



# Office of the Commissioner of Official Languages

1997-98  
Estimates

Part III

Expenditure Plan

## **The Estimates Documents**

The Estimates of the Government of Canada are structured in three Parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve. The Part III documents provide additional detail on each department and its programs primarily in terms of the results expected for the money spent.

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Part III

Expenditure Plan

Approved

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Prime Minister

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# SECTION I

## MESSAGE FROM THE COMMISSIONER OF OFFICIAL LANGUAGES

Under the *Official Languages Act*, the Commissioner acts as an ombudsman. He is at the service of citizens who believe that federal institutions have not responded as they should to their needs or have not recognized or respected their rights. He is also at the service of federal employees who believe that they have been dealt with unfairly at work. He thereby meets the requirements of his position, defined over 25 years ago in the report of the B&B Commission, as being "the active conscience -- actually the protector -- of the public where the official language are concerned."

Every Canadian deserves the respect and consideration of federal institutions, as well as service and information that he or she can understand. Quality services provided in both official languages by federal institutions, as well as the equitable treatment of English and French in them, play an important role in bringing Canadians together. This perspective is at the very heart of the relations between the Commissioner and complainants, federal institutions and the general public.

The Commissioner of Official Languages must be a familiar figure in each region of the country. His five regional offices are indispensable in achieving this objective. Each year, hundreds of people take the time to contact our offices to ask for improvement in certain services. They bring to his attention anomalies, sometimes serious ones, in the way federal institutions operate linguistically. More than 50% of complaints received are handled by the regional offices.

The Office has a structure that is as close as possible to its clients in order to provide them with services of high quality. That is one of the chief principles which continues to guide decisions on the budget reductions. The Office of the Commissioner of Official Languages uses a variety of methods, such as quality assurance programs, client satisfaction surveys, a regionalization policy and information tools and activities, to remain close to its clients.

Respect for language rights is a fundamental value of our country and is evidence of the desire for mutual understanding of all our citizens. What the Commissioner seeks for English-speakers and French-speakers in Canada is fair treatment, equitable access to conditions of life, and comparable development, recognition and vitality.

# SECTION II

## DEPARTMENTAL PLAN

### A. Summary of plans and priorities

The highlights flow from the mandate of the Commissioner of Official Languages as established by the *Official Languages Act (OLA)*. They are based on a clear need to ensure the recognition of the equality of status of the two official languages and respect for the spirit of the *OLA* and the intention of the legislator in the administration of the affairs of the federal institutions, and to further the advancement of English and French in Canadian society. The development of a broad and generous vision of the place English and French should enjoy in Canadian society is closely linked to national unity.

In fiscal year 1997-98 the Commissioner will actively pursue his principal roles of linguistic ombudsman and supporter of official language communities when the *OLA* and *Regulations* are not adhered to by the federal institutions. It is also important to ensure the implementation of the federal government's commitment to enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development, and to foster the full recognition and use of both English and French in Canadian society (Part VII of the *OLA*). Finally, in the current climate, bridge-building between official language communities through complete and accurate information is vital.

### B. Overview

#### 1. Roles and Responsibilities

The Commissioner of Official Languages is appointed by commission under the Great Seal, after approval of the appointment by resolution of the Senate and House of Commons, for a seven-year term. Every year, the Commissioner submits to Parliament a report on the state of Canada's linguistic duality and, more particularly, on the discharge of his duties.

The Commissioner has a two-part role:

- he protects the language rights of individuals and groups;
- he evaluates the progress federal institutions are making in their ability to provide appropriate service to the public in both official languages, to give both languages their due as languages of work, to ensure equitable participation of the two linguistic communities in their work force, and to implement the federal government's commitment in Part VII; he also makes recommendations to ensure that all federal institutions comply with the *OLA*.

Four central agencies are active in the area of official languages:

- the Privy Council Office co-ordinates the federal language policy;
- the Treasury Board, through its Official Languages and Employment Equity Branch, develops and communicates government policies and programs for the application of the *OLA* within departments and agencies of the Government of Canada and judicial, quasi-judicial and administrative bodies and Crown corporations, and monitors, audits and evaluates their implementation and effectiveness;
- the Public Service Commission provides language training to public servants and determines the level of language knowledge of candidates for bilingual positions;
- the Official Languages Support Program of the Department of Canadian Heritage contributes to increasing the appreciation and use of both official languages in Canada by providing and developing second-language educational opportunities, assisting the provinces in providing instruction in the minority language, offering assistance to the institutions and organizations of minority communities, assisting public institutions and organizations in providing service to the public in both official languages, and enhancing the vitality of official language communities. On the other hand, Public Works and Government Services Canada provides translation and interpretation services to federal institutions.

Finally, the *Standing Joint Committee on Official Languages* is specifically responsible for application of the *OLA* and implementation of the reports of the Commissioner, of the President of the Treasury Board and of the Minister of Canadian Heritage.

## 2. Mandate

As defined in the *OLA*, the mandate of the Commissioner is as follows:

- "56. (1) It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions including any of their activities relating to the advancement of English and French in Canadian society.
- (2) It is the duty of the Commissioner, for the purpose set out in subsection (1), to conduct and carry out investigations either on his own initiative or pursuant to any complaint made to the Commissioner and to report and make recommendations with respect thereto as provided in this Act.
57. The Commissioner may initiate a review of
- (a) any regulations or directives made under this Act, and
  - (b) any other regulations or directives that affect or may affect the status or use of the official languages,
- and may refer to and comment on any findings on the review in a report made to Parliament pursuant to section 66 or 67.
58. (1) Subject to this Act, the Commissioner shall investigate any complaint made to the Commissioner arising from any act or omission to the effect that, in any particular instance or case,
- (a) the status of an official language was not or is not being recognized,
  - (b) any provision of any Act of Parliament or regulation relating to the status or use of the official languages was not or is not being complied with, or
  - (c) the spirit and intent of this Act was not or is not being complied with in the administration of the affairs of any federal institution."

## 3. Operational Context

The Commissioner serves the national interest in his capacity as protector of language rights. He is thus involved in a wide range of problems and has contacts with various parliamentary committees, 150 federal institutions, various official language community associations and provincial bodies. His activities touch on the constitutional, legal, administrative and social aspects of language. The Office of the Commissioner of Official Languages is responsive to political and public attitudes, opinions and trends, so changes in any of these areas directly influence its operations.



Among the external factors that influence the Program are:

***The leadership exercised by the federal government and central agencies.*** Many of the promotional objectives of the *OLA* require the active involvement of the federal government, which must give direction to the administration of institutions and ensure implementation of the *OLA*. In addition, the federal government consults and negotiates agreements with provincial governments for the provision of federal, provincial, municipal and educational services in both official languages. Leadership from central agencies is required for the direction and co-ordination of effective official languages policies and programs.

***The constitutional and legal evolution of linguistic questions*** concerning the application of section 23 of the *Canadian Charter of Rights and Freedoms*, which deals with the educational right of linguistic minorities, the public's concern with the country's economic situation and provincial and territorial legislation on language rights, remain constant preoccupations. These issues have a direct impact on the vitality and development of the official language minority communities, the specific mandate of Canadian Heritage under section 43 of the *OLA*, the determination of significant demand under subsection 32(2) of the *OLA* and the workload and effectiveness of OCOL.

***General public interest and demographic shifts.*** Interest in language matters -- which are at the very core of the question of national unity -- is manifested through complaints received, requests for information, enrolment in second-language courses and contacts with and interest expressed by official language minority communities. Attitudes and demographic shifts have a direct impact on the ability of the federal government to promote English and French in Canadian society and to enhance the vitality of minority communities.

***The Act and the budgets assigned to its implementation.*** The Commissioner must investigate complaints concerning contravention of any of the provisions of the *OLA*, including complaints from public servants and complaints about the language requirements applicable to staffing actions and regarding Part VII which is concerned with the vitality and development of the minorities. The number of complaints on this subject, which require wide-ranging investigations, has increased considerably. The *OLA* empowers the Commissioner to apply to the Federal Court at a complainant's request, or to seek leave to intervene in any adjudicative proceeding relating to the status or use of English or French. It provides that complainants may apply to the Federal Court six months after filing a complaint if they have not been advised of the Commissioner's conclusions. This court remedy procedure has increased the workload, particularly in the legal area. The Commissioner monitors expenditure levels for official languages programs and offers advice to the federal government on this subject.

#### **4. Objectives and Priorities**

The objective of the Commissioner and of the Office of the Commissioner of Official Languages (OCOL) is to ensure recognition of the status of each of the official languages and compliance with the spirit and the letter of the *OLA*.

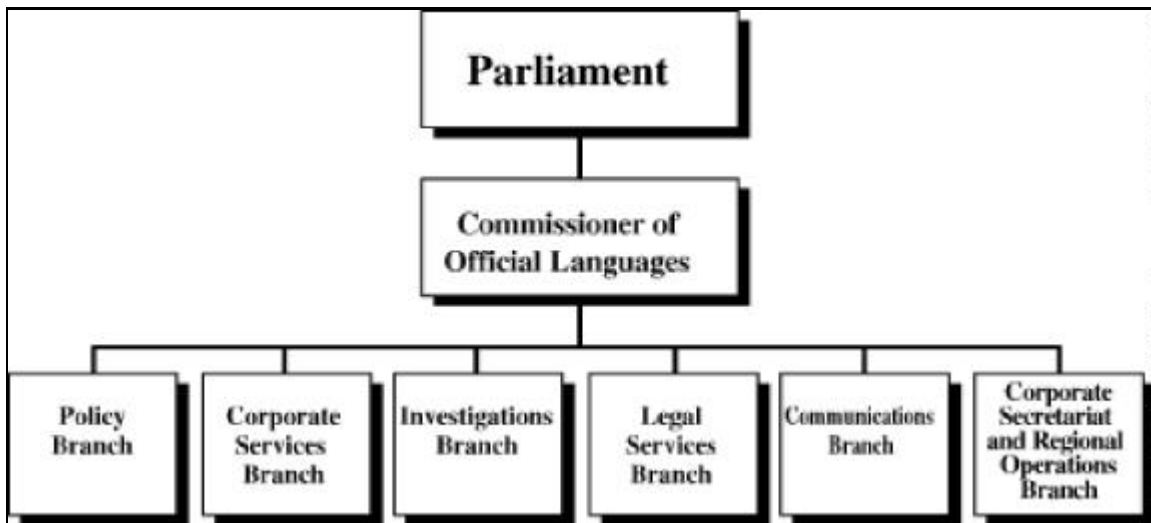
The Commissioner investigates complaints received and makes recommendations to correct infractions and prevent further contraventions of the *OLA*. He presents reports to the Governor in Council and Parliament concerning contraventions of the *OLA* or its intent. If necessary, he may also make application for court remedy at the request of a complainant or intervene in the Federal Court in such an action to obtain redress. The Commissioner also conducts investigations on his own initiative to determine whether the linguistic performance of federal institutions meets the requirements of the *OLA* and recommends the required corrective measures to them. He evaluates implementation of the Government's commitment to the advancement of English and French in Canadian society and to enhancing the vitality of the linguistic minorities. He submits an *Annual Report* to Parliament each year on his activities. He appears as invited before the Standing Joint Committee on Official Languages and provides commentary on official languages policies and programs and the performance of departments, agencies and Crown corporations, and other entities subject to the *OLA*. He engages in dialogue with the various official language communities in Canada and encourages exchanges among them, in particular through his own communications activities across the country and through a program of communication with the various publics of the Office of the Commissioner.

#### **5. Resource Plans and Financial Tables**

The Commissioner reports to Parliament, and the Prime Minister is the Minister responsible for all of OCOL's financial activities.

The Office of the Commissioner of Official Languages has a single program with one activity. The Program is administered by six branches: Policy, Corporate Services, Investigations, Legal Services, Communications, and Corporate Secretariat and Regional Operations.

## Ressources for 1996-97 by Principal Function and Responsible Unit



|          | Policy Branch | Corporate Services Branch | Investigations Branch | Legal Services Branch | Communications Branch | Corporate Secretariat and Regional Operations Branch | Total |
|----------|---------------|---------------------------|-----------------------|-----------------------|-----------------------|--|-------|
| (000 \$) | 854           | 1,501                     | 2,806                 | 481                   | 1,179                 | 3,141  | 9,962 |
| FTEs     | 11            | 22                        | 41                    | 5                     | 13                    | 34   | 126   |

### Departmental Overview

| (thousands of dollars)             | Main Estimates 1996-97 | Main Estimates 1997-98 | Planned 1998-99 | Planned 1999-00 |
|------------------------------------|------------------------|------------------------|-----------------|-----------------|
| Commissioner of Official Languages | 10,509                 | 9,962                  | 9,982           | 9,941           |
| <b>Net Cost of the Department</b>  | <b>10,509</b>          | <b>9,962</b>           | <b>9,982</b>    | <b>9,941</b>    |

**Spending Authorities**

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**Authorities for 1997-98 - Part II of the Estimates**

**Financial Requirements by Authority**

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| Vote (thousands of dollars)               |   | <b>1997-98<br/>Main<br/>Estimates</b> | 1996-97<br>Main<br>Estimates |
|---|---|---------------------------------------|------------------------------|
| <b>Commissioner of Official Languages</b> |   |                                       |                              |
| 25  | Program Expenditures                      | <b>8,848</b>                          | 9,481                        |
| (L)                                       | Contributions to employee<br>benefit plan | <b>1,114</b>                          | 1,028                        |
| <b>Total</b>                              |   | <b>9,962</b>                          | 10,509                       |

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**Vote - Wording and Amounts**

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| Vote (dollars)                            |  | <b>1997-98<br/>Main Estimates</b> |
|---|--|-----------------------------------|
| <b>Commissioner of Official Languages</b> |  |                                   |
| 25  | Commissioner of Official Languages<br>- Program Expenditures | <b>9,962,000</b>                  |

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## **C. Details by Activity**

### **1. Policy**

This Branch supports the Commissioner with advice and guidance, research studies and analyses on the linguistic aspects of current political and social issues. In addition, the Branch writes most of the *Annual Report*, contributes to the Commissioner's speeches and presentations, answers correspondence and liaises with central agencies, Parliamentary committees, national minority associations and organizations in the field of education. Finally, the Branch manages the library of the Office of the Commissioner.

#### ***Other plans for 1997-98, 1998-99, 1999-2000***

- conduct a follow-up on implementation of the recommendations of the February 1996 report *A Blueprint for Action: Implementing Part VII of the Official Languages Act, 1988*;
- conduct a study of factors influencing use of the mother tongue in day-to-day communications in a minority environment.

### **2. Corporate Services**

This Branch supports implementation of the Program by providing personnel administration, financial, computer and general administrative services.

#### ***Other plans for 1997-98, 1998-99, 1999-2000***

- plan and carry out the move of Headquarters to new premises;
- undertake various initiatives in informatics, including improvement of the financial and materiel management system, improvement of the communications products distribution system, introduction of electronic forms and access to the Internet for all employees.

### **3. Investigations**

The responsibilities of this Branch include investigating complaints involving federal institutions and following up on the implementation of the required corrective measures; carrying out language studies and systematic follow-ups and monitoring the linguistic activities of some 150 federal institutions; carrying out special studies on systemic barriers and problems associated with the acceptance and implementation of the *OLA*; submitting a Special Report to the Governor in Council in cases of major continuing infractions of the *OLA* where the institution in question has not taken remedial action within a reasonable period of time; contributing to the development of policies that reflect the conclusions of language studies and the need for linguistic equity; and intervention in the Federal Court in court remedy cases brought by complainants. In order to promote implementation of the *OLA*, the Branch is responsible for the Commissioner's *Merit List* program, which officially recognizes meritorious initiatives, achievements or results. This program makes the staff of federal institutions more aware of the objectives of the *OLA*.

#### ***Other plans for 1997-98, 1998-99 and 1999-2000***

(in co-operation with the Corporate Secretariat and Regional Operations Branch)

- investigation of admissible complaints, with respect to which current trends point to an increase in general complexity;
- conduct of special studies, following complaints of a particularly complex nature or as required by events (for example, consequences of the devolution of the federal government's powers and responsibilities);
- continuation of the analysis of departmental plans concerning Part VII;
- continuation of the follow-up on the availability of two-language service in offices designated to provide it;
- follow-up on the study of language of work in the National Capital Region;
- continuing improvement in the administrative handling of complaints: performance standards and criteria, file reviews, training, interpretation bulletins, informatics system;
- increased use of informatics tools (Internet, for example) to improve client service;
- ISO accreditation.

#### **4. Legal Services**

It is the role of this Branch to provide legal opinions on any question related to the proper operation of the Office of the Commissioner. The Branch provides, for example, legal advice on the interpretation of provisions of the *Canadian Charter of Rights and Freedoms* relating to the official languages, provisions of the *OLA* and those of the *Official Languages (Communications with and Services to the Public) Regulations*. The Branch provides representation for the Commissioner in all court remedy actions, including those concerning the interpretation of the *OLA*, and in all actions involving the status of English and French to which the Commissioner is a party. Examples include the court remedy actions based on section 23 of the *Canadian Charter of Rights and Freedoms*. The Branch also ensures training of employees of the Commissioner and it conducts studies for him.

#### ***Other plans for 1997-98, 1998-99 and 1999-2000***

- conduct the follow-up on the study of *The Equitable Use of English and French before the Courts in Canada* of November 1995;
- pursue the national study on *The Equitable Use of English and French before Federal Courts* (Part III and Part IV of the *OLA*);
- pursue court remedies.

#### **5. Communications**

This Branch is responsible for providing advice and communications plans to the Commissioner and the other branches of OCOL to explain the role that the Commissioner and his Office play on the Canadian linguistic scene and to communicate useful information to the various target publics. In the context of these plans, the Branch organizes special events, publishes and distributes information in print and other media, participates in exhibitions and helps prepare interviews, news conferences, speeches and news releases. In addition, it conducts communications research, evaluates communications products and publishes daily press reviews. The Branch also works to explain and increase awareness of the role of the Commissioner and the *OLA* and *Regulations* and to communicate the benefits to Canadian society of linguistic duality. It holds consultations with various groups on language matters, with representatives of various sectors of activity and with the general public.

### ***Other plans for 1997-98, 1998-99 and 1999-2000***

- provide the support required to achieve the Commissioner's major objectives with regard to the dissemination of information to various target publics;
- continue to develop partnerships, within the federal administration and with the private sector, in order to explain the scope of the *Official Languages Act* and its *Regulations*, the role and activities of the Commissioner and the benefits derived from knowledge of English and of French, individually and collectively.

## **6. Corporate Secretariat and Regional Operations**

The principal responsibility of this Branch is to advise the Commissioner on internal and external strategies and policies and to ensure their implementation. The Branch plans and co-ordinates the Commissioner's coverage of the entire country, provides him with all necessary supporting documentation, organizes appropriate communications and contacts with the general public, Members of the Senate and the House of Commons, federal departments and agencies, the provincial premiers and ministers, heads of government and senior government officials, and responds to media enquiries.

There are five regional offices, located in Moncton, Montreal, Toronto, Winnipeg and Edmonton, each headed by a Commissioner's Representative who provides a regional presence on behalf of the Commissioner. Each regional team monitors and reports on trends in its region; carries out a wide variety of activities with majority and minority official language communities with the aim of increasing public understanding of the *OLA*, of the role of the Commissioner and of the fundamental importance of Canada's linguistic duality; and provides information on the *Act* and its *Regulations* to community groups, elected officials, representative associations, business groups, etc. Regional offices also evaluate the extent to which federal institutions in the regions promote the spirit as well as the letter of the *Act* and respect their legal obligations to provide service to the public in both official languages where there exists a significant demand, and investigate complaints (54% of all admissible complaints received at OCOL are investigated in the regions). Regional offices are responsible for responding to public inquiries, participate in investigations initiated by the Commissioner, follow-ups and special studies and inform managers of their institutions' obligations.



***Other plans for 1997-98, 1998-99 and 1999-2000***

- continue the follow-up and audit activities on points of service in Canada (in cooperation with the Investigations Branch);
- follow up on initiatives taken by Canadian Heritage and by federal institutions with respect to Part VII;
- continue to explain the *OLA* and the role of the Commissioner of Official Languages as linguistic ombudsman in Canada;
- continue to provide support to the official language minority communities and to foster mutual understanding and respect between the various communities in Canada;
- continue to highlight the importance of linguistic duality to national identity and the future of Canada by means of activities aimed at both the general public and certain target publics to which the Commissioner attaches special importance (the official language communities in the various regions of Canada and federal employees);
- continue to initiate activities designed to foster mutual respect between the official language majority and minority communities in Canada;
- continue to intervene and closely monitor the court remedy actions of parents aimed at ensuring recognition of the rights guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms*;
- continue to ensure media coverage of the Commissioner's activities, speeches, and travels;
- cooperate with members of the *Standing Joint Committee on Official Languages*;
- continue to seek intervenor status with the federal court in cases involving non-conformity with the *OLA*;
- continue regionalization efforts so that members of the public have increased access to OCOL and that the Commissioner is well informed of the needs and problems of citizens in various regions.

## SECTION III

### PERFORMANCE

#### A. Summary of Performance

OCOL investigated 1,371 complaints. It conducted special studies on a number of issues (CRTC, packaging and labelling, equitable participation). It analysed departmental plans to implement Part VII of the *OLA*. The Commissioner was involved in several court recourses under Part X of the *OLA* and in several cases dealing with implementation of minority language education rights and school governance. OCOL has continued to reduce its staff and to improve its informatics systems.

#### B. Overview

The ability of OCOL to conduct special studies in future years will depend more and more on the volume of complaints. It will also be important to prioritise court cases in a rigorous manner. Finally, OCOL will have to review its communications strategies in the light of current budgetary reductions.

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#### Financial Summary

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| (thousands of dollars)             | <b>Actuals<br/>1993-94</b> | <b>Actuals<br/>1994-95</b> | <b>Main<br/>Estimates<br/>1995-96</b> | <b>Actuals<br/>1995-96</b> |
|------------------------------------|----------------------------|----------------------------|---------------------------------------|----------------------------|
| Commissioner of Official Languages | 12,452                     | 11,811                     | 11,167                                | 11,531                     |

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## **C. Details by Activity**

### **1. Policy**

This Branch supports the Commissioner with advice and guidance, research studies and analyses on the linguistic aspects of current political and social issues. In addition, the Branch writes most of the *Annual Report*, contributes to the Commissioner's speeches and presentations, answers correspondence and liaises with central agencies, Parliamentary committees, national minority associations and organizations in the field of education. Finally, the Branch manages the library of the Office of the Commissioner.

#### ***Performance for 1996-1997***

The Policy Branch, in co-operation with the Investigations Branch, evaluated the first generation of departmental action plans for the implementation of Part VII of the *OLA*.

The Branch conducted the first phase of research on the levels of accountability of federal institutions in implementing Part VII of the *OLA*.

### **2. Corporate Services**

This Branch supports implementation of the Program by providing personnel administration, financial, computer and general administrative services.

#### ***Performance for 1996-1997***

The Branch improved its informatics systems, particularly by replacing or repairing several servers and introducing Lotus Notes Suite. Appropriate training was organized for all staff.

The Personnel sector was reorganized to better meet the needs of managers following staff reduction.

The Branch conducted a survey of personnel on staffing.

### 3. Investigations

The responsibilities of this Branch include investigating complaints involving federal institutions and following up on the implementation of the required corrective measures; carrying out language studies and systematic follow-ups and monitoring the linguistic activities of some 150 federal institutions; carrying out special studies on systemic barriers and problems associated with the acceptance and implementation of the *OLA*; submitting a Special Report to the Governor in Council in cases of major continuing infractions of the *OLA* where the institution in question has not taken remedial action within a reasonable period of time; contributing to the development of policies that reflect the conclusions of language studies and the need for linguistic equity; and intervention in the Federal Court in court remedy cases brought by complainants. In order to promote implementation of the *OLA*, the Branch is responsible for the Commissioner's *Merit List* program, which officially recognizes meritorious initiatives, achievements or results. This program makes the staff of federal institutions more aware of the objectives of the *OLA*.

#### ***Performance for 1996-1997***

(in co-operation with the Corporate Secretariat and Regional Operations Branch)

- investigation of 1,371 admissible complaints, including 739 in the regions (see tables, pp. 24 and 25);
- conduct of enhanced investigations of complaints of a complex nature (Canadian Broadcasting Corporation, boundaries of federal electoral districts, for example);
- development of 195 recommendations for corrective measures;
- follow-up on recommendations made during the current year or in past years;
- analysis of departmental plans with respect to Part VII;
- start of a follow-up on the availability of two-language service at offices designated to provide them;
- systematic review of some one hundred complaint files and survey of clients to measure quality;
- special studies on specific themes (CRTC, packaging and labelling, equitable participation, for example).

#### 4. Legal Services

It is the role of this Branch to provide legal opinions on any question related to the proper operation of the Office of the Commissioner. The Branch provides, for example, legal advice on the interpretation of provisions of the *Canadian Charter of Rights and Freedoms* relating to the official languages, provisions of the *OLA* and those of the *Official Languages (Communications with and Services to the Public) Regulations*. The Branch provides representation for the Commissioner in all court remedy actions, including those concerning the interpretation of the *OLA*, and in all actions involving the status of English and French to which the Commissioner is a party. Examples include the court remedy actions based on section 23 of the *Canadian Charter of Rights and Freedoms*. The Branch also ensures training of employees of the Commissioner and conducts studies for him.

##### ***Performance for 1996-1997***

In 1996, the Commissioner was involved in various court remedy actions affecting the interpretation of the *OLA*. He initiated four new applications under Part X of the *OLA* at the request of complainants: *Commissioner of Official Languages v. Air Canada*, T-1989-96; *Commissioner of Official Languages v. Air Canada*, T-2043-96; *Commissioner of Official Languages v. Air Canada*, T-2536-96; *Commissioner of Official Languages v. The Queen (National Defence)*, T-2857-96. Two other new remedy actions under Part X (*Gagnon v. The Queen*, T-537-96; *Leblanc v. The Queen (National Defence)*, T-2367-96) were also initiated by complainants, in addition to the 14 cases pending. The Commissioner is currently involved in over 20 court remedy actions (see table, p. 26).

With the support of his Legal Services Branch, the Commissioner was actively involved in a number of cases (Northwest Territories, British Columbia, Manitoba, New Brunswick and Newfoundland) concerning the right to instruction in the minority language and school governance. The Commissioner also obtained intervenor status in two cases involving section 23 of the Charter. In the first, that of the Association des parents francophones de la Colombie-Britannique, the Supreme Court of British Columbia, in its decision of August 1996, ruled in favour of the parents. The second case, *Séguin et al. v. Her Majesty the Queen in Right of Ontario*, is still pending.

In addition to representing the Commissioner in court remedy actions, the Legal Services Branch prepared many legal opinions on issues relating to the proper operation of the Office of the Commissioner, including opinions on the conduct of investigations and potential court remedy actions. It responded to many requests for information from jurists' associations and groups.

In 1997, for the second year, the Legal Services Branch is publishing *Language Rights in 1996*, a specialized publication on the decisions handed down in official languages cases. The Branch is also conducting follow-up on the study of November 1995 on *The Equitable Use of English and French before the Courts in Canada*. Finally, it is conducting a second national study on *The Equitable Use of English and French before Federal Courts* (Part III and Part IV of the *OLA*).

## **5. Communications**

This Branch is responsible for providing advice and communications plans to the Commissioner and the other branches of OCOL to explain the role that the Commissioner and his Office play on the Canadian linguistic scene and to communicate useful information to the various target publics. In the context of these plans, the Branch organizes special events, publishes and distributes information in print and other media, participates in exhibitions and helps prepare interviews, news conferences, speeches and news releases. In addition, it conducts communications research, evaluates communications products and publishes daily press reviews. The Branch also works to explain and increase awareness of the role of the Commissioner and the *OLA* and *Regulations* and to communicate the benefits to Canadian society of linguistic duality. It holds consultations with various groups on language matters, with representatives of various sectors of activity and with the general public.

### ***Performance for 1996-1997***

The Communications Branch maintained and developed partnerships to disseminate targeted information to various publics and explain the services and activities of the Commissioner and the Office of the Commissioner. Among other things, in this regard:

- it supported the Treasury Board in its efforts to inform the official language minority communities about two-language federal points of service available to them;
- it pursued its activities with the Association d'éducation de langue française (ACELF) for the holding of the Semaine nationale and the Journée internationale de la francophonie;
- it carried out its radio information project in co-operation with the Alliance des radios communautaires du Canada (ARC);
- it managed the recognition program by preparing letters and certificates awarded by Language Training Canada to public servants who passed their language training or by the Commissioner as part of the *Merit List* program;

- it ensured media coverage of the Commissioner's activities, speeches and travels, particularly by publishing the newsletter *InfoAction*;
- it developed an Internet site, including an E-mail address; and
- it reproduced and distributed information products developed for various publics (see list, pp. 27 to 29).

## **6. Corporate Secretariat and Regional Operations**

The principal responsibility of this Branch is to advise the Commissioner on internal and external strategies and policies and to ensure their implementation. The Branch plans and co-ordinates the Commissioner's coverage of the entire country, provides him with all necessary supporting documentation, organizes appropriate communications and contacts with the general public, Members of the Senate and the House of Commons, federal departments and agencies, the provincial premiers and ministers, heads of government and senior government officials, and responds to media enquiries.

There are five regional offices, located in Moncton, Montreal, Toronto, Winnipeg and Edmonton, each headed by a Commissioner's Representative who provides a regional presence on behalf of the Commissioner. Each regional team monitors and reports on trends in its region; carries out a wide variety of activities with majority and minority official language communities with the aim of increasing public understanding of the *OLA*, of the role of the Commissioner and of the fundamental importance of Canada's linguistic duality; and provides information on the *OLA* and its *Regulations* to community groups, elected officials, representative associations, business groups, etc. Regional offices also evaluate the extent to which federal institutions in the regions promote the spirit as well as the letter of the *OLA* and respect their legal obligations to provide service to the public in both official languages where there exists a significant demand, and investigate complaints (54% of all admissible complaints received at OCOL are investigated in the regions). Regional offices are responsible for responding to public inquiries, participate in investigations initiated by the Commissioner, follow-ups and special studies and inform managers of their institutions' obligations.

### ***Performance for 1996-1997***

In 1996-1997, the Corporate Secretariat and Regional Operations:

- conducted follow-up on recommendations made by the Commissioner as a result of investigations;

- conducted follow-up activities on the audit of points of service in Canada (these activities required resources from both Headquarters and the regional offices);
- conducted follow-up on initiatives taken by Canadian Heritage and by federal institutions to implement Part VII (Advancement of English and French) of the *OLA*;
- assisted the Commissioner in obtaining intervenor status in the court remedy action of Francophone parents with the aim of obtaining recognition of and respect for the rights guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms*; the Commissioner is closely monitoring all cases involving problems in implementing instruction in the minority language;
- organized regional meetings of federal managers responsible for the application of the *OLA* and conducted information exchange forums in which the participants identified common problems and proposed solutions;
- organized information sessions on the *OLA* or participation at such sessions, and presentations designed to inform official language minority and majority groups about the spirit of the *OLA* and their rights and to inform Public Service managers and employees about their rights and obligations;
- explained the *OLA* and the role of the Commissioner of Official Languages as Canada's linguistic ombudsman by means of communications activities designed to dispel certain myths, provide better support to the official language minority communities and encourage mutual understanding and respect between the various communities in Canada;
- advised and informed the Commissioner on the political and social aspects of the concerns of the majority with regard to languages and on the needs of the official language minority communities;
- coordinated the five appearances of the Commissioner before the *Standing Joint Committee on Official Languages*;
- coordinated the preparation of the Commissioner's presentation before various special committees;
- placed increased emphasis in the regions on information activities for the official language majority (by means of more frequent contacts with the majority media, the education sector, etc.) and for local Public Service managers with the aim of ensuring better understanding of the objectives of the



Official Languages Program regionally and of its consequences for various sectors of society;

- implemented a strategy of closer ties between Canada's linguistic communities. This continuing strategy promotes dialogue between the two linguistic communities and helps to increase awareness and understanding of the need for linguistic duality in Canada. To this end, the Commissioner made speeches all across the country, gave interviews to journalists, met with editorial committees and maintained close relations with the media;
- ensured media coverage of the Commissioner's activities, speeches and travels.

(A directory of our regional offices can be found on page 30.)

## SECTION IV

### SUPPLEMENTARY INFORMATION

#### Appendix 1 Additional Financial Information

#### Personnel Requirements - by Professional Category (FTEs)

|                                    | Actuals<br>1994-95 | Actuals<br>1995-96 | 1996-97<br>Estimates | 1997-98<br>Estimates | Planned<br>1998-99 | Planned<br>1999-00 |
|------------------------------------|--------------------|--------------------|----------------------|----------------------|--------------------|--------------------|
| Order-in-Council Appointments      | 1                  | 1                  | 1                    | 1                    | 1                  | 1                  |
| Executive Group                    | 11                 | 11                 | 9                    | 8                    | 8                  | 8                  |
| Scientific and Professional        | 4                  | 3                  | 3                    | 3                    | 3                  | 3                  |
| Administrative and Foreign Service | 104                | 97                 | 79                   | 79                   | 79                 | 79                 |
| Technical                          | -                  | 4                  | 3                    | 3                    | 3                  | 3                  |
| Administrative Support             | 47                 | 47                 | 38                   | 31                   | 31                 | 31                 |
| Operations                         | 1                  | 1                  | 1                    | 1                    | 1                  | 1                  |
| <b>Total</b>                       | <b>167</b>         | <b>164</b>         | <b>134</b>           | <b>126</b>           | <b>126</b>         | <b>126</b>         |

#### Personnel Requirements - by Activity (FTEs)

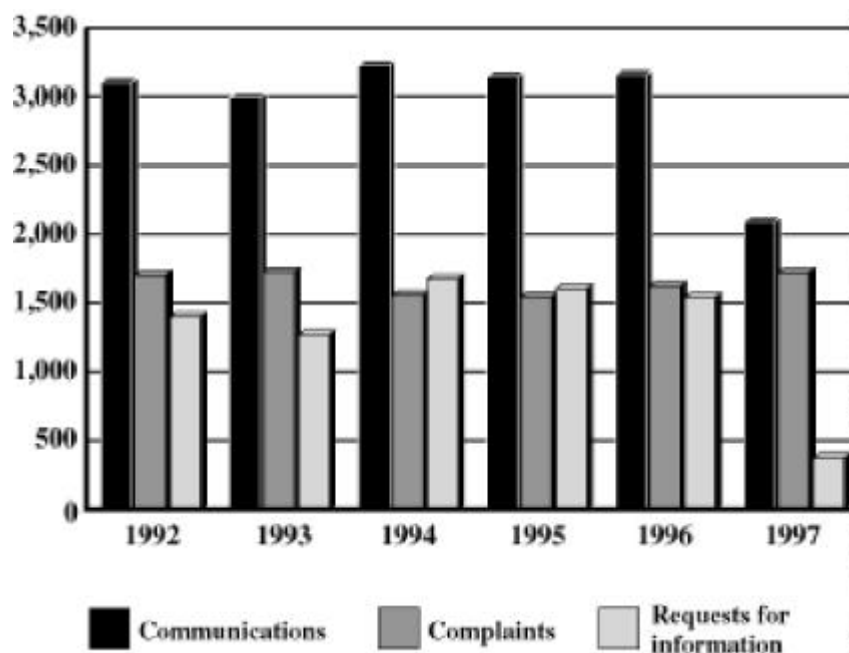
|  | Actuals<br>1994-95 | Actuals<br>1995-96 | 1996-97<br>Estimates | 1997-98<br>Estimates | Planned<br>1998-99 | Planned<br>1999-00 |
|--|--------------------|--------------------|----------------------|----------------------|--------------------|--------------------|
| Policy   | 19                 | 16                 | 13                   | 11                   | 11                 | 11                 |
| Corporate Services                               | 32                 | 22                 | 22                   | 22                   | 22                 |                    |
| Investigations                                   | 52                 | 50                 | 44                   | 41                   | 41                 | 41                 |
| Legal Services                                   | -                  | -                  | 5                    | 5                    | 5                  | 5                  |
| Communications                                   | 19                 | 19                 | 14                   | 13                   | 13                 | 13                 |
| Corporate Secretariat and<br>Regional Operations | 45                 | 47                 | 36                   | 34                   | 34                 | 34                 |
| <b>Total</b>                                     | <b>167</b>         | <b>164</b>         | <b>134</b>           | <b>126</b>           | <b>126</b>         | <b>126</b>         |

## Appendix 2 Additional Financial Information

### Resource Requirements - by Object Line (thousands of dollars)

|   | Actuals<br>1994-95 | Actuals<br>1995-96 | 1996-97<br>Estimates | 1997-98<br>Estimates | Planned<br>1998-99 | Planned<br>1999-00 |
|---|--------------------|--------------------|----------------------|----------------------|--------------------|--------------------|
| <i>Personnel</i>                          |                    |                    |                      |                      |                    |                    |
| Salaries and wages                        | 8,043              | 7,951              | 7,092                | 6,554                |                    |                    |
| Contribution to employee<br>benefit plans | 1,060              | 1,036              | 1,028                | 1,114                |                    |                    |
| <i>Goods and services</i>                 |                    |                    |                      |                      |                    |                    |
| Transportation and communications         | 730                | 616                | 700                  | 625                  |                    |                    |
| Information                               | 504                | 268                | 625                  | 250                  |                    |                    |
| Professional and special services         | 939                | 973                | 994                  | 969                  |                    |                    |
| Rentals                                   | 85                 | 94                 | 83                   | 75                   |                    |                    |
| Purchased repair and upkeep               | 34                 | 46                 | 43                   | 45                   |                    |                    |
| Utilities, materials and supplies         | 228                | 236                | 150                  | 215                  |                    |                    |
| Minor Capital                             | 187                | 310                | 112                  | 115                  |                    |                    |
| Other subsidies and payments              | 1                  | 1                  | -                    | -                    |                    |                    |
| <b>Total</b>                              | <b>11,811</b>      | <b>11,531</b>      | <b>10,509</b>        | <b>9,962</b>         | <b>9,982</b>       | <b>9,941</b>       |

### Appendix 3 : Number of communications, complaints and requests for information



|                     | Communi-<br>cations<br>received | Requests for<br>information<br>received | Complaints<br>lodged | Complaints<br>refused or non-<br>admissible | Complaints<br>investigated<br>and settled | Complaints<br>under<br>investigation <sup>4</sup> |
|---------------------|---------------------------------|---|----------------------|---|---|---|
| 1997 <sup>1-2</sup> | 3,100                           | 1,400                                   | 1,700                | 340   |   |   |
| 1996 <sup>2</sup>   | 2,991                           | 1,268                                   | 1,723                | 352   | 769                                       | 602   |
| 1995 <sup>2</sup>   | 3,225                           | 1,671                                   | 1,554                | 283   | 729                                       | 552   |
| 1994 <sup>2</sup>   | 3,143                           | 1,601                                   | 1,542                | 403   | 1,063                                     | 76  |
| 1993                | 3,158                           | 1,539 <sup>3</sup>                      | 1,619                | 377   | 1,237                                     | 5   |
| 1992                | 2,091                           | 373                                     | 1,718                | 323   | 1,395                                     | 0   |

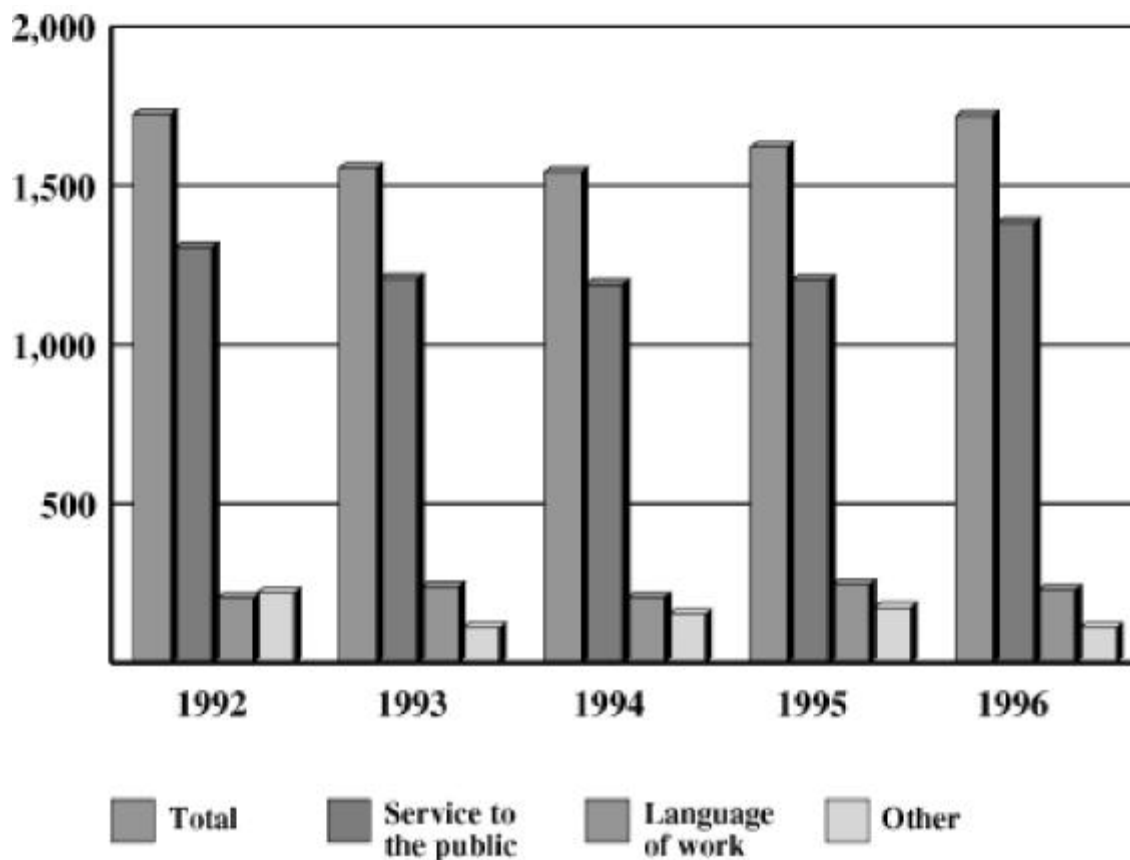
1 Forecast.

2 These figures include the activities of the Investigations Branch and of the Corporate Secretariat and Regional Operations Branch; 56% of the complaints are received in the regions and 54% are investigated by the regional offices.

3 This figure now includes requests for information of a general nature, which are received and handled mainly by the regional offices. Previously, these requests were not counted.

4 This figure gives the approximate number of active files at year's end; with respect to 1996.

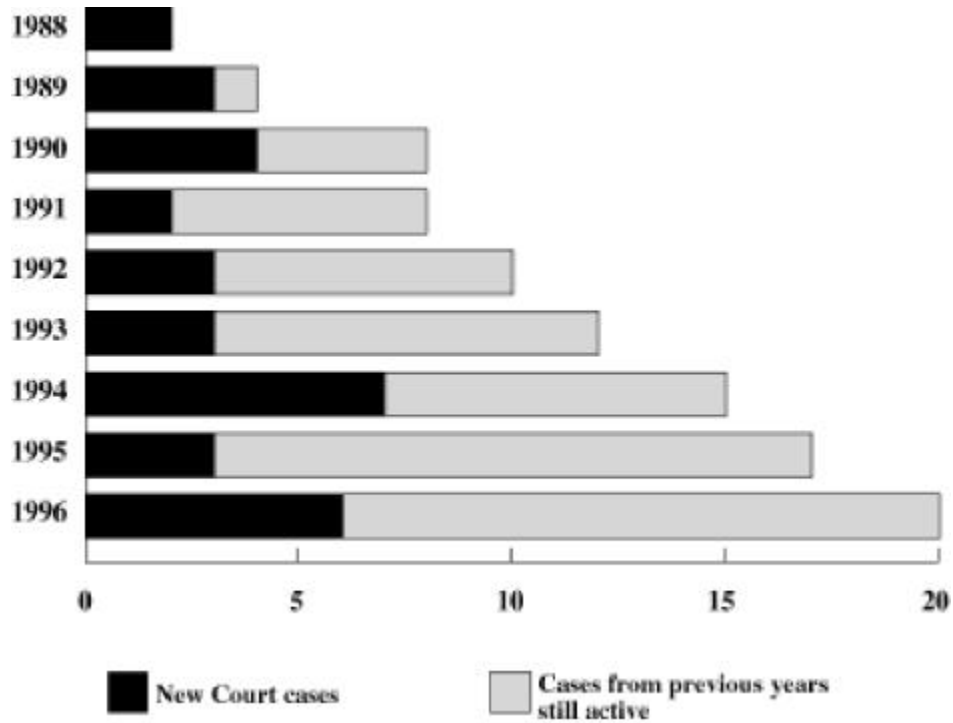
## Appendix 4 Complaints over the years



|      | Type                     |                     |        | Total<br># of<br>complaints |
|------|--------------------------|---------------------|--------|-----------------------------|
|      | Service to<br>the public | Language<br>of work | Other* |                             |
| 1996 | 1,303                    | 201                 | 219    | 1,723                       |
| 1995 | 1,206                    | 238                 | 110    | 1,554                       |
| 1994 | 1,188                    | 203                 | 151    | 1,542                       |
| 1993 | 1,201                    | 245                 | 173    | 1,619                       |
| 1992 | 1,382                    | 227                 | 109    | 1,718                       |

\* These are complaints concerning participation, language requirements, the administration of justice, the development of the official language minority communities, the role and responsibilities of the Treasury Board and the debates and work of Parliament.

## Appendix 5 Court Cases\* Involving the Commissioner



\* Court remedy cases under Part X of the *OLA* or cases dealing with Section 23 of the *Canadian Charter of Rights and Freedom* or judicial review.

**Appendix 6 Printed material, audiovisual material and kits produced at various times by the Office of the Commissioner of Official Languages and still available.**

a) Printed material for the general public

- *Annual Report 1995*
- *Official Languages Act, 1988*  
(Complete text of the *Act*)
- *Official Languages Act, 1988: Synopsis*  
(Booklet)
- *At Your Service! - Official Languages Regulations*  
(Folder)
- *Court Remedy: Towards Linguistic Justice*  
(Booklet describing the procedure to be followed when using court remedy to ensure respect for language rights)
- *The Equitable Use of English and French before the Courts in Canada*  
(Study conducted by Legal Services Branch with the collaboration of Richard Goreham)
- *Language Rights and the Court Challenges Program -- A Review of Its Accomplishments and Impact of Its Abolition*  
(Report by Richard Goreham)
- *The Principles of Individual Choice and Territoriality in the Implementation of Language Rights*  
(Report by Richard Goreham)
- *Official Languages -- Basic Facts*  
(Booklet in question-and-answer format)
- *Let The Commissioner Know!*  
(Folder on the mandate of the Commissioner of Official Languages)
- *The Commissioner at Your Service*  
(Booklet on the mandate and the services provided by the Office of the Commissioner of Official Languages)

- *InfoAction*  
(Information bulletin for official language minority communities)
  - List of articles published in *Language and Society*
  - Articles previously published in *Language and Society*
  - *Our Two Official Languages Over Time*  
(Historical survey - 1867-1994)
  - *A Chronicle of the Office of the Commissioner of Official Languages, 1970-1991*  
(OCOL role and its development from its inception to 1991)
  - *Official Language Minority Education Rights in Canada: From Instruction to Management*  
(A study by Ms. Angéline Martel)
  - *Our Information Products*  
(List of products)
- b) Material for young people
- *You Put It in Words*  
(Collection of works written by young people)
  - *Talking to Each Other*  
(Teacher's kit on the official languages for secondary students)
  - *Adventures in Time*  
(Story and activities book for children 10 and 11 years old)
- c) Material for public servants
- *English and French in the Workplace - What Federal Employees Need to Know*  
(Booklet)



d) Posters

- *Perspective*  
(The earth seen from the moon)
- *Feathered Friends*  
(Names of birds in English and in French)

e) VHS videocassettes (accompanied by a kit)

- *Two Languages, One Country*  
(For high school students)

To obtain copies of these products, contact:

Communications Branch  
Office of the Commissioner of Official Languages  
110 O'Connor Street  
Ottawa, Ontario  
K1A 0T8

Telephone: (613) 995-0730  
Fax: (613) 995-0729

or contact one of our regional offices listed on the next page.

## Appendix 7 Regional Offices

### ***Atlantic Regional Office***

3rd Floor, Room 303  
Heritage Court  
95 Foundry Street  
MONCTON, New Brunswick  
E1C 5H7  
Telephone: (506) 851-6994  
1-800-561-7109  
Fax: (506) 851-7046

### ***Quebec Regional Office***

42nd Floor, Room 4204  
800 Victoria Square  
P.O. Box 373  
MONTREAL, Quebec  
H4Z 1J2  
Telephone: (514) 283-4996  
1-800-363-0628  
Fax: (514) 283-6677

### ***Ontario Regional Office***

Room 2410  
1 Dundas Street West  
P.O. Box 24  
TORONTO, Ontario  
M5G 1Z3  
Telephone : (416) 973-1903  
1-800-387-0635  
Fax: (416) 973-1906

### ***Manitoba and Saskatchewan Regional Office***

2nd Floor, Room 200  
Centre-Ville Building  
131 Provencher Boulevard  
WINNIPEG, Manitoba  
R2H 0G2  
Telephone: (204) 983-2111  
1-800-665-8731  
Fax: (204) 983-7801

### ***Alberta, British Columbia, Northwest Territories and Yukon Regional Office***

Room 620  
10055 - 106th Street  
EDMONTON, Alberta  
T5J 2Y2  
Telephone: (403) 495-3111  
1-800-661-3642  
Fax: (403) 495-4094