even in statistics showing that, due to a shortfall in language skills, European SMEs are losing €100 billion per year.⁵¹

Consequently, any reversal by the federal government on its commitments to linguistic duality, or any slowdown by the provincial or territorial governments in implementing learning support programs for English or French as a second language may have significant repercussions on the country's economy. The mistake could in fact be so serious that it would take years to correct.⁵²

The attitude of Canadians towards English or French second-language learning has never been so positive. A vast majority of Francophones consider it important to know English and, according to a survey by Angus Reid, 71% of Anglophones aged 18 to 34 believe that English-speaking Canadians should know at least some French.⁵³

The federal government and its partners should build on this solid support and increase their support in a coherent manner for the implementation of a true official-language-learning continuum across Canada.

⁴⁹ Office of the Commissioner of Official Languages, *2007–2008 Annual Report*, Ottawa, 2008, p. 81.

⁵⁰ Statistics Canada, 2006 Census, catalogue no. 97-555-XCB200605.

⁵¹ National Centre for Languages, *Effects on the European Economy of Shortages of Foreign Language Skills in Enterprise*, London, 2006, p. 5. On-line version (www.cilt.org.uk/research/projects/employment/elan_finalreport.pdf) consulted March 31, 2009.

⁵² On this subject, it should be mentioned that the negative effects of the closure in the 1990s of the Royal Military College Saint-Jean continue to be felt, despite the efforts made to re-open this institution.

⁵³ Angus Reid, *English-Speaking Canadians Lack Solid French Skills, But Value Bilingualism*, Toronto, 2007, p. 7. On-line version (<http://angusreidstrategies.com/uploads/pages/pdfs/2007.09.25%20Bilingualism%20Press%20Release.pdf>) consulted March 31, 2009.

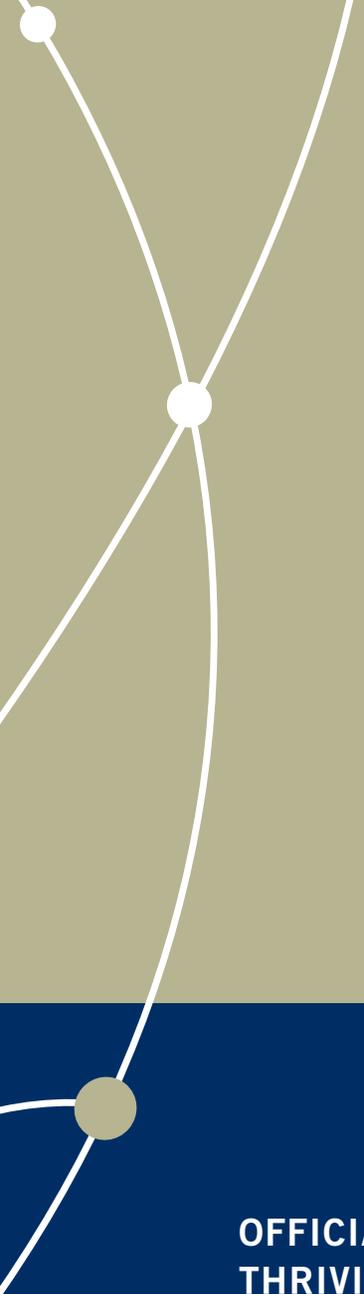


RECOMMENDATION

5th recommendation

The Commissioner recommends that the Minister of Canadian Heritage and Official Languages:

- implement, as soon as possible, the commitments announced in the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* to support second official language learning;
- develop, by March 31, 2010, appropriate coordination mechanisms, bringing together all partners involved in English or French second-language learning in Canada;
- report, by the end of fiscal year 2010–2011, on these measures and the results that they helped achieve.



CHAPTER 4

**OFFICIAL LANGUAGE MINORITY COMMUNITIES:
THRIVING IN THE PUBLIC SPACE, FROM COAST
TO COAST TO COAST**

OFFICIAL LANGUAGE MINORITY COMMUNITIES:

THRIVING IN THE PUBLIC SPACE, FROM COAST TO COAST TO COAST

1.0

THE EVOLUTION OF OFFICIAL LANGUAGE MINORITY COMMUNITIES SINCE THE 1960s

Anglophones and Francophones have lived side-by-side in Canada since the second half of the 18th century. In the 1960s, as today, Francophones were mainly concentrated in Quebec, the Atlantic provinces and Eastern Ontario, but there were also French-speaking communities all across Canada. For their part, Anglophones formed the linguistic majority in all Canadian provinces except Quebec.

1.1

THE EVOLUTION OF FRENCH-SPEAKING COMMUNITIES OUTSIDE QUEBEC

Forty years ago, the situation of Francophones in minority-language communities was difficult. French was so absent from the public sphere that the members of the Royal Commission on Bilingualism and Biculturalism (the B and B Commission) did not hesitate to echo sociologist Jacques Brazeau, who wrote that, in several respects, French was an “unused language.”¹

Members of the B and B Commission felt that this situation had to be rectified, as it resulted in the underdevelopment and gradual assimilation of minority Francophone communities. In their eyes, Canada should aim for a “real equality of opportunity [...] ensuring that the fact of speaking English or French would be neither a help nor a handicap to a person seeking entry into the institutions affecting our individual and collective life.”²

The federal government reacted to the publication of the *Report of the Royal Commission on Bilingualism and Biculturalism* by passing the *Official Languages Act* in 1969. In 1978, it added certain language provisions to the *Criminal Code*, and then adopted the *Canadian Charter of Rights and Freedoms* in 1982.

The courts have often been called upon to interpret the language guarantees set forth in these legislative texts, and some of these judgments have greatly contributed to enhancing the vitality of official language minority communities.

¹ Jacques Brazeau, “Language Differences and Occupational Experience,” *Canadian Journal of Economics and Political Science*, November 1958, Vol. XXIX, p. 536.

² André Laurendeau and A. Davidson Dunton (co-chairs), *Report on the Royal Commission on Bilingualism and Biculturalism*, “Book 1: General Introduction – The Official Languages,” Ottawa, Queen’s Printer, 1967a, p. xlii.

Nevertheless, as shown by the amendments made to Part VII of the Act in 2005, the time has now come for more than just defensive language strategies. No longer merely seeking to survive, official language communities have never before had such a desire to flourish, nor such means to do so.

“These days, we talk about health in terms of improving well-being, that is, no longer simply in terms of the absence of disease. I am happy to see that when we talk about community vitality, we are broadening this idea beyond the mere absence of assimilation.”³

– Gratien Allaire, historian,
Laurentian University, Sudbury

1.2

THE EVOLUTION OF ENGLISH-SPEAKING COMMUNITIES IN QUEBEC

While minority Francophone communities have progressively carved out their place in the public sphere since the end of the 1960s, many English-speaking Quebecers felt that they did not occupy their rightful place in Quebec after the election of the Parti Québécois and the adoption of the *Charter of the French Language* in 1977.

Inevitably, the introduction of strong policies to promote French in the Quebec public sphere profoundly changed relations between Quebec’s Francophone majority and its English-speaking communities. That said, certain court judgments were necessary to ensure that the measures taken to promote French respected the rights of English-speaking Quebecers.

Some of these rulings, the general open-mindedness shown by the Francophone majority and a strong willingness to adapt, on the part of hundreds of

thousands of English-speaking Quebecers set on staying in Quebec, all helped establish a climate conducive to social harmony in this province.

Despite this, fear of disappearing endures on both sides. At the conference *Community Revitalization: Trends and Opportunities for the English-Speaking Communities of Quebec*, former commissioner Goldbloom pointed out that Anglo-Quebecers continue to fear that the weakening of their institutions (for example, the closure of some Montréal English-language schools due to decreasing enrolment, or hospital closures such as that of the Sherbrooke Hospital) only diminishes the vitality of their communities.⁴

2.0

THE NEW ENVIRONMENT OF OFFICIAL LANGUAGE COMMUNITIES

Today, the future of minority Anglophone and Francophone communities is promising. This is due to a variety of factors.

Firstly, the desire of minority Francophone communities to use their language in the public sphere, while at the same time contributing, along with the Anglophone majority, to the development of their municipality or province, has continued to increase over the past 40 years. Furthermore, English-speaking Quebecers have never ceased to work towards the development of their schools, hospitals and socio-cultural institutions, and to fully participate in Quebec society.

Secondly, the importance of language skills and of the ability of official language communities to adapt and to develop networks is gaining increasing recognition in the globalized world in which Canada

³ Gratien Allaire, address at the Discussion Forum on the Vitality of Official Language Minority Communities, Ottawa, September 2005.

⁴ Summary report of proceedings held during the conference *Community Revitalization: Trends and Opportunities for the English-Speaking Communities of Quebec* at the Université de Montréal from February 29 to March 2, 2008. This report was released by Intersol on March 27, 2008.

OFFICIAL LANGUAGE COMMUNITIES: A CHANGING IDENTITY

The identity of Anglophone and Francophone minority communities is rapidly changing. Members of official language communities no longer identify themselves solely with their language group. For example, in Quebec, 40% of English speakers identify themselves as much with the Francophone majority as with the Anglophone minority, although they do not place any less importance on access to federal services in English.⁵ Furthermore, data collected by Statistics Canada as part of the survey on the vitality of official language communities⁶ shows that a large proportion of Francophones who have adopted English as their main language still expect some services in French. As for young Anglophones and Francophones from official language communities, they increasingly declare that they have a “bilingual” or “bicultural” identity. These phenomena show that linguistic behaviour is complex, and that it is difficult to define the “Anglophone” or “Francophone” identity.

continues to evolve. For example, in Quebec, business leaders are increasingly aware, particularly in the key sectors of information technology, aerospace and life sciences, that Anglophones are very well positioned to bridge the gap between the Francophone majority and their international clients and suppliers.⁷ As for the Agence nationale et internationale du Manitoba, it draws on the Franco-Manitoban community’s resources in order to position provincial businesses in markets like Quebec, France and Belgium.

Thirdly, by breaking down boundaries, information technology provides official language communities with tremendous opportunities to work cooperatively with one another or to forge ties with people who speak the same language in other provinces or countries. For example, the Internet enables students from French-speaking communities to consult French-language library collections on-line that were not readily available to them in the past. For their part, telehealth services of such institutions as the Montreal Children’s Hospital allow Anglophones in remote regions of Quebec to consult specialist pediatricians without having to travel.

Fourthly, the popularity of Canada as a hospitable country, the openness of official language communities to immigrants who speak the same language and Canadians’ welcoming of these immigrants mean that official language communities are in a good position to mitigate their demographic decline and to benefit from the contribution of newcomers from outside Canada.

3.0

A VISION OF OFFICIAL LANGUAGE COMMUNITIES FOCUSED ON THEIR VITALITY

Convinced of a realistic and strong vision focused on the full development of official language communities, rather than on their mere survival, the Office of the Commissioner launched a large research program on the vitality of these communities in 2006.

⁵ Statistics Canada, *Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities*, Statistics Canada catalogue no. 91-548-XWE, Ottawa, December 2007. On-line version (www.statcan.gc.ca/pub/91-548-x/2007001/4129736-eng.htm) consulted March 31, 2009.

⁶ Statistics Canada, *Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities*, Statistics Canada catalogue no. 91-548-XWE, Ottawa, December 2007. On-line version (www.statcan.ca/english/freepub/91-548-XIE/91-548-XIE-2007001.pdf) consulted March 31, 2009.

⁷ David Johnston, “‘Cultural shift’ made English more acceptable,” *The Gazette*, January 29, 2009. On-line version (www.montrealgazette.com/Life/Cultural+shift+made+English+more+acceptable/1231661/story.html) consulted March 31, 2009.

First was the publication of a document entitled *A Sharper View: Evaluating the Vitality of Official Language Minority Communities*,⁸ which provided an overview of current knowledge on this issue. The Commissioner's efforts continued in 2007 with the launch of a study on the vitality of three French-speaking communities in urban settings: those of Winnipeg, Sudbury and Halifax.⁹

The Commissioner is pleased that these communities have continued the work initiated in this study. For example, the Association canadienne-française de l'Ontario du Grand Sudbury and the Réseau de développement économique et d'employabilité de l'Ontario brought together different partners to produce the first state of affairs for the Francophonie of Greater Sudbury in November 2008. This large-scale gathering was made possible by the planning work of participants in eight sectoral tables and by the efforts of a team of experienced researchers, and enabled the French-speaking community of this region to adopt a common vision. It also led players in priority areas to commit to actively taking part in the follow-ups.

The Commissioner continued his research program on the vitality of official language communities by examining the situation in three English-speaking communities in Quebec: those of the Eastern Townships, Québec City and the Lower North Shore.¹⁰ The publication of this study led to a meeting on June 20, 2008, that helped the Lower North Shore fishing community to start identifying the most pressing challenges that need to be addressed in order to enhance its vitality.¹¹

In the fall of 2008, the Commissioner initiated a study on the vitality of three Western Canadian Francophone communities in Saskatchewan, Alberta and British Columbia. In 2010, the Office of the Commissioner, Canadian Heritage and the Canadian Institute for Research on Linguistic Minorities will publish a study on the vitality of three Francophone communities located in the Yukon, the Northwest Territories and Nunavut.

ENGLISH-SPEAKING QUEBECERS AGED 16 TO 29 ARE CONFIDENT ABOUT THE FUTURE

In 2008, the Quebec Community Groups Network (QCGN) held consultations and meetings that gave several hundred young English-speaking Quebecers an opportunity to reflect together on their community's key challenges.

The QCGN's work demonstrates that English-speaking Quebecers aged 16 to 29 have a positive vision of their future. These young Quebecers want to stay in Quebec and contribute to the development of Quebec society, while also preserving their cultural heritage and identity. They want to be bilingual and would like to improve their relations with young Francophones. They also want their participation in society to take place as part of a "collaborative and inclusive youth-led approach."¹²

⁸ Office of the Commissioner of Official Languages, *A Sharper View: Evaluating the Vitality of Official Language Minority Communities*, Ottawa, 2006. On-line version (www.officiallanguages.gc.ca/html/stu_etu_052006_e.php) consulted March 31, 2009.

⁹ Office of the Commissioner of Official Languages, *Vitality Indicators for Official Language Minority Communities 1: Francophones in Urban Settings*, Ottawa, 2007. On-line version (www.officiallanguages.gc.ca/html/stu_etu_sum_som_10_07_e.php) consulted March 31, 2009.

¹⁰ Office of the Commissioner of Official Languages, *Vitality Indicators for Official Language Minority Communities 2: Three English-Speaking Communities in Quebec*, Ottawa, 2008. On-line version (www.officiallanguages.gc.ca/html/stu_etu_062008_summary_sommaire_e.php) consulted March 31, 2009.

¹¹ The leaders of the English-speaking community of the Lower North Shore believe, in particular, that the next generation is not aware of the opportunities available in the region. Awareness and promotion activities would help correct this problem. They also believe that the creation of camps and summer programs would help youth acquire the skills that would enable them to get the most out of what the region can offer them.

¹² Quebec Community Groups Network, *English-Speaking Youth Want to Contribute Fully to Quebec Society*, news release, Montréal, 2009. On-line version (www.qcgn.org/files/QCGN/aPress_release_EN__2009.01.22.pdf) consulted March 31, 2009.

4.0

THE ROADMAP FOR CANADA'S LINGUISTIC DUALITY 2008–2013: ACTING FOR THE FUTURE AND THE COMMUNITIES

In June 2008, the Government of Canada launched the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future*, with an investment of \$1.1 billion in the following five areas for action:

- Emphasizing the value of linguistic duality among all Canadians;
- Investing in youth;
- Improving access to services for official language communities;
- Capitalizing on economic benefits;
- Improving governance.

The government has chosen to build on what it already has in place. The Roadmap 2008–2013 renews several support programs for official language communities and includes a new support component for arts and culture.

This plan does, however, have some major shortcomings. First, the fact that a new and ambitious vision for the development of official language communities is not proposed to Canadians is unfortunate.

It is also regrettable that, even though the funding announced in the Roadmap 2008–2013 will permit the activities that have been undertaken to continue, it will not be sufficient to meet all the new challenges that communities will face between now and 2013.

Furthermore, the Roadmap 2008–2013 does not set out specific targets to guide federal institutions in their efforts to support official language communities.

Finally, the federal government stresses that it is important for Canada to build the future by investing in young people, but it does not allocate any specific funding to youth groups from official language communities, nor does it clearly identify whether the described programs have a youth component.

The Commissioner deplores the fact that the government took several months to announce its first measures under the Roadmap 2008–2013.

Despite a few recent announcements, the Commissioner believes that this delay is unfortunate and that the government should make up for this lost time as quickly as possible in the interest of ensuring the sustainable development of the official language communities.

5.0

ANALYSIS OF THE SITUATION OF THE OFFICIAL LANGUAGE COMMUNITIES IN SIX AREAS OF ACTIVITY

The situation of Anglophones and Francophones in minority contexts varies from one area of activity to another. However, in each area, the government will have to take vigorous measures in order to achieve the dynamic vision that these communities have of their future.

The Commissioner outlines a vision for each of the following areas of activity:

- *Education:* Not only do English- and French-speaking children and students in minority communities have the opportunity to learn in their language, starting in early childhood, in institutions governed by their communities, but the instruction they receive is also of a quality equal to that in majority communities' institutions.
- *Community economic development:* Official language minority communities have the infrastructure, resources and tools they need to implement sustainable community economic development and human resources development initiatives, which enable them to contribute to their vitality and to the economic growth of their region and province.

- *Justice*: Individuals can fully exercise their right to use the official language of their choice, before federal courts, in a criminal matter or before the superior courts of justice of some provinces and territories in a civil matter.
- *Arts and culture*: Artists as well as arts and culture organizations from official language minority communities are able to contribute in a meaningful and ongoing way to the cultural and artistic vitality of their community; community members have access to cultural and artistic activities presented in their language and originating from their community.
- *Health*: Not only do members of official language minority communities have access to health care in their language in their region, but the health care offered is also of equal quality in either official language.
- *Demographic vitality*
 - *Immigration in minority Francophone communities*: Minority Francophone communities welcome, integrate and retain an increasing number of newcomers, who enhance the vitality of these communities by actively contributing to their development.
 - *Renewal of English-speaking communities in Quebec*: English-speaking communities in Quebec have had many years of experience in immigration and integration, and they continue their work in order to ensure that English-speaking newcomers are integrated and actively contribute to the development of Quebec society.

The Commissioner's vision...

Not only do English- and French-speaking children and students in minority communities have the opportunity to learn in their language, starting in early childhood, in institutions governed by their communities, but the instruction they receive is also of a quality equal to that in majority communities' institutions.

In Canada, as elsewhere, educational institutions must meet many challenges, such as recruitment of qualified teachers (especially in the most remote areas), accommodation for special-needs students and integration of technology into the classroom.

Schools in official language communities must also meet challenges that majority community schools do not have to face. Indeed, these institutions are one of the cornerstones of the vitality of the communities in which they are located, since their educational mandate includes a mission that is both cultural and community based. This explains why it is important for the communities to govern their own schools.

Since schools in minority Francophone settings play an important role as far as identity is concerned, the teachers who work there must receive training that is tailored to the specific challenges they will have to face. Unfortunately, a recent report from the Canadian Institute for Research on Public Policy and Public Administration, entitled *Recrutement, maintien et formation du personnel scolaire dans les communautés francophones et acadienne en milieu minoritaire au Canada*,¹³ shows that, in Canada, few French-language faculties of education offer courses that enable education students to familiarize themselves with school realities that are unique to

¹³ Daniel Bourgeois, *Recrutement, maintien et formation du personnel scolaire dans les communautés francophones et acadienne en milieu minoritaire au Canada*, Moncton, Canadian Institute for Research on Public Policy and Public Administration, 2008.

PUBLICATION OF A MAJOR REPORT ON OFFICIAL LANGUAGES IN EDUCATION

In January 2009, the Council of Ministers of Education, Canada published its *Pan-Canadian Interim Report on Official Languages in Education 2005–2006/2006–2007*.¹⁴ This document describes the initiatives that were launched by provinces and territories in recent years, in the wake of the action plans they developed in compliance with the *Official Languages in Education Protocol*.

The Interim Report describes some interesting initiatives. For instance, the document *Présence de Gabrielle Roy : un outil pédagogique* was distributed in French-language schools in Manitoba in order to foster identity- and culture-building among young Francophones. In Ontario, the province's French-language educational and cultural public television network (TFO) specifically produced television programs, Web sites and on-line educational content based on the Ontario curriculum.

Each provincial and territorial government must nevertheless continue the work that has been undertaken, in order to move forward on the implementation of its action plan.

minority communities. In general, future teachers also lack opportunities to familiarize themselves with the pedagogical approaches most likely to produce good results in a minority Francophone setting, and to apply these approaches in the classroom. Therefore, quick action is needed to meet the challenges facing teachers in minority communities.

The lack of resources at a number of French-language school boards is another obstacle that, in many parts of the country, can lead to a decrease of the programs and learning options available to students in French-language schools. To ensure that these students have equal opportunities to succeed, it will be important to provide for more activities and teaching material tailored to their specific needs.

Since enrolment inevitably has an impact on the resources available to an educational institution and on the quality of instruction, it will be important to ensure that enrolment in schools in French-speaking communities increases, or at least stabilizes.

To increase or maintain enrolment in minority French-language schools, all stakeholders will be required to step up their efforts to help schools in French-speaking communities attract and retain eligible students.¹⁵

In some cases, this will mean taking measures to encourage Francophone parents to enrol their children in a French-language school. Many do not do so, especially during the transition to secondary school. For example, in the Greater Toronto Area, approximately only 20% of school-age Francophones currently attend a school in the French-language system.¹⁶

In other cases, stakeholders will have to avoid adopting measures that adversely affect the vitality of Francophone schools. For example, the Government of the Northwest Territories developed a directive that limits the enrolment of eligible students in schools that belong to the French-language school board. This government could have opted to expand the French-language school (École Boréale) in Hay River

¹⁴ Council of Ministers of Education, Canada, *Pan-Canadian Interim Report on Official Languages in Education 2005-2006/2006-2007*, Toronto, 2008. On-line version (www.cmec.ca/Publications/Lists/Publications/Attachments/127/Rapport-PL0E-2005-2007.pdf) consulted on March 31, 2009.

¹⁵ For a definition of “eligible students,” see Chapter 1, page 16, footnote 27.

¹⁶ Data from an internal analysis carried out by the Ontario Ministry of Education, based on data from the 2001 censuses and school enrolments.

so that it could accept more students. Some school boards fear that other provinces or territories may apply this restrictive practice.¹⁷

As Canada welcomes a large number of immigrants each year, schools in French-speaking communities will have to ensure that their ability to welcome and integrate young newcomers increases. In this regard, it is worth mentioning that the Association canadienne d'éducation de langue française has produced a report explaining to stakeholders in education how policies can be developed specifically to promote cultural diversity in the school systems.

Various measures will also have to be taken in order to revitalize Quebec's English-language schools, particularly in the Quebec regions facing a significant demographic decline. In particular, public stakeholders will have to redevelop the often aging infrastructure of the English-language school boards. They will need to improve the support provided to English-speaking students with learning disabilities. They will also have to take vigorous measures to ensure that all young English-speaking Quebecers, when they graduate, are proficient enough in French to find good jobs and stay in their communities.

Public stakeholders will also have to accelerate the availability of English-language textbooks, which teachers in the English-language system need in order to implement the curriculum reform introduced by the Government of Quebec in 2000. In October 2008, the Quebec Provincial Association of Teachers (QPAT) reported, for example, that in spite of some

BILL 104

In 2002, with Bill 104, Quebec amended section 73 of the *Charter of the French Language*, by excluding instruction received in a private non-subsidized English school from the calculation to determine whether a child had received the “major part” of his or her education in English and should therefore have access to a public English-language school in Quebec. This bill was criticized because it restricts access to English-language schools that have already been hard hit by the demographic decline of Quebec's English-speaking population.

In December 2008, the Supreme Court of Canada heard the *Nguyen*¹⁸ and *Bindra*¹⁹ cases, which dealt with the constitutionality of Bill 104. The Commissioner intervened in these cases because the interpretation adopted by the Supreme Court of Canada regarding the scope of subsection 23(2) of the *Canadian Charter of Rights and Freedoms*²⁰ could have major repercussions on the preservation and development of official language minority communities. The Commissioner asserted that the criteria adopted by the provinces for the purpose of applying subsection 23(2) should be consistent with the purpose and remedial nature of this provision, and that these criteria should ensure that children whose rights are meant to be protected are actually admitted to minority-language schools.²¹

¹⁷ See especially Radio-Canada, *Le Conseil des écoles fransaskoises veut se doter d'une politique plus claire en ce qui a trait à l'admission des non-ayants-droit*, 2008. On-line version (www.radio-canada.ca/regions/saskatchewan/Radio/Sitem/Index.asp?pk_region=3&id=188&IDemissionFR=582&IDCat=6&leMois1=2009/01&sub=.%2F.%25) consulted March 31, 2009.

¹⁸ *Québec (Ministre de l'Éducation, du Loisir et du Sport) v. Nguyen*, case no. 32229, appeal heard by the Supreme Court of Canada December 15, 2008.

¹⁹ *Québec (Ministre de l'Éducation, du Loisir et du Sport) v. Bindra*, case no. 32319, appeal heard by the Supreme Court of Canada December 15, 2008.

²⁰ Subsection 23(2) of the *Canadian Charter of Rights and Freedoms* provides that “[c]itizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.”

²¹ Commissioner of Official Languages, *Factum of the Intervenor, Commissioner of Official Languages for Canada*, factum presented to the Supreme Court of Canada, case no. 32229, 2008. On-line version (www.officiallanguages.gc.ca/html/factum_memoire_2008_11_12_e.php) consulted March 31, 2009.

PROMOTION OF FRENCH-LANGUAGE EDUCATION

In 2008, various steps were taken to promote French-language education. For example, the Franco-Manitoban school division conducted consultations to determine how it could best take into account the needs of exogamous families (where one of the parents is not Francophone) without compromising the quality of education in French.²²

Moreover, in the wake of the *Sommet des intervenants et des intervenantes en éducation dans la mise en œuvre de l'article 23 en milieu francophone minoritaire*, hosted by the Fédération nationale des conseils scolaires francophones, the senior administrators of Alberta's school board and different players in Alberta's educational sector met in April 2008 during a forum for communicators.²³ Among other things, this meeting enabled participants "to consolidate local communication initiatives from each school board in order to extend their impact across the province"²⁴ and, by doing so, to extend the reach of French-language boards and schools in the province.

progress, not all the new math textbooks English-speaking students needed were available, even though the reform had already been put in place. Furthermore, the QPAT expressed its concern that it feared that some Grade 11 text books and resource kits would not be available in time for the 2009–2010 school year. Consequently, the QPAT requested that a "long-term solution that would ensure concurrent availability of English- and French-language textbooks be implemented."²⁵

Given this context, the federal government indicated in the Roadmap 2008–2013 that it would continue its financial support for provincial and territorial minority-language education programs.

It is unfortunate, however that it made no indication in the Roadmap 2008–2013 of its intention to take more vigorous action towards fostering a targeted increase in the percentage of eligible students who are enrolled in French-language schools.

The fact that the federal government did not use the launch of the Roadmap 2008–2013 to announce the implementation of more ambitious early childhood support programs in official language communities is regrettable. Indeed, children who attend day care centres that operate in the language of the majority do not benefit from precious years of socialization that would help them begin their education in a minority-language school. A comprehensive vision of education should include early childhood in order to allow children to start their learning at an earlier stage and to do so in a more coherent manner from the outset, in a system where they are likely to progress instead of having to adapt.

²² Radio-Canada, *La Division scolaire franco-manitobaine cherche des moyens de mieux intégrer dans ses activités les parents anglophones*, Sympatico / MSN Nouvelles, January 9, 2009. On-line version (http://nouvelles.sympatico.msn.ca/Regions/Manitoba/ContentPosting_SRC_manitoba?newsitemid=423010&feedname=CBC_LOCALNEWS_V3_FR&show=False&number=0&showbyline=True&subtitle=&detect=&abc=abc&date=True) consulted March 31, 2009.

²³ Fédération nationale des conseils scolaires francophones, "Forum tenu en Alberta," *Bulletin d'informations de la FNCSF*, Vol. 5, No. 1, October 2008, p. 4. On-line version ([www.fncsf.ca/files/fncsf_bulletin_volume5_numero1_octobre2008\(3\).pdf](http://www.fncsf.ca/files/fncsf_bulletin_volume5_numero1_octobre2008(3).pdf)) consulted March 31, 2009.

²⁴ *Ibid.*

²⁵ Quebec Provincial Association of Teachers, *L'Association provinciale des enseignantes et enseignants du Québec envoie une lettre ouverte à la ministre de l'Éducation Michelle Courchesne concernant les manuels scolaires*, news release, Montréal, October 1, 2008. On-line version (www.cnw.ca/en/releases/archive/October2008/01/c2064.html) consulted March 31, 2009, Web site available in French only.

5.2

COMMUNITY ECONOMIC DEVELOPMENT

The Commissioner's vision...

Official language minority communities have the infrastructure, resources and tools they need to implement sustainable community economic development and human resources development initiatives, which enable them to contribute to their vitality and to the economic growth of their region and province.

The economic situation of official language communities has generally improved since the 1960s, as has that of Canada's provinces and territories. However, the significant decline, in recent decades, of certain industries that have historically fostered the development of official language communities has often led to an exodus of their members. For instance, the collapse of the fishery and forestry sectors has led many Acadians to leave for other regions or provinces.

Furthermore, some Anglophone and Francophone graduates leave their official language community—or choose not to return once they have completed their studies—because the community cannot offer them the employment or career opportunities they expect.

It is therefore important that the federal government announced, in the Roadmap 2008–2013, its intention to continue supporting community economic development and employability within official language communities by reinserting money into the Enabling Fund. This fund will allow the Réseau de développement économique et d'employabilité (RDÉE)—for Canada's Francophonie—as well as its Quebec counterpart, the Community Table, to continue their work in such sectors as youth, tourism, rural development, community capacity building and entrepreneurship.

THE SUPREME COURT OF CANADA RENDERS ITS JUDGMENT IN THE *DESROCHERS* CASE

The Commissioner is pleased with the judgment rendered in February 2009 by the Supreme Court of Canada in the *Desrochers* case (often referred to as the CALDECH [Centre d'avancement de leadership et de développement économique communautaire de la Huronie] case), in which he was a co-appellant. CALDECH was created by Franco-Ontarians in order to address the shortcomings in the community economic development services offered by the North Simcoe Community Futures Development Corporation (CFDC) to the Francophone population of Huronia, Ontario.

The Supreme Court decision states that the “content of the principle of linguistic equality in government services is not necessarily uniform. It must be defined in light of the nature and purpose of the service in question. Let us consider the community economic development program in the case at bar. [...] it is difficult to imagine how the federal institution [the CFDC] could provide the community economic development services mentioned in this description without the participation of the targeted communities in both the development and the implementation of programs. That is the very nature of the service provided by the federal institution. It necessarily follows [...] that the communities could ultimately expect to have *distinct* content that varied ‘greatly from one community to another, depending on priorities established’ by the communities themselves.”²⁶

²⁶ *Desrochers v. Canada (Industry)*, 2009 SCC 8, at paras. 51 and 53.

ECONOMIC DEVELOPMENT PROJECTS THAT YIELD RESULTS

In February 2009, the Commissioner took part in the signing of a major memorandum of understanding under which the Réseau de développement économique et d'employabilité (RDÉE) Canada and the Canadian Tourism Commission committed to collaborate on the international promotion of Francophone products and tourist destinations in Canada. It should be noted that these organizations did not wait to sign this memorandum to work together towards promoting minority Francophone communities in preparation for the 2010 Olympic Winter Games in Vancouver.

In 2008, the Entrepreneur Support Network, created by the Community Economic Development and Employability Committee (CEDEC) in south-western Quebec, continued expanding. This group, which supports the efforts of Quebec's Anglophone entrepreneurs at every stage of their business's development, recorded an increase in members this year. It has also acquired a second location on Montréal's South Shore. Members of the Entrepreneur Support Network mainly share services and help each other in finding new clients. Entrepreneurs devoted over 400 hours of volunteer work to the Network's activities in 2008–2009.

Fortunately, the Roadmap 2008–2013 provides funding for new initiatives by Industry Canada and the different regional economic development agencies operating in the country. The measures taken by these institutions should allow the members of Anglophone and Francophone communities to acquire the skills they will need to succeed in business.

Furthermore, the Government of Canada announced in the Roadmap 2008–2013 that the Economic Development Agency of Canada for the Regions of Quebec (CED) would receive \$10.2 million to support the economic development of Anglophone communities. At the same time, the CED was criticized for changes made to its funding policy for economic development non-profit organizations. Youth Employment Services (YES) Montreal, the only English-language non-profit organization that provides support services exclusively to the small businesses of Quebec's Anglophone communities, is one of the organizations affected by these changes.

In order to take into account the needs and challenges of the various regions of Quebec and the current economic situation, in March 2009, the CED announced that it would show greater flexibility in its policy regarding the funding of economic development non-profit organizations.

The CED will continue funding projects that are related to its mandate and objectives. The Office of the Commissioner welcomes this initiative, but will follow the situation closely to ensure that the Anglophone communities can continue to receive business-related services from YES.

Accordingly, the Commissioner hopes that the minister responsible for the CED will quickly review its approach to supporting English-speaking communities in Quebec. The CED should take into consideration the crucial role played by some non-profit organizations in the areas of economic development and youth in English-speaking minority communities.

The economic vitality of the country's official language communities will depend largely on their ability to offer their members, in particular youth and newcomers, the opportunity to find good jobs in their region, to hone their skills or to start their own business. As the economic and social situation of official language communities varies greatly from

one place to another, depending on the prevailing business conditions or the available infrastructure and resources, the federal government will have to intervene in ways specifically tailored to each situation.

One initiative that has yielded interesting results is Place aux jeunes du Québec. The purpose of the Place aux jeunes du Québec program, created in the late 1980s, is to “[promote] the migration, establishment and retention of youth aged 18 to 35 in the regions.”²⁷ To achieve these objectives, the heads of Place aux jeunes du Québec design activities that aim to enhance young people’s sense of belonging to their community, and to provide individual support to youth wishing to settle in or return to the regions.

In 2005, the results achieved in Quebec thanks to Place aux jeunes du Québec prompted the Rural Secretariat of Agriculture and Agri-Food Canada and federal partners to provide funding to the program for the implementation of similar projects in bilingual communities in Manitoba and the Yukon. To this end, Place aux jeunes du Québec called upon the support and know-how of the Economic Development Council for Manitoba Bilingual Municipalities and the RDÉE Yukon. The activities undertaken have been successful, and the program continues, even though agreements with the Rural Secretariat ended in 2008.²⁸

In November 2008, Place aux jeunes du Québec partnered with the RDÉE Newfoundland and Labrador in order to support the implementation of projects aimed at countering the out-migration of Francophones from the Port-au-Port region and at attracting qualified French-speaking workers.²⁹

The Commissioner’s vision...

Individuals can fully exercise their right to use the official language of their choice, before federal courts, in a criminal matter or before the superior courts of justice of some provinces and territories in a civil matter.

The situation of official language communities in terms of justice has improved over the past 40 years, but the problems they face in this area are far from being fully solved.

It is commendable that, in 2008, the *Criminal Code* was amended to clarify the provisions related to the language rights of the accused, as well as to clarify and codify the current state of the law concerning the language of proceedings. For example, all accused persons must now be advised of their right to proceedings in the official language of their choice; in the past, only those who were not represented by a lawyer had this right.

However, it is regrettable that, in criminal matters, citizens are often unable to exercise their fundamental right to use the official language of their choice in the superior courts of the provinces and territories. It is also regrettable that, in civil matters, Canadians are often unable to use either English or French in the superior courts of provinces and territories that have enacted legislation to this effect. In fact, in 2009, the shortage of bilingual judges in the provincial and territorial superior courts is still a major obstacle to exercising these rights.

²⁷ Place aux jeunes du Québec, *Mission et objectifs*. On-line version (www.placeauxjeunes.qc.ca/fr/voir_contenu.asp?contenu=14) consulted March 31, 2009, (Web site available in French only).

²⁸ Place aux jeunes du Québec, *Rapport annuel 2007-2008*, Québec City, 2008, p. 18. On-line version (www.placeauxjeunes.qc.ca/file_library/rapport_an0708.pdf) consulted March 31, 2009, (Web site available in French only).

²⁹ Place aux jeunes du Québec, *Une communauté rurale de Terre-Neuve-et-Labrador s’inspire de Place aux jeunes pour contrer l’exode des jeunes*, news release, Québec City, November 26, 2008. On-line version (www.francotnl.ca/FichiersUpload/Documents/20081152Communique_PAJQ.pdf) consulted March 31, 2009, (Web site available in French only).

A similar situation prevails in the federal courts.³⁰ In fact, the linguistic capacity in these courts is sometimes so weak that, in spite of their efforts, the courts are unable to fulfill their language obligations under the Act.

The Commissioner and various House of Commons and Senate committees have repeated time and again that, to address the linguistic shortcomings of Canada's superior courts of justice, it should be mandatory, in the judicial appointment process, to take into account the linguistic needs to be met in the region with the vacant judicial position, as well as the current linguistic capacities of the court where a replacement judge is necessary.

The Commissioner is delighted that the Roadmap 2008–2013 confirms the federal government's intention to ensure Canadians have access to justice in the language of their choice. However, intensifying efforts to improve the language skills of Canadian court clerks, stenographers, justices of the peace or mediators does not address the shortage of bilingual judges.

SHORTAGE OF BILINGUAL JUDGES IN ONTARIO

In 2008, during the *Belende v. Patel* case, the Ontario Court of Appeal reiterated the importance of taking into account the need for bilingual judges in regions required to offer bilingual proceedings. The Court thus emphasized that the right to bilingual proceedings is quasi-constitutional in Ontario, but that the current shortage of bilingual judges prevents this right from being fully exercised.

Likewise, there was reason for optimism when Thomas Cromwell, a bilingual judge on the Nova Scotia Court of Appeal, was appointed to the position of Judge of the Supreme Court of Canada in December 2008. That said, nothing guarantees that the selection process used to fill future vacancies in the Supreme Court of Canada will result in the selection of bilingual candidates. In fact, the government has still not taken any steps to this effect.

Now that the Act is celebrating its 40th anniversary and that federal statutes are drafted in both official languages, knowledge of English and French should be recognized as an essential skill for candidates to be appointed to the Supreme Court of Canada. A bill was tabled to this effect in March 2009 in order to add bilingualism as a new condition for appointing judges to the Supreme Court of Canada.

The Commissioner is satisfied with recent proposed amendments to the *Supreme Court of Canada Act* and the *Official Languages Act*, which were tabled in Parliament in 2008 (but died on the order paper), and sought to give concrete expression to this objective.

The legal requirement of such an obligation would demonstrate to Canadians the federal government's commitment to linguistic duality and its desire to ensure full respect for the needs of official language communities.

³⁰ For example, the Federal Court of Canada, the Tax Court of Canada, the Canadian Human Rights Tribunal or the Immigration and Refugee Board of Canada.

TELEVISION PRODUCTION AND THE PLACE OF FRENCH ON THE AIR

In January 2009, the Commissioner published a major study entitled *Shadows over the Canadian Television Landscape: The Place of French on the Air and Production in a Minority Context*.³¹ This study presents the issues related to television production in a minority context and the place of French in children's and youth programming in the country. The Commissioner recommends, among other things, that Canadian Heritage and its partners, including the CRTC, devise a joint strategy to better support the production and broadcasting of television products for official language communities. He also states that federal stakeholders must redouble their efforts so that broadcast television production and distribution can give greater leverage to the development of official language communities, as well as contribute to the vitality of the French language.

Anglophone producers in Quebec are faced with a very different reality and specific challenges, because they are exposed to a large number of North American products and because they must compete with national production houses in large centres such as Toronto and Vancouver, and international production houses as well.

5.4

ARTS AND CULTURE

The Commissioner's vision...

Artists as well as arts and culture organizations from official language minority communities are able to contribute in a meaningful and ongoing way to the cultural and artistic vitality of their community; community members have access to cultural and artistic activities presented in their language and originating from their community.

The arts and culture are not only important in and of themselves, but they are also important because they help communities in the “development of social capital and the organizational capacity to respond to change.”³²

This realization led the Commissioner to recommend, in the 2008 study entitled *Federal Government Support for the Arts and Culture in Official Language Minority Communities*, that the Government of Canada should work closely with arts and culture organizations in Anglophone and Francophone communities to develop a comprehensive, coherent vision of arts and culture in official language communities. The Commissioner also recommended that the Roadmap 2008–2013 should include support for arts and culture in these communities.

The Commissioner considers that the federal government has taken a step in the right direction by adding an “arts and culture” section in the Roadmap 2008–2013. More specifically, the government plans on investing \$23.5 million, between now and 2013, to foster development of the arts and culture sector in official language communities. One example is the Cultural Development Fund, which will serve, among other things, to support the accessibility and development of the cultural products of these communities.

³¹ Office of the Commissioner of Official Languages, *Shadows over the Canadian Television Landscape: The Place of French on the Air and Production in a Minority Context*, Ottawa, 2009. On-line version (www.officiallanguages.gc.ca/html/stu_etu_012009_e.php) consulted March 31, 2009.

³² Charles Landry, *The Creative City: A Toolkit for Urban Innovators*, London (UK), Earthscan Publications Ltd., 2000, pp. 9–11.

However, the Commissioner is not pleased that the Government of Canada has not yet developed a comprehensive, coherent vision of the role of arts and culture in official language communities. One hopes that this shortcoming will be remedied in the coming months.

In June 2008, the Minister of Canadian Heritage, Status of Women and Official Languages and Minister for La Francophonie at the time launched the Roadmap 2008–2013. Under this initiative, the Minister also announced that the Canadian Radio-television and Telecommunications Commission (CRTC) would examine accessibility and the quality of broadcast services offered to minority Anglophone and Francophone communities. As a result, the Governor in Council issued Order in Council P.C. 2008-1293 requiring the CRTC to report on the issue before March 31, 2009.

The CRTC has held public hearings in order to obtain comments from the public regarding this issue. The process included written observations and a public hearing during the week of January 13, 2009.

On January 16, 2009, the Commissioner used these hearings to reaffirm that the CRTC must ensure official language communities have access to broadcasting services that foster their vitality and development in their own language and that reflect local and regional realities.³³

Some decisions made by the federal government in 2008 are unfortunately disappointing. In particular, the federal government decided last year to make major cuts (more than \$44 million) to Canadian programs supporting arts and culture. The Commissioner is currently investigating a complaint alleging that

the Government of Canada made this decision without taking into account the needs of official language communities and the challenges they face. This complaint also points out that these communities were not consulted about the decision even though they should have been, pursuant to Part VII of the Act.

5.5

HEALTH

The Commissioner's vision...

Not only do members of official language minority communities have access to health care in their language in their region, but the health care offered is also of equal quality in either official language.

Health is a question of great concern to official language communities in Canada.³⁴ Over the past 40 years, the perseverance of minority Francophone communities has been a key factor in improving access to health care in their language. One need only recall the struggle led by Franco-Ontarians to keep open the only Francophone community hospital in Ontario. Perseverance was a necessary condition but not a sufficient one. The cooperation of public players, including the federal government, and some important court decisions were also necessary.

In spite of this, too many Francophones must still make do with health care offered in the language of the majority. Services in French are non-existent in several provinces in the country and, across the

³³ Commissioner of Official Languages, *Review of English- and French-Language Broadcasting Services in Official Language Minority Communities*, notes for an appearance before the CRTC public hearing, Ottawa, January 16, 2009. On-line version (www.officiallanguages.gc.ca/html/speech_discours_16012009_e.php) consulted March 31, 2009.

³⁴ There are few sectors where it is as important to receive services in one's own language as in the health sector. In fact, by using the patient's language to provide care, health care professionals contribute to the patient's well-being and increase the likelihood that the care they give will be effective. On this subject, see especially Elizabeth Jacobs, "The Need for More Research on Language Barriers in Health Care: A Proposed Research Agenda," *Milbank Quarterly*. On-line version (www.hablamosjuntos.org/resources/pdf/TheMilbankQuarterlyVol84_1.pdf) consulted March 31, 2009.

HEALTH IN FRENCH AND REFORMS IN ONTARIO AND NEW BRUNSWICK

Two recent provincial health care reforms demonstrate the vulnerability of certain achievements by official language communities.

In Ontario, the government would like Francophone networks to henceforth limit themselves to providing the government with advice on health care in French and leave the responsibility of managing and coordinating services offered in French to the government. For their part, Franco-Ontarians claim that they must be able to control their own institutions so that these institutions can adequately meet their needs. To ensure that the needs of the Franco-Ontarian community are taken into account, Ontario's French Language Services Commissioner indicated in November 2008 that the new local health system integration networks "must have a French language services coordinator."³⁵

In October 2008, in New Brunswick, representatives of the Acadian community began court proceedings against the government of that province because the government had decided unilaterally to consolidate the province's eight former health authorities—one of which, the Beausejour Authority, was exclusively Francophone—under two large bodies, one Anglophone and the other bilingual.

country, six out of ten Francophones in minority communities must communicate in English with their family physician.³⁶

In Quebec, successive health system reforms have led to closures of certain Anglophone institutions. However, thanks to persistent efforts by the Anglophone communities, the majority of them have been preserved, or transformed into clinic services, as was the case with the Jeffery Hale Hospital in Québec City. However, an aging population, especially among English-speaking Quebecers, has led to an increase in the need for long-term and palliative health care. The lack of service in English for this aging population makes elderly English-speaking Quebecers even more vulnerable. Furthermore, three out of every ten English-speaking Quebecers must still make do with being served in French by their family physician.³⁷

Promising measures were taken in the framework of the *Action Plan for Official Languages* to enable Francophone communities to obtain better access to primary health care and health promotion services in French, as well as to ensure that shortcomings in the health care offered to English-speaking Quebecers, especially outside Montréal, are finally corrected.

For example, the activities of the Consortium national de formation en santé have resulted in a spectacular increase in recruitment of students interested in health professions in minority Francophone communities. For its part, Société Santé en français has built 17 regional and provincial networks of partners that have become a mouthpiece for the provinces and can therefore help provincial governments better understand the particular needs of Francophone communities.

In Quebec, the activities supported under the Action Plan 2003–2008 have particularly helped to increase the ability of health care professionals to provide health care in English. This plan has also

³⁵ Letter from Ontario's French Language Services Commissioner sent on November 12, 2008, to the Ontario Minister of Health and Long-Term Care. On-line version (www.flsc.gov.on.ca/files/files/LETTER_FLSCProposedRegulation_ENGLISH-Web.pdf) consulted March 31, 2009.

³⁶ Jean-Pierre Corbeil, Claude Grenier and Sylvie Lafrenière, *Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities*, Ottawa, Statistics Canada, 2006, p. 133.

³⁷ *Ibid.*

made it possible to help the Anglophone communities define and voice their expectations, as well as to launch projects in telehealth, which is a highly promising area.

The Roadmap 2008–2013 allocates funds to promote linguistic duality in the health sector, increasing from \$119 million to \$174 million over five years. This increase is a good sign, even though this new amount is lower than what the official language communities would have liked to see invested in the health sector.

In fact, the need will increase over the coming years. On the one hand, measures will have to be taken to help health professionals settle in official language communities and stay there in the long term. On the other hand, the work of the Société Santé en français has made it possible, thus far, to lay the groundwork. Nevertheless, new services will have to be created in the coming years in order to meet the needs of the communities. That said, these initiatives will require more significant sums of money than did the preparatory work of years past.

Moreover, the reforms carried out to improve the efficiency of provincial or territorial health systems sometimes act to thwart the progress achieved by official language communities. (See text box entitled “Health in French and reforms in Ontario and New Brunswick.”)

Consequently, the Commissioner believes that the federal government should support the provinces and territories to ensure that, in the health sector, the care offered is of equal quality in either official language and that the communities’ needs are met.

There is also an important obstacle that is considerably slowing down progress in the establishment of health care services in French. This problem is the insufficient amount of data concerning the health of Francophones in minority communities and the ability of health professionals to provide care in French. Several surveys on health carried out by Statistics Canada and by other government agencies, including the Canadian Institute for Health Information,

do not include a language variable, and the administrative health databases, both federal and provincial, usually disregard the linguistic aspect.

This lack of data and the limited knowledge resulting from it significantly compromises service planning and even results in the under-utilization of available services. Equality of service implies the right to be taken into account in research, planning and policies. Without access to such data, it cannot be said that Francophones are obtaining equal service from the organizations in question.

5.6

DEMOGRAPHIC VITALITY

The importance of population renewal in official language communities and the interest these communities place on the question of immigration are easy to understand, given the repercussions that demographic decline, mainly caused by the out-migration of young people and the aging of the population, can have on a society.

This is why Francophone and Anglophone communities both seek to attract newcomers in their regions. However, the issues linked to the revitalization of official language communities—and, as a result, the measures needed to help them flourish—are not the same for Francophones as for Anglophones.

5.6.1. IMMIGRATION IN MINORITY FRANCOPHONE COMMUNITIES

The Commissioner’s vision...

Minority Francophone communities welcome, integrate and retain an increasing number of newcomers, who enhance the vitality of these communities by actively contributing to their development.

In 2003, the Canadian government announced in the Action Plan 2003–2008 its intention to allocate \$9 million to launching projects that support immigration in Francophone communities across the country.

In 2003, the *Strategic Framework to Foster Immigration to Francophone Minority Communities* established, as the first objective of the federal government, that 4.4% of the immigrants who arrive in Canada every year and who settle outside Quebec should be French speaking. In 2006, the Citizenship and Immigration Canada–Francophone Minority Communities Steering Committee estimated at that time that it could take about 15 years to reach this goal.

The efforts made so far to support immigration in Francophone communities have produced modest results. However, it is worth reiterating that every step taken in the direction of the 4.4% objective established under the Strategic Framework matters. Thus, the integration of a single immigrant family in a small Francophone community can make a big difference.

The Commissioner is pleased that, in 2008, the federal government announced in the Roadmap 2008–2013 that it would continue the work already begun by investing in the implementation of initiatives designed to encourage immigration to Francophone communities. The fact that the Atlantic Canada Opportunities Agency has received \$10 million over five years to attract more Francophone immigrants to New Brunswick is especially noteworthy.

The Commissioner notes, however, that the federal government seems to have slowed down its activities in this regard. It will be important for the Steering Committee and the Implementation Committee responsible for the application of the Strategic Plan to continue the work carried out with federal and provincial institutions to ensure that the objectives of the Strategic Framework are met and that existing support measures are continually improved.

In 2008, Citizenship and Immigration Canada amended the *Immigration and Refugee Protection Act*. Among other things, these amendments allow the minister to select economic class immigrants based on shortages in different sectors of the labour market. The Commissioner is concerned about the fact that the Department seems to have overlooked the possible repercussions of these changes on Francophone communities. Citizenship and Immigration Canada must cooperate with the Steering Committee to ensure that meeting the objectives of this act does not neutralize the efforts of the Strategic Plan.

In summary, integrating immigrants into Francophone communities poses considerable challenges, which will require vigorous and innovative solutions. It certainly seems possible to expand and reinforce the Francophone space thanks to immigration, “but, if concerted efforts are not made for integration, one can hardly expect that the simple ‘recruitment’ of Francophone immigrants will change the dynamics of the language in Francophone communities.”³⁸

5.6.2. RENEWAL OF ENGLISH-SPEAKING COMMUNITIES IN QUEBEC

The Commissioner’s vision...

English-speaking communities in Quebec have had many years of experience in immigration and integration, and they continue their work in order to ensure that English-speaking newcomers are integrated and actively contribute to the development of Quebec society.

The issue of immigration is different in Quebec, since the English-speaking communities have already benefited for several decades from the addition of newcomers. In fact, the proportion of English-speaking newcomers who settle in this

³⁸ Carsten Quell, “Researching the New Diversity of Francophone Minority Communities,” *Canadian Issues / Thèmes canadiens*, Spring 2008, p. 6.

province remains strong, and the number of immigrants capable of becoming fluent in this language on arrival has risen. In Montréal, for instance, the dynamic cultural scene and the city's unique cosmopolitan character attract and retain many young musicians, artists and others from all over.³⁹

Although the situation varies greatly from one region to another, some members of the English-speaking communities have many years of experience in integrating newcomers and managing cultural diversity.

Over the years, the Anglophone communities have been able to draw on this experience to ensure that English-speaking newcomers obtain all the assistance they need with job searching or language teaching in order to integrate into Quebec society, while preserving their special ties to the Anglophone community.

The English-speaking communities in Quebec would benefit from being able to share their experience in immigration and in taking into account diversity, and would also benefit from actively participating in public debates on the issue.

Moreover, it would be important for English-speaking community organizations to obtain the resources they need to continue working on integrating newcomers and helping them realize their full potential in Quebec.

6.0

CONCLUSION: NEED FOR VIGOROUS ACTION ON THE PART OF THE FEDERAL GOVERNMENT

Official language communities have made important gains in the past years, but the federal government must ensure stronger compliance with Part VII of the Act, to help these communities fully develop in all areas of activity.

This means that federal institutions must seek to work more closely with official language communities and must ensure that all of their programs are reviewed in light of Part VII of the Act.

To better support the communities, federal institutions must then collaborate more, so that the relatively limited funds available to them are used more effectively.

The federal government and other levels of government must also focus on joint efforts to enhance the vitality of official language communities. In this regard, it is worth remembering that, at the 13th Ministerial Conference on the Canadian Francophonie, held in Québec City in September 2008, provincial and territorial ministers reaffirmed “their desire to enhance their partnership with the [...] federal government with regard to the implementation of the Roadmap [2008–2013].”⁴⁰ The Government of Canada must make sure that it takes advantage of this opportunity.

In a context where achieving concrete results and ensuring accountability are more and more important, it is also crucial that federal institutions work together with communities in order to select and prepare adapted performance indicators that can be understood by all.

Finally, in spite of the progress they have made over the years, official language communities must still all too often turn to the courts to have their language rights recognized or to ensure these rights are fully implemented. As a result, it is essential that the Government of Canada quickly set up the Program to Support Linguistic Rights, whose creation was announced in June 2008 and which is expected to be implemented between now and the end of December 2009.

³⁹ David Johnston, “‘Cultural shift’ made English more acceptable,” *The Gazette*, January 29, 2009. On-line version (www.montrealgazette.com/Life/Cultural+shift+made+English+more+acceptable/1231661/story.html) consulted March 31, 2009.

⁴⁰ Canadian Intergovernmental Conference Secretariat, *Striving for Enhanced Partnership on the Canadian Francophonie*, news release, Ottawa, September 18, 2008. On-line version (www.scics.gc.ca/cinfo08/860555004_e.html) consulted March 31, 2009.

COLLABORATION AGREEMENTS TO BE REVIEWED

The House of Commons Standing Committee on Official Languages notes, in its report entitled *The Collaboration Accords between Canadian Heritage and the Community Organizations – An Evolving Partnership*,⁴¹ that the funding granted to official language minority communities no longer meets their “changing needs”⁴² and that the use of annual funding mechanisms does not allow them to “manage their development with a longer-term vision.”⁴³

It is worth recalling that, after the Court Challenges Program was eliminated in 2006, the Office of the Commissioner of Official Languages intervened before the Federal Court, in support of the Fédération des communautés francophones et acadienne. An out-of-court settlement led to the creation of the Program to Support Linguistic Rights.

This latest measure, like all of those proposed in this section, illustrates the federal government’s commitment to following up on the tremendous efforts of official language communities to carve out a space for themselves in the public sphere— a commitment that, at the same time, sends these communities a message that it would be worthwhile for them to plan for the future.

⁴¹ House of Commons Standing Committee on Official Languages, *The Collaboration Accords Between Canadian Heritage and the Community Organizations – An Evolving Partnership*, Ottawa, 2008. On-line version (<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3597966&Mode=1&Parl=39&Ses=2&Language=E>) consulted March 31, 2009.

⁴² *Ibid.*, p. 12.

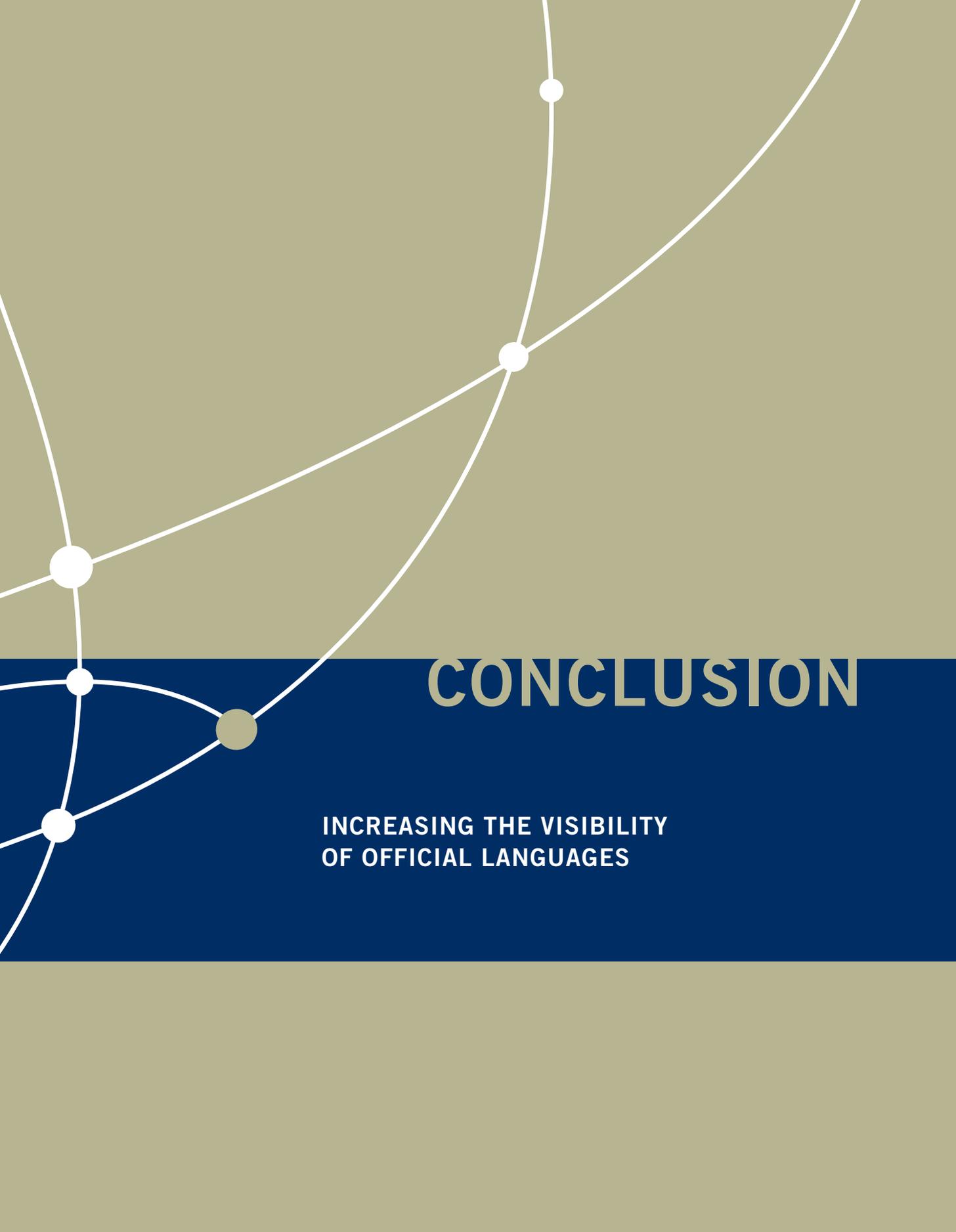
⁴³ *Ibid.*, p. 14.



RECOMMENDATION

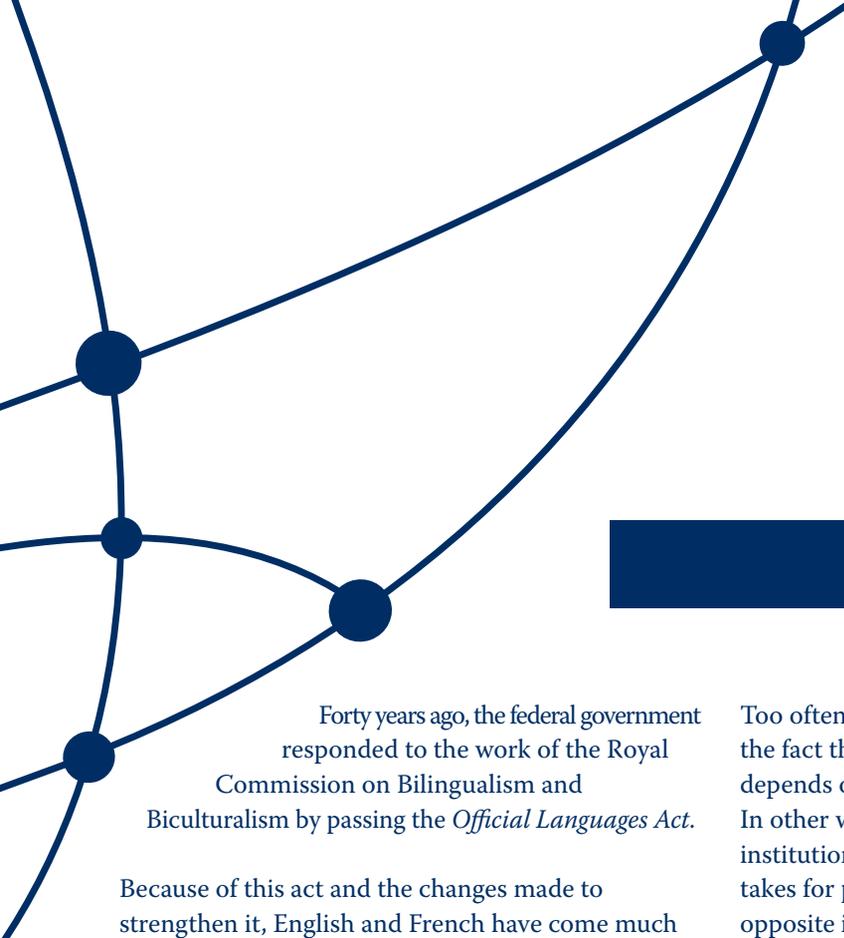
6th recommendation

The Commissioner recommends that the Minister of Canadian Heritage and Official Languages continue to fully implement, as quickly as possible, the commitments to official language minority communities in the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future*.



CONCLUSION

INCREASING THE VISIBILITY
OF OFFICIAL LANGUAGES



CONCLUSION

INCREASING THE VISIBILITY OF OFFICIAL LANGUAGES

Forty years ago, the federal government responded to the work of the Royal Commission on Bilingualism and Biculturalism by passing the *Official Languages Act*.

Because of this act and the changes made to strengthen it, English and French have come much closer to equality in Canadian society.

However, there is still a lot of work to do to achieve the vision of linguistic duality presented in this annual report.

For example, too many Canadians still have difficulty obtaining service from federal institutions in the official language of their choice. Also, many still do not have access in their community to the resources they need to learn their second language effectively. Because of the limited support provided to them, official language communities still struggle to reach their full potential.

The Commissioner strongly believes that the government must react and rectify these shortcomings. However, to establish substantive equality of English and French across the country, the federal government will have to fully assume a leadership role. It will also have to act in a more coherent manner with regard to linguistic duality than it has in the past.

Too often, the Canadian government has overlooked the fact that the health of Canada's language regime depends on the health of all its components.

In other words, weak leadership from federal institutions in one area of linguistic duality is all it takes for problems to surface in all areas. The opposite is also true: any increase in the Government of Canada's determination to act on this issue, or any strengthening of its ties with partners from the provinces, territories or civil society, will have a positive impact on the overall vitality of English and French in Canada.

It is a question of coherence. By encouraging and supporting Canadian post-secondary students in learning their second language, the federal government not only supports their personal and professional advancement, but also strengthens all Canadian federal institutions that require bilingual resources to sufficiently meet the needs of their clients.

By recruiting more candidates who are already bilingual when they are hired and by ensuring that the people who are hired have quick access to quality language training programs, the federal institutions increase their ability to serve all Canadians in their official language of choice and design support programs that promote the full development of minority Anglophone and Franco-
phone communities.

With increased vitality, official language communities would have a better chance of preserving their language and their culture, strengthening their economy, developing educational institutions and so on. These communities would also be in a better position to help young Canadians who want to learn a second language and become familiar with another culture.

The development and vitality of official language communities, the equality of English and French in federal institutions and the promotion of learning both of our official languages are closely interrelated and must be addressed strategically and comprehensively, instead of in isolation.

As the Vancouver 2010 Olympic Winter Games, the largest international event to be held in Canada in the past 20 years, draw near, let us hope that the federal government will take concrete action.

Canada will only be able to welcome athletes and visitors in the country's and the International Olympic Committee's two official languages if the federal government demonstrates exemplary leadership and commitment on this issue. To fulfill this objective, the federal institutions involved in organizing the Games will have to work closely with one another and with the Francophone communities from British Columbia and elsewhere in the country. They will need to recruit, as volunteers and employees, tens of thousands of young bilingual Canadians who, over the course of their educational, professional and personal experiences, have perfected their second language.

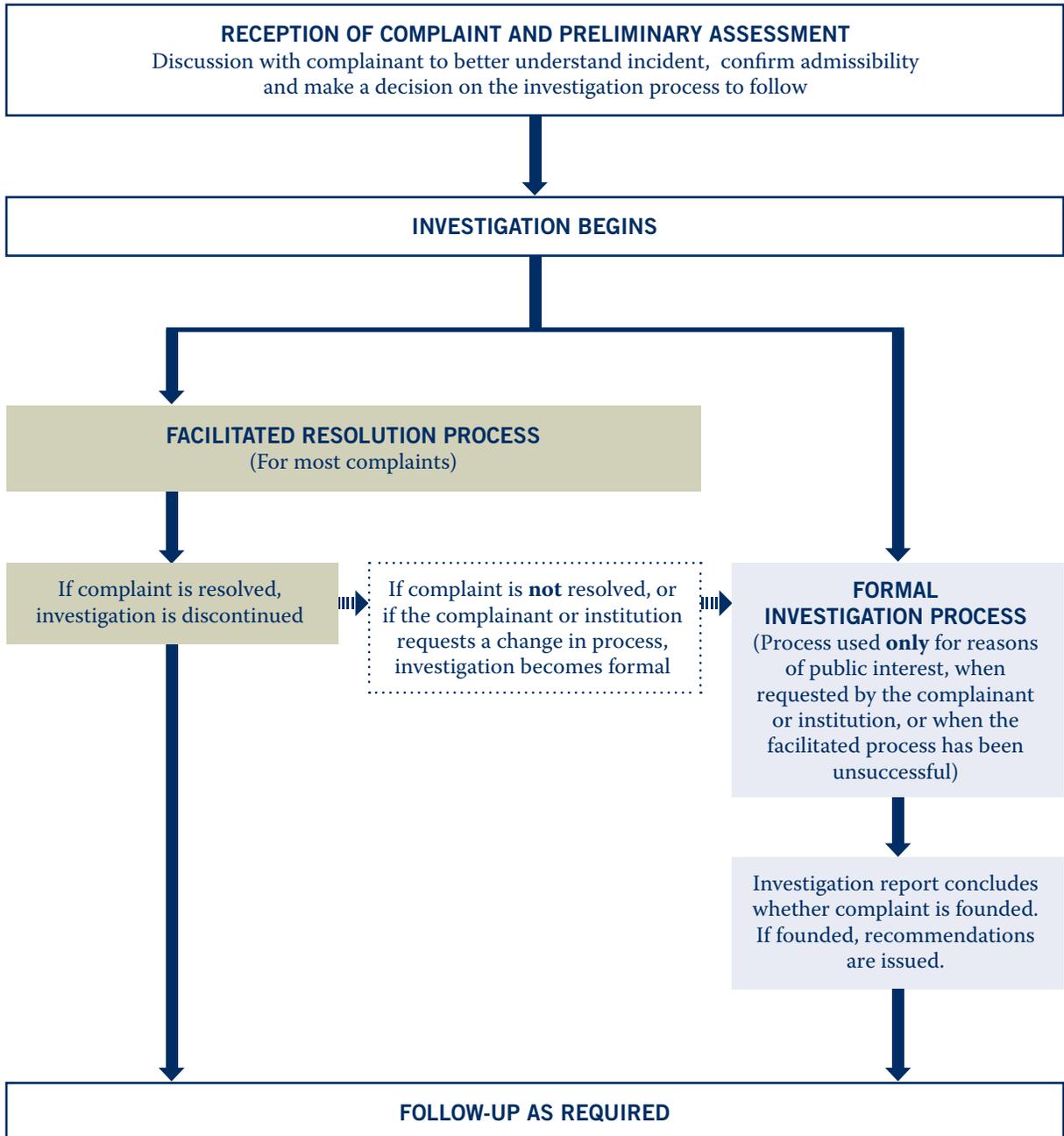
It is troubling to note that, less than a year from the Games, key federal institutions such as those present in the Vancouver and Toronto international airports still do not seem to be prepared to welcome the athletes, trainers, journalists and visitors from Canada and abroad in our country's and the International Olympic Committee's two official languages.

There is not much time left before the opening of the Games. Will the Games help enhance Canada's excellent international reputation, a reputation strongly based on our country's commitment to respecting language rights?

In this year of the 40th anniversary of the Act, which will culminate in an event that will receive extensive international media coverage, the federal government and its institutions must take advantage of this opportunity to increase the visibility of the French language and Francophone communities in the public sphere. The fact that the English and French languages are and will continue to occupy an equal place in Canada must be demonstrated through concrete measures.



APPENDICES



B

COMPLAINTS – SUMMARY ANALYSIS AND TABLE

From April 1, 2008, to March 31, 2009, the Office of the Commissioner of Official Languages received 785 complaints related to implementation of the *Official Languages Act*. Of those complaints, 606 (77%) were considered admissible because, in the Office of the Commissioner’s opinion, they related to an obligation set out in the Act, involved an institution subject to the Act and concerned a specific incident.

These complaints involved 74 federal institutions, particularly institutions that, because of their mandate, have frequent contact with the general

public. The majority of these complaints (90%) were made by Francophones. More than half of the alleged infractions occurred in the National Capital Region or the Atlantic provinces. Table 1 presents the data by province and territory.

Of the 606 admissible complaints recorded this year, 63% involved language of service; 11%, language of work; 5%, the advancement of English and French; 12%, the language requirements of positions in the federal public service; and 1%, equitable participation.

TABLE 1

NUMBER OF ADMISSIBLE COMPLAINTS IN 2008–2009, BY PROVINCE OR TERRITORY AND BY CATEGORY							
Province or Territory	Admissible Complaints	Service to the Public	Language of Work	Equitable Participation	Advancement of English and French	Language Requirements	Other
National Capital Region (Ontario)	163	96	43	4	8	11	1
Ontario	105	72	22	2	2	5	2
Quebec	66	41	19	2	–	3	1
Nova Scotia	42	17	3	–	–	22	–
Manitoba	19	14	1	–	3	1	–
New Brunswick	49	22	9	1	1	16	–
National Capital Region (Quebec)	67	36	10	–	13	8	–
Alberta	28	26	–	–	1	–	1
British Columbia	22	19	–	–	1	2	–
Prince Edward Island	17	14	–	–	–	3	–
Saskatchewan	6	5	–	–	–	–	1
Newfoundland and Labrador	7	6	–	1	–	–	–
Northwest Territories	3	2	–	1	–	–	–
Yukon	1	1	–	–	–	–	–
Nunavut	–	–	–	–	–	–	–
Outside Canada	11	11	–	–	–	–	–
TOTAL	606	382	107	11	29	71	6

This year, the Office of the Commissioner of Official Languages introduced a new type of report card, which examines the performance of three institutions operating within five large Canadian international airports. The methodology used was designed by the Office of the Commissioner in cooperation with Statistics Canada, which compiled the results.

The Commissioner evaluated visual active offer and active offer in person, as well as the availability of service in the language of the linguistic minority, at the following institutions:

- Air Canada: at baggage check-in and at the boarding gate, including the announcements made there;
- Canadian Air Transport Security Authority: where containers and liquids are examined, at the entrance to the screening point, at the walk-through metal detectors and where luggage is X-rayed;
- Airport authority: at car rental counters, in cafés and restaurants, during general announcements and on signage.

An overall rating was given to each airport that was examined, based on the ratings obtained by the various institutions evaluated.

The Commissioner is disappointed that the language rights of travellers are often poorly protected in four of the five largest airports in the country, a weakness that the government should seek to correct very quickly.

It is hoped that this new type of report card will promote the sharing of best practices within institutions, and that it will encourage different institutions operating at the same airport to seek joint solutions, as they often face common challenges.

The complete report cards of the institutions that were examined are available on the Office of the Commissioner's Web site, at www.officiallanguages.gc.ca.

TABLE 2

AIRPORT OBSERVATION RESULTS 2008–2009												
		Airport										
		Halifax Robert L. Stanfield International Airport (Rating in %)		Montréal– Pierre Elliott Trudeau International Airport (Rating in %)		Ottawa Macdonald- Cartier International Airport (Rating in %)		Toronto Pearson International Airport (Rating in %)		Vancouver International Airport (Rating in %)		
Institution	Air Canada	Visual active offer	75.0		100.0		77.3		78.3		73.1	
		Active offer by employee	0.0	55.8	46.2	89.2	4.7	70.8	4.3	58.7	0.0	33.6
		Service available	68.0		100.0		90.8		70.3		31.6	
	Canadian Air Transport Security Authority (CATSA)	Visual active offer	100.0		100.0		71.4		66.7		66.7	
		Active offer by employee	26.1	35.7	28.6	85.7	28.8	50.5	17.1	25.3	13.9	29.4
		Service available	17.4		100.0		50.7		14.3		22.2	
	Airport Authority	Visual active offer	67.7		96.4		85.7		64.2		66.7	
		Active offer by employee	4.3	33.8	47.6	86.6	2.7	45.5	2.7	33.0	0.0	27.7
		Service available	32.3		96.3		46.3		32.7		24.0	
Overall Result		41.7		87.2		55.6		39.0		30.2		

The report card is one of the key tools used by the Commissioner each year to proactively evaluate the performance of federal institutions with regard to implementing the *Official Languages Act*.

In 2008–2009, the Commissioner made some changes to the report cards. As a result:

- a two-year cycle for the report cards has been put in place: this year, the Commissioner focused on the performance of 15 separate employers; next year, he will assess the performance of departments;
- the Commissioner has decided to give more weight to the quantitative result indicators for evaluating the performance of the institutions examined;
- the Commissioner furthered his analysis of available information by examining the action plans of the 15 separate employers that were selected and the measures taken in terms of Part VII of the Act.

This year, the Commissioner decided to examine, for the first time, the quality of services in English and French offered by institutions through e-mail. Two aspects were evaluated: the availability of service in both official languages as well as the time it took to obtain a response to a question asked in English compared to the time it took to obtain a response to a question asked in French.

Response time was evaluated as follows:

- 5 = Exemplary
- 4 = Good
- 3 = Average
- 2 = Poor
- 1 = Very poor

The results of this year’s exercise namely demonstrate that there is still a lot of work left to do in terms of service to the public and language of work. In fact, a number of the 15 separate employers that were evaluated are still having difficulty overcoming some of the significant challenges they face in terms of bilingualism. It should nevertheless be mentioned that each of these institutions performs well in certain language-related areas.

The report card results for separate employers are presented in Tables 3 and 4.

The complete report cards of the institutions that were examined are available on the Office of the Commissioner’s Web site, at www.officiallanguages.gc.ca.

TABLE 3

COMPARATIVE RATINGS TABLE*						
	Program Management	Service to the Public	Language of Work	Equitable Participation	Advancement and Support	Overall Rating
Business Development Bank of Canada	B	B	A	A	B	B
Canada Mortgage and Housing Corporation	B	A	C	A	B	B
Canada Post	B	B	D	B	A	B
Canada Revenue Agency	B	B	D	A	A	B
Canadian Food Inspection Agency	B	B	D	C	C	C
Canadian Museum of Civilization Corporation	C	B	B	B	C	B
Canadian Tourism Commission	A	B	N/A**	A	B	A
CBC/Radio-Canada	D	B	B	B	B	B
National Arts Centre	C	A	B	A	B	B
National Capital Commission	B	A	B	B	A	B
National Film Board	B	B	B	A	A	B
NAV CANADA	B	A	E	A	C	C
Parks Canada	B	C	C	C	A	C
Royal Canadian Mounted Police	C	C	D	A	C	C
VIA Rail	B	B	C	A	B	B

* The institutions' results are given as letters that correspond to the following scale: A = Exemplary / B = Good / C = Fair / D = Poor / E = Very poor. A detailed rating guide that describes the methodology can be found on the Office of the Commissioner's Web site at www.officiallanguages.gc.ca.

** Given the small number of employees in designated bilingual regions, the Office of the Commissioner was not able to carry out a survey on language of work for this institution.

TABLE 4

OBSERVATION RESULTS* ON SERVICE IN 2008–2009								
INSTITUTION	In Person			Over the Telephone		By E-mail		Overall Result
	Visual Active Offer (Rating in %)	Active Offer (Rating in %)	Service (Rating in %)	Active Offer (Rating in %)	Service (Rating in %)	Service (Rating in %)	Response Time (Rating out of 5)	
Business Development Bank of Canada	88.7	16.9	59.3	100.0	91.2	90.0	5.0	B
Canada Mortgage and Housing Corporation	95.0	39.2	100.0	100.0	90.9	100.0	5.0	A
Canada Post	90.8	11.1	82.0	100.0	93.5	87.5	4.0	B
Canada Revenue Agency**	97.3	24.5	75.7	100.0	97.5	N/A	N/A	B
Canadian Food Inspection Agency	83.0	17.0	72.5	100.0	91.4	88.9	4.0	B
Canadian Museum of Civilization Corporation	100.0	31.9	100.0	100.0	100.0	100.0	3.0	B
Canadian Tourism Commission	100.0	50.0	100.0	100.0	100.0	85.7	2.0	B
CBC/Radio-Canada	62.5	12.5	91.7	100.0	90.9	70.0	4.0	B
National Arts Centre	100.0	58.3	100.0	100.0	100.0	90.0	5.0	A
National Capital Commission	100.0	50.0	100.0	100.0	100.0	88.9	5.0	A
National Film Board	100.0	50.0	75.0	100.0	75.0	88.9	4.0	B
NAV CANADA***	N/A	N/A	99.0	100.0	100.0	87.5	5.0	A
Parks Canada	92.9	39.0	88.9	81.8	80.3	90.0	1.0	C
Royal Canadian Mounted Police	65.3	5.6	59.9	100.0	73.0	90.0	5.0	C
VIA Rail	86.5	10.8	81.1	100.0	100.0	75.0	5.0	B

* For more specific details about the methodology used, see the Rating Guide on the Office of the Commissioner's Web site at www.officiallanguages.gc.ca.

** The Office of the Commissioner was not able to make observations on service by e-mail for this institution because it does not communicate with the public by e-mail.

*** This year, observations on service in person at NAV CANADA were made by using a satisfaction survey for pilots who are guided by the Ottawa Macdonald-Cartier International Airport's control tower. Therefore only service was rated.

For the 2008–2009 report card exercise, the Commissioner of Official Languages surveyed 14 “separate employer” institutions¹ in order to assess their employees’ satisfaction with regard to language of work.

More specifically, the survey assessed employees’ degree of satisfaction in response to the following five questions:

- 1) The material and tools provided for my work, including software and other automated tools, are available in the official language of my choice.
- 2) When I prepare written materials, including electronic mail, I feel free to use the official language of my choice.
- 3) When I communicate with my immediate supervisor, I feel free to use the official language of my choice.
- 4) During meetings in my work unit, I feel free to use the official language of my choice.
- 5) The training offered by my work unit is in the official language of my choice.

The survey questionnaire was sent to Francophone employees in designated bilingual regions in Ontario,² the National Capital Region and New Brunswick, as well as Anglophone employees in designated bilingual regions in Quebec.³

Statistics Canada administered the survey in 11 of the 14 selected institutions. For its part, the Canada Public Service Agency surveyed employees in the three other targeted institutions by inserting the five questions in the *2008 Public Service Employee Survey*. All results were sent directly to Statistics Canada, for compilation.

The following institutions were surveyed by Statistics Canada:

- Business Development Bank of Canada
- Canada Mortgage and Housing Corporation
- Canada Post
- Canadian Museum of Civilization Corporation
- CBC/Radio-Canada
- National Arts Centre
- National Film Board
- NAV CANADA
- Parks Canada
- Royal Canadian Mounted Police
- VIA Rail

The following institutions were surveyed by the Canada Public Service Agency:

- Canada Revenue Agency
- Canadian Food Inspection Agency
- National Capital Commission

The results obtained by the separate employers in their report cards, with regard to language of work, are presented in Tables 5 and 6.

The report cards of the institutions that were examined are available on the Office of the Commissioner’s Web site, at www.officiallanguages.gc.ca.

¹ The language-of-work survey was administered in only 14 of the 15 institutions evaluated this year for the report card exercise. The employees of the Canadian Tourism Commission were not surveyed because their numbers are too small to obtain valid results.

² The bilingual region of Eastern Ontario and the bilingual region of Northern Ontario.

³ The bilingual region of Montréal as well as the bilingual regions of parts of the Eastern Townships and the Gaspé Peninsula.

TABLE 5

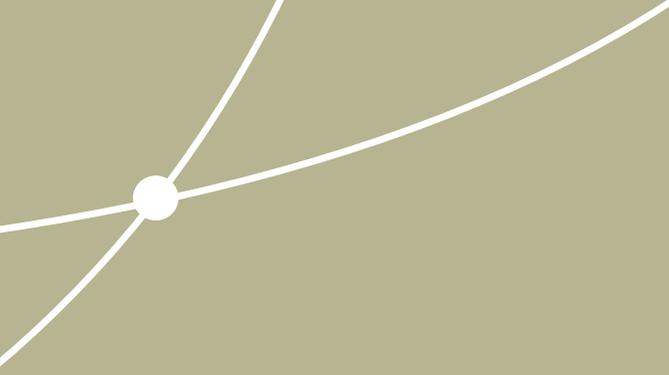
DEGREE OF SATISFACTION OF ANGLOPHONE AND FRANCOPHONE FEDERAL EMPLOYEES IN MINORITY SETTINGS WITH REGARD TO THE USE OF THEIR LANGUAGE IN THE WORKPLACE		
	Proportion of Francophones satisfied (Rating in %)	Proportion of Anglophones satisfied (Rating in %)
Tools	80.46	82.16
Supervision	66.29	80.40
Training	69.18	64.20
Writing	61.68	75.14
Meetings	68.39	72.45
Overall rating	69.20	74.87

TABLE 6

LANGUAGE OF WORK SURVEY RESULTS		
	Satisfaction Level Among Francophones (NCR, NB, ON) (Rating in %)	Satisfaction Level Among Anglophones (QC) (Rating in %)
Business Development Bank of Canada	86.5	93.7
Canada Mortgage and Housing Corporation	69.9	**
Canada Post	71.6	64.8
Canada Revenue Agency	68.2	69.4
Canadian Food Inspection Agency	69.0	54.0
Canadian Museum of Civilization Corporation	84.2	N/A
CBC/Radio-Canada	86.0	86.6
National Arts Centre*	81.5	N/A
National Capital Commission*	82.4	N/A
National Film Board	**	88.8
NAV CANADA	44.6	67.9
Parks Canada	74.7	**
Royal Canadian Mounted Police	64.6	67.7
VIA Rail	56.9	89.7
Overall Rating	69.2	74.9

* Anglophone satisfaction rates could not be measured because the institution does not have offices in Quebec.

** Data omitted due to the low number of respondents.



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