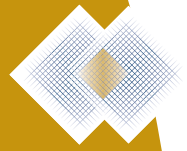




Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles



Annual Report

2004 • 2005

Volume II





To reach the Office of the
Commissioner of Official Languages,
dial toll-free 1 877 996-6368.

Illustrations by Jérôme Mercier

© Minister of Public Works and Government Services Canada 2005

Cat. No.: SF1-2005E-PDF
ISBN: 0-662-40467-X

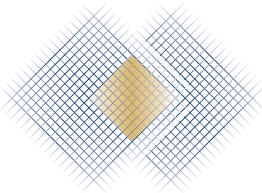
For a listing of any errors or omissions in this publication found
subsequent to printing, please visit our Web site at www.ocol-clo.gc.ca.

“Since 1970, Canadians have witnessed a clear progression in nearly all aspects of their daily lives when it comes to official languages. This progression is the result of the efforts of different levels of government, the increasing openness of the population, an interest in learning the other official language and the mobilization of official language minority communities.”



The texture of Canada

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



Wearers of the emblem of the Office of the Commissioner of Official Languages are signifying their commitment to fostering harmonious human relations between the English-speaking and French-speaking components of Canada's social fabric.

**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, 2004 to March 31, 2005.

Yours respectfully,

A handwritten signature in blue ink, appearing to read 'Dyane Adam', written in a cursive style.

Dyane Adam

**THE SPEAKER OF THE HOUSE OF COMMONS
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, 2004 to March 31, 2005.

Yours respectfully,

A handwritten signature in blue ink, appearing to read 'Dyane Adam', written in a cursive style.

Dyane Adam

Annual Report

2004 • 2005

Volume II

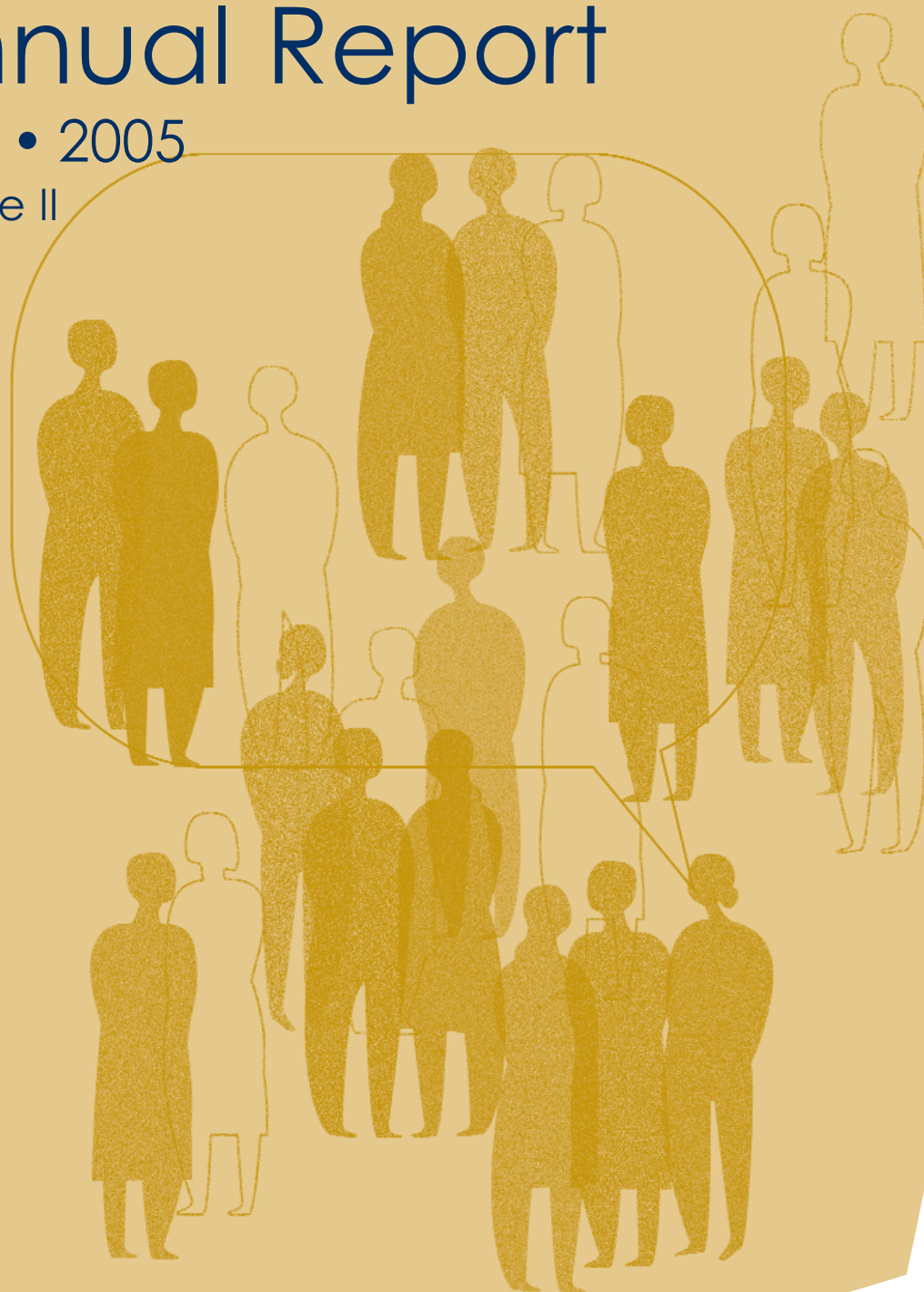
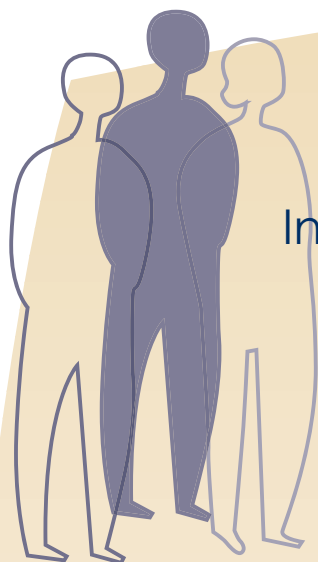


Table of Contents

Introduction.....	1
Chapter 1 – The <i>Action Plan for Official Languages: An Unsteady Course</i>	3
Chapter 2 – Implementation Status of the Commissioner’s Recommendations from the 2003–2004 Annual Report	9
Chapter 3 – Performance Report Card	17
Chapter 4 – A Showcase of Success Stories	25
Chapter 5 – Investigations and Audits.....	31
Conclusion	49
Index.....	51



Introduction

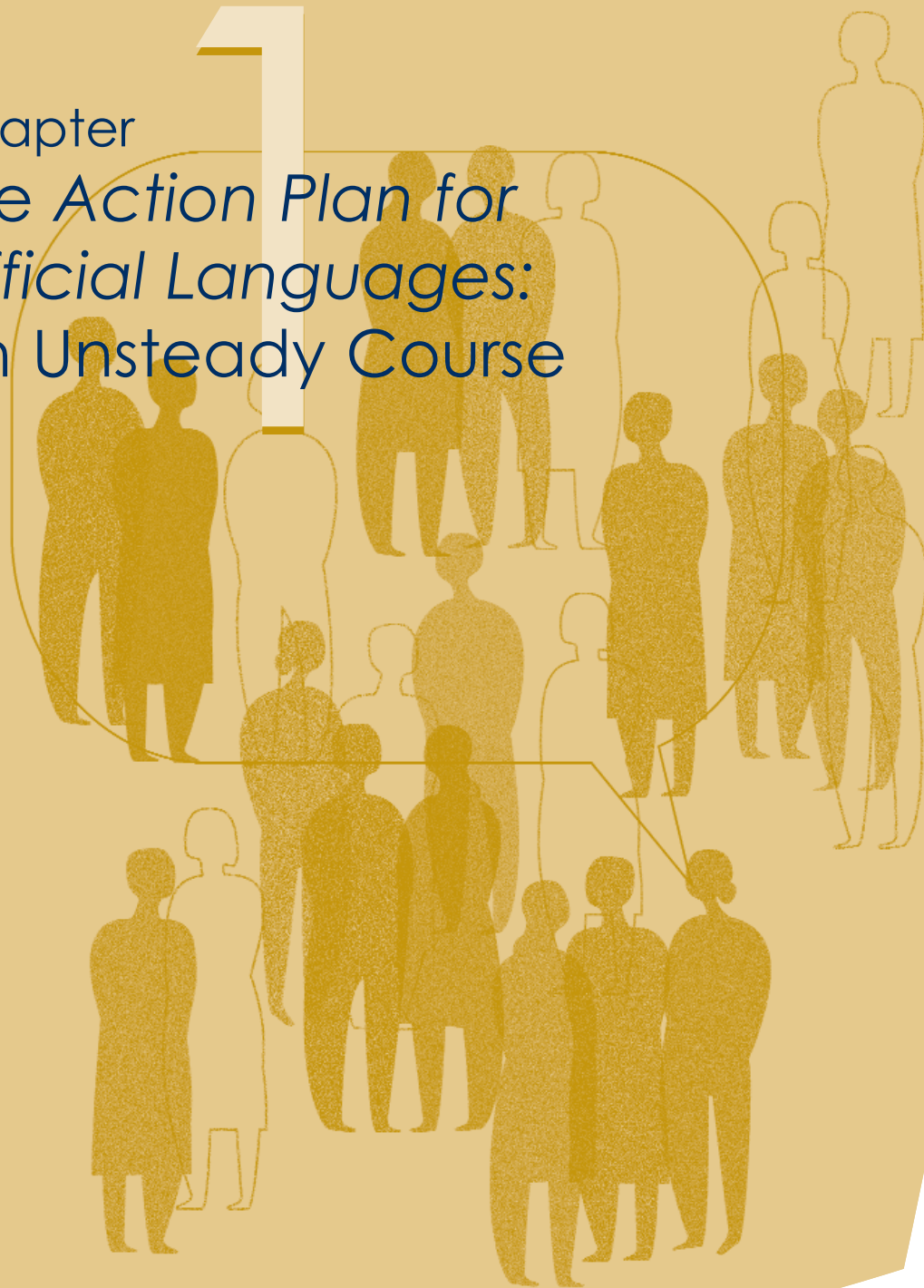
The first volume of this year's Annual Report provides a 35-year historical perspective of Canada's linguistic duality. The focus of that volume is on the progress made and the challenges that must still be addressed. In Volume II, our emphasis is on the activities conducted in the 2004–2005 fiscal year.

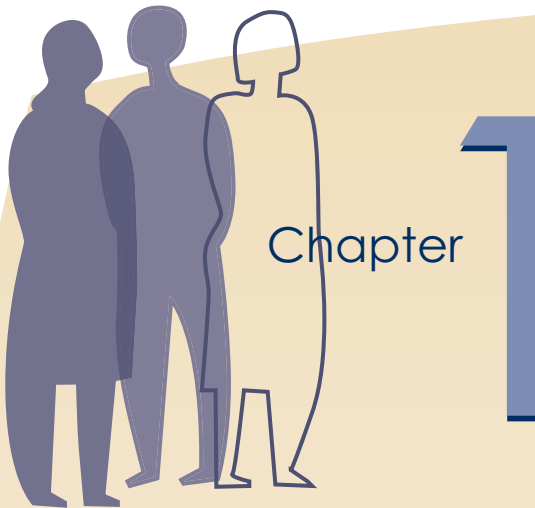
The second volume will highlight three of the roles that the Commissioner plays in exercising her mandate: monitoring, acting as linguistic ombudsman, and auditing. The Commissioner's monitoring role enables her to track the development of strategic portfolios related to the implementation of the *Official Languages Act* and to act preventively, by intervening at the stage where laws, regulations and policies are developed, in order to ensure that language rights remain a primary concern of political and administrative leaders. Her role as ombudsman enables her not only to conduct investigations into the complaints she receives and to ensure that recommendations are being implemented, but also to give independent feedback on the linguistic performance of institutions that are subject to the Act. Finally, her auditing role enables the Commissioner to follow through on detailed compliance investigations by proposing avenues for change, thus promoting improved implementation of the Act and, in so doing, preventing problems.

This volume begins by taking stock of progress in implementing the federal government's *Action Plan for Official Languages*. This makes a good starting point, because the Plan touches on a large number of those activity sectors that influence linguistic duality in Canada and promote its development. This will be followed by an analysis of how the recommendations made in last year's Annual Report are being implemented. These recommendations addressed the policy issues within the context of enhanced governmental activity surrounding the equality of the two official languages. The two subsequent chapters highlight the performance of federal institutions in terms of language compliance. The Report Card chapter records the performance of 29 institutions that fall under the Act, and the chapter on the Commissioner's Leon Leadership Award and other successes takes stock of achievements in language matters across the country. Finally, we will conclude, as every year, with an analysis of the complaints received over the course of the year, a description of certain cases that were resolved during that period, and a report of the audits conducted in 2004–2005.

Chapter 1

Chapter
The *Action Plan* for
Official Languages:
An Unsteady Course





In March 2003, the Government of Canada unveiled its *Action Plan for Official Languages*, which promised investments totalling \$751.3 million over five years targeting three areas of intervention: education, community development, and the Public Service. The Plan included an accountability and co-ordination framework recalling the responsibilities held by federal institutions in official language matters and incorporating new responsibilities.

The Action Plan was intended to counteract the setbacks that resulted from governmental transformations over the past 10 years. As the Commissioner indicated in the 2002–2003 Annual Report, dynamic implementation of the Action Plan would have ripple effects on all governmental action relating to the equality of the two official languages.

Overall, the Action Plan took into account most of the priorities suggested by the Commissioner. In her 2002–2003 Annual Report, the Commissioner explained how the Action Plan answered a number of these expectations: the objectives are clear; the measures planned are well defined; the plan was preceded by national consultations; specific responsibilities are set out for each institution; and horizontal co-ordination is included. However, the Commissioner also

pointed out a number of weaknesses, including one in particular: the absence of an appropriate system of data collection for performance assessment and accountability. We will revisit these points.

Year I: A slow start in the right direction

By the end of the first year of the Plan, the Commissioner's 2003–2004 Annual Report was able to document a number of encouraging measures in the fields of health, immigration, justice, and the economic development of minority communities, as well as steps toward the goal of an exemplary Public Service. The Commissioner explained that the Privy Council Office had begun working to draft an accountability framework. She also welcomed the Government's decision to appoint a Minister responsible for Official Languages. However, she also expressed concern over significant delays in the area of education.

According to the data provided by the Privy Council Office, the participating departments allocated nearly \$50 million by the end of the first year of the Plan, compared with the \$65 million envelope foreseen. The

Commissioner will track the situation closely to ensure that the investments made in year two, which should be considerably higher, demonstrate that the Government is fully committed to implementation of the Action Plan.

Year II: Progress tempered by concerns

Now, after two years, what progress can the Action Plan report? A review of the Plan's main components reveals a number of breakthroughs, but a number of major weaknesses as well.

First, the encouraging news: Justice Canada has continued to make progress, drawing on its Access to Justice in Both Official Languages Support Fund and establishing a consultation mechanism. Health Canada, meanwhile, is providing effective support to community networks and to health professional training networks in minority communities. The Department has promised its continued support in these areas beyond 2008.

Citizenship and Immigration Canada continues to develop avenues for immigration in Francophone communities outside Quebec. Industry Canada has renewed its program *Francommunautés virtuelles*, has created a network of regional advisors, and has undertaken pilot projects in distance learning and on-line services. In the language area, a new association, the Language Industry Association, has been created, and a research centre is under construction at the Université du Québec en Outaouais. It is worth noting that several of these initiatives were implemented in close consultation with the communities involved.

As for those measures in the Action Plan that involve the federal Public Service, the Public Service Human Resources Management Agency of Canada has made major progress toward its two primary objectives: investing in

innovation and enhancing the capacities of federal institutions by reviewing the staffing policies for bilingual positions.

On the downside, we see troubling delays in highly important areas in a number of departments.

Canadian Heritage: Stronger leadership required

Under the Action Plan, this department has access to an additional \$381.5 million (slightly more than half the entire envelope for the Plan) to achieve two ambitious goals: to double, by 2013, the proportion of high school graduates who are familiar with their second language, and to increase to 80% the proportion of eligible students enrolled in French language schools outside Quebec. In early spring 2005, Canadian Heritage and the provinces and territories reached an agreement on certain conditions of the next Protocol Agreement on minority language education and second language teaching. All parties are committed to having the agreement finalized and approved by the beginning of the summer. The provinces and territories now know how the resource envelope—to which the federal government will contribute more than a billion dollars between 2005 and 2009—will be divided up.

Notwithstanding this last-minute agreement, it is of great concern to us that the funds destined for the Action Plan have not been put to use more quickly. This delay means that the objectives of the Action Plan may not be met. We had hoped that the federal government would pick up the pace; instead, its slowness to act threatens to demobilize all the actors who are responsible for progress in this area. Because negotiations have been underway for more than two years, partners have not, up to this point, been able to adequately plan their activities. It is essential that the provinces and territories be able to achieve results in

the field and consult each other for the benefit of all official language communities. While respecting the jurisdictions of the provinces and territories, Canadian Heritage must demonstrate the leadership needed to take charge of its responsibility for federal commitment in support of minority language instruction and the development of second language learning. It must, along with its partners, account for investments and demonstrate the results that the funds destined for the Action Plan and the core funding of the Official Languages Program have generated.

Multi-year agreements with the provincial and territorial governments for the provision of services were to be signed in April 2005. Will the Department once again have to extend the current agreements for an additional year?

An equally critical assessment must be made concerning the Canada-Community Agreements that underlie the Action Plan. As of March 31, 2005, they had still not been signed. This creates a discouraging climate of uncertainty in official language minority communities, which may have negative effects on their development.

On a more positive note, we note that Canadian Heritage and the Council of Ministers of Education, Canada (CMEC) have improved the Summer Language Bursary Program and the Official Languages Monitor Program. The Department has also lent its support to a number of important projects at the post-secondary level: the creation of the Institut français in Saskatchewan and a new Bachelor's program in French language at Simon Fraser University in British Columbia.

Social Development Canada: A slow start for early childhood

Progress is slow in the important area of early childhood development. The Department has agreed to work with certain community organizations to improve their capacity to help foster early childhood development as set out in the Action Plan. Despite the positive collaboration between the Department and these community organizations, it will not launch pilot childcare projects until the third year of the Action Plan. Thus, it is not yet clear how the results of these enhanced experiences in a minority environment will contribute to the implementation of the national program for early learning and childcare.

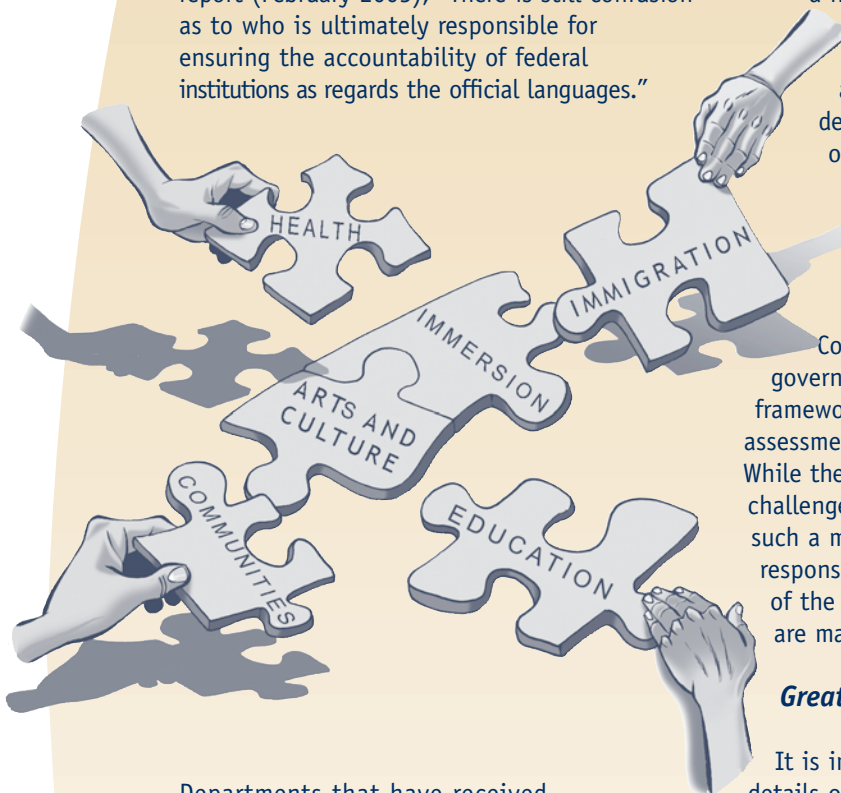
When he appeared before the Senate Standing Committee on Official Languages in March 2005, the Minister of Social Development, the Honourable Ken Dryden, stated that he wanted to include official language communities in the agreement he is negotiating with the provinces and territories for this national program. However, he did not indicate how this aspect will be integrated into the agreement. The Commissioner expects the Department to demonstrate strong leadership in this portfolio, which is of great importance for the official language communities.

Need for improvements

Although the performance of some key departments in implementing the Plan has picked up, we believe that additional improvements are needed in the general management of the *Action Plan for Official Languages*.

Clarify responsibilities

As underscored by the Senate Standing Committee on Official Languages in its fourth report (February 2005), “There is still confusion as to who is ultimately responsible for ensuring the accountability of federal institutions as regards the official languages.”



Departments that have received funding through the Action Plan must account for their activities to the Privy Council Office, just as they are accountable to Canadian Heritage, which has responsibility for general co-ordination of Part VII of the *Official Languages Act*. The accountability and co-ordination framework contained in the Action Plan defines the responsibilities of the various actors involved in implementing the Plan. It requires the close collaboration of all parties. Unfortunately, ambiguities surrounding the respective responsibilities of certain key organizations are hindering the effective implementation of the Action Plan. Clarification is required in order for federal institutions to be fully cognizant of their responsibilities.

Accountability framework urgently needed

The Privy Council Office is working to produce a horizontal results-based management and accountability framework, but the task has proven to be quite arduous. Specifying intended results, defining performance indicators, and obtaining necessary data is not easy. Still, after two full years, the absence of any such framework against which to measure the evolution of the Action Plan continues to astonish the Commissioner. At this pace, the government may not have a suitable framework in place for the mid-term impact assessment of the Action Plan in autumn 2005. While the Commissioner recognizes the challenge posed by the implementation of such a measuring instrument, she urges those responsible to act quickly so that the results of the initiatives related to the Action Plan are made available to citizens.

Greater financial transparency

It is important that the government provide details on spending to date, as well as spending forecasts, within the Action Plan. Although the government is willing to provide information on the amounts spent after each fiscal year, it is not prepared to do so for anticipated expenditures during the last three years of the Action Plan. Better information would help the parties involved follow the evolution of the Action Plan and would help communities better plan their activities. In order to exercise her monitoring role on behalf of Parliament more effectively, the Commissioner must have access to the information needed to determine the current status of the implementation of the Action Plan.

In 2005, the Privy Council Office intends to produce a mid-term progress report on this important initiative of the federal government. It is the Commissioner's expectation that this report will be released as soon as it is published so that the parties involved can assess progress and make whatever representations are necessary to ensure that the Action Plan achieves the expected results.

Conclusion

Even after two years, there is a degree of uncertainty about the implementation of the Action Plan. While some departments are acting with resolve in realizing their commitments, others are moving too slowly, hampering the momentum that the government must continue to instil into the Plan.

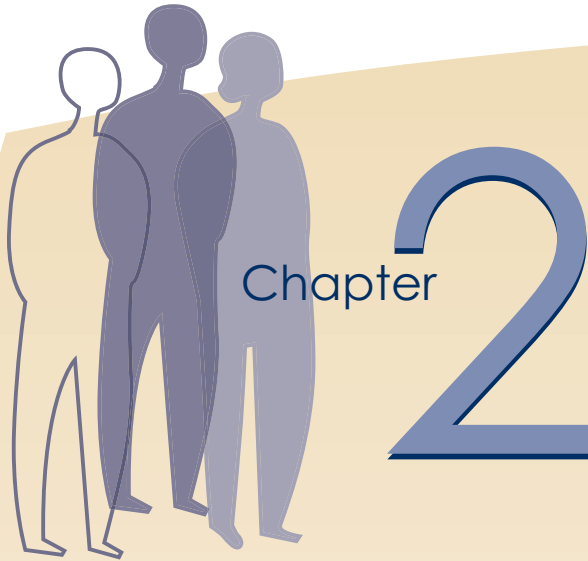
This Plan, which is intended to unite the efforts of various federal institutions in support of renewed linguistic duality, is suffering from a lack of cohesion and co-ordination. The government is not equipped to measure progress on a regular basis nor to inform Canadians of the results achieved thus far. This situation is deeply troubling. The momentum the Action Plan is meant to generate may be compromised if immediate corrective action is not taken. It is essential that the Minister responsible for Official Languages be allowed to exercise his co-ordination role, while ensuring that the key federal institutions fully meet their own responsibilities.

The coming year marks a crucial stage in the implementation of the Action Plan, because we have now reached the halfway point of this important initiative. The government must exercise the necessary leadership to bring the Plan to a successful outcome. It must also reflect on how to develop a new vision of linguistic duality that takes into account the evolution of Canadian society. This vision must foster the affinities between linguistic duality, multiculturalism and Canada's growing diversity. This is the government's new challenge.





Chapter
Implementation Status
of the Commissioner's
Recommendations from the
2003–2004 Annual Report



This section presents the progress made, as of March 31, 2005, in implementing each of the 11 recommendations put forward by the Commissioner in her last annual report. Our assessment is based on information gathered from representatives of the institutions concerned and information provided in a letter from the Honourable Mauril Bélanger, Minister responsible for Official Languages for the Government of Canada.¹



1) Complete the review of official language policies.

The Public Service Human Resources Management Agency of Canada has completed its review of policies relating to the Public Service. The Agency plans to submit the revised policies to the Treasury Board Secretariat for review in the spring of 2005. The last phase of the review, scheduled for 2005–2006, will consist mainly of a review of the policy concerning grants and contributions.

STATUS: Implementation under way

It is also worth noting that the Canada School of Public Service and the Public Service Commission have decided to carry out a review of the language evaluation method and to examine the effectiveness and accessibility of language training. This is being done in response to the concerns expressed by a number of public servants. The results of this exercise are expected in early spring 2005. The Commissioner expects that a model for the delivery of training and language assessment that is better suited to today's realities will be developed. However, it is essential that clear rules and a thorough approach be maintained.



2) Clarify the legal scope of Part VII through legislation or regulation.

Very little has been undertaken by the government over the last year. However, there was Bill S-3, which was tabled by the Honourable Senator Jean-Robert Gauthier prior to his retirement. Enacting this bill would send an important and long-awaited signal to federal institutions. There has been a certain

¹ Letter of March 10, 2005, from the Honourable Mauril Bélanger, Minister responsible for Official Languages, in response to the recommendations made by the Commissioner of Official Languages in her 2003–2004 Annual Report.

ambivalence within the federal administration, which often depends on Canadian Heritage to implement Part VII of the Act. When the federal administration does not know what is expected of it, it tends to deal with this ambiguity by acting slowly or not at all, especially where promoting the two official languages is concerned. As a result, the official language communities are disillusioned because they expect more from a government truly committed to promoting their vitality and development.

Legislative action seems to be the appropriate course to correct the situation. Enacting Bill S-3 would lead to a better understanding of the duties imposed by Part VII. The Senate has already unanimously passed this bill. Now it is up to the House of Commons to decide. In the spring of 2005, the bill went through second reading and it was sent back to the House of Commons Official Languages Committee for study. On this issue, the Government of Canada supports the principle underlying Bill S-3, according to the words chosen by the Minister responsible for Official Languages, the Honourable Mauril Bélanger, in the letter referred to earlier. He writes that the government intends to propose that the bill be amended to “restrict its scope so that its application does not overlap with provincial and territorial jurisdictions.” The expected amendments must not alter the very purpose of this bill, namely the clarification of the binding nature of the federal government’s commitment. Incidentally, Bill S-3 is consistent with the Government of Canada’s renewed commitment to linguistic duality, as stated in the Speech from the Throne delivered on October 5, 2004, as well as with its constitutional responsibilities, including the respect for and protection of minorities.

Finally, this year the Supreme Court of Canada will consider the case of the *Forum des maires de la péninsule acadienne*.² The nation’s highest court will therefore have an opportunity to rule on the scope of Part VII in its current form. This should in no way prevent the Government of Canada from demonstrating its leadership by taking immediate steps to clarify the scope of Part VII, and in particular section 41, by passing Bill S-3. By taking such steps to promote French and English, the federal government would be acting upon its constitutional responsibilities to advance the equality of English and French as official languages.

STATUS: Not implemented

3) Maintain, in the context of the spending review, the resources allocated to the Official Languages Program as a whole.




The Government made a clear commitment to ensure that the funding allocated to the *Action Plan for Official Languages* would not be affected by the expenditure review. However, it has been silent about the impact of this review on the funding allocated to the Official Languages Program as a whole. The Commissioner will closely follow the situation to ensure that the expenditure review does not result in a setback in terms of funding for the Program.

Furthermore, the government must ensure that the language rights of the public and of public servants will be fully respected in creating Service Canada. This service will offer a range of services to the public by means of single window delivery.

STATUS: Mixed response


²*Forum des maires de la péninsule acadienne v. Canada (Canadian Food Inspection Agency)* 2004 FCA 263.



4) Strengthen the Management Accountability Framework to increase the emphasis on the importance of official languages.

The Treasury Board Secretariat added more explicit criteria to assess the performance of institutions in official languages matters. However, it did not review the framework to state that bilingualism is a basic element of citizen-centred services, as we had asked.

STATUS: Partial implementation



5) Establish effective results-based assessment mechanisms, in particular by having the Public Service Human Resources Management Agency of Canada and the institutions themselves conduct more audits, and by ensuring that staff are better trained regarding respect of language rights.


The Public Service Human Resources Management Agency of Canada has adopted a two-pronged approach for assessing the results of implementing the Act. Every year, it conducts several audits (three or four) on its own, and it plans to develop tools, such as an evaluation guide, to enable departments to conduct self-assessments. Furthermore, it is working with the Office of the Comptroller General to encourage institutions to integrate the official languages aspect into their internal audits.

The Agency will use the results of these audits, as well as data that it has obtained from reports that the institutions are required to provide in order to draw up an operating report or “scorecard” relating to their performance. The Agency will post this scorecard on its Web site to give some visibility to the performance of each institution.

Moreover, the Agency developed, in collaboration with the Canada Revenue Agency, a workshop aimed at training officers on the values that underlie government policy on official languages. Other institutions, such as Citizenship and Immigration Canada and Transport Canada, use this approach to educate their staff on official languages. The Agency also continued to support projects that promote official languages in the Public Service as part of the Investment for Innovation Program. In 2004–2005, 25 projects received funding totalling almost \$2 million.

These are interesting initiatives. However, the data used are not sufficiently based on the evaluation of concrete results concerning the availability of services in English and French and the use of the two languages at work, given the small number of audits conducted by the Agency. In addition, staff awareness measures depend on the willingness of institutions and do not involve the entire federal administration.


STATUS: Partial implementation



6) Propose the adoption of the necessary legal amendments to preserve and protect the language rights of the public and Air Canada's employees, regardless of the modifications that are made to the structure and organization of the air transportation industry.

Over the course of the year, the Commissioner has expressed to the Minister of Transport her expectations concerning the principles that should guide the Government in this legislative review process. It is therefore important that the legislative changes that will be made to the *Air Canada Public Participation Act* clearly state the language obligations of ACE Aviation Holdings Inc. in order to avoid, as much as possible, judicial recourse aimed at clarifying the scope of the legislative amendments and the application of the *Official Languages Act*. In the spring, the Government tabled a bill with the goal of modifying the *Air Canada Public Participation Act*. It remains to be seen if the proposed changes will meet the Commissioner's expectations; if not, she will submit the relevant modifications to the legislative committee responsible.


STATUS: Implementation under way



7) Require each provincial Minister of Education to produce an annual report on progress achieved on the objective of doubling the proportion of bilingual high school graduates and on providing French language instruction to 80% of the target school population.

The Commissioner had also made this recommendation in a previous report. In early spring 2005, Canadian Heritage and the provinces and territories reached an agreement on certain conditions of the next four-year protocol agreement on minority language education and second language teaching. The parties are committed to finalizing the agreement by the beginning of the summer. In its discussions with the provinces and territories, Canadian Heritage is seeking to improve its reporting process and to make it more transparent. It is making efforts to increase information that it has available with respect to progress achieved in second language learning and minority language instruction. However, since the framework agreement and bilateral agreements have not yet been signed, the Commissioner is unable at this time to comment on the effectiveness and appropriateness of the reporting measures that will be put in place.

STATUS: Not implemented




8) Ensure that federal-provincial-territorial health agreements are tailored to the particular needs of the official language minority communities of each province and territory, and that they include language provisions.

The Commissioner also made this recommendation in a previous report. Discussions have been held between the Commissioner and the Minister of Health to assist the latter in crafting provisions that would achieve the goal set out in the recommendation. The Minister was open-minded and indicated that he intends to discuss this question at the next federal-provincial-territorial meeting of ministers of health.

Furthermore, the Federal-Provincial-Territorial Health Agreement of September 2004 makes reference to the Government of Canada's commitment to provide access to health care to official language minority communities. The agreement contains measures to support the training of health professionals in minority communities. By doing so, the Government of Canada is putting in place measures to support the training of health professionals in minority communities.

STATUS: Partial implementation



9) Re-examine the appointment process of superior and federal court judges to provide these courts with adequate bilingual capacity.

Access to justice remains an absolute priority for members of official language minority communities. It also has an important place in the *Action Plan for Official Languages*. However, the fact is that true access to justice starts with the ability of the courts to hear and understand disputes in the official language chosen by the accused. This was one of the key findings of the study commissioned by Justice Canada in 2002, entitled *Environmental Scan: Access to Justice in both Official Languages*.

Since the shortage of bilingual judges is a widespread problem and constitutes a major obstacle to actual access to justice in both official languages in Canada, except in some regions, it is becoming imperative for the Minister of Justice to appoint judges with this ability. Appointments are made on a case-by-case basis and the mechanism that has been set up does not adequately address the importance of appointing judges with bilingual skills, although there have been many interesting appointments this past year. However, the government maintains that the current nomination process does in fact effectively address the need to improve access to justice in both official languages. Apart from the chief judge of the concerned court and the Bar Association, the Minister of Justice should consult representatives of minority community lawyers' associations.

With regard to the appointments of members of federal tribunals that exercise judicial and quasi-judicial powers, the government did not conduct any follow-up on this recommendation. Nevertheless, these tribunals are also experiencing a shortage of bilingual judges. There is no explanation for the complete lack of

willingness by the Privy Council Office to review the process of appointing judges to federal tribunals. The government is relying on the working group created by the chairs of federal courts examining the issue of the appointment of their members. Yet this same group recommends that the government review the appointment and renewal process to meet the needs of the courts regarding access to justice in both languages.

STATUS: Not implemented

10–11) Place greater emphasis on measures to promote linguistic duality, especially by providing guidance to institutions that are required to develop a plan pursuant to Part VII.



Canadian Heritage asked institutions that are required to produce a plan pursuant to Part VII to include additional activities to promote linguistic duality in Canadian society. The department also plans to develop a tool to measure progress in implementing section 41 of the Act. It would also help to identify areas requiring improvement. Canadian Heritage indicated that the designated departments will report on more activities relating to the promotion of linguistic duality. Unfortunately, this new approach only affects the 30 or so designated institutions, despite the fact that other institutions carry out activities that may have important repercussions on the promotion of linguistic duality. Canadian Heritage should also develop a more comprehensive strategy regarding the promotion of linguistic duality in order to provide better support to the institutions in this area.

STATUS: Partial implementation

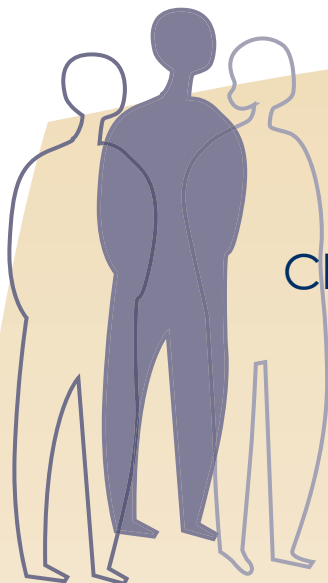
Conclusion

To sum up, we observe that some actions have been taken or are about to be taken to follow up on the Commissioner's recommendations. This is an encouraging sign. However, movement is slow or half-hearted for some recommendations, especially for the clarification of the legal scope of Part VII. More robust and visible leadership is necessary in order to pick up the pace of the actions being taken by the federal institutions.



Chapter Performance Report Card





Chapter 3

This initial performance report card is a follow-up to a recommendation by the Senate Standing Committee on Official Languages about promoting a better understanding of the successes and weaknesses in implementing the *Official Languages Act*. The report card also fits into a larger context of improved accountability and the need to measure progress as set out in the Public Service Management Accountability Framework.

Henceforth, the Commissioner intends to use a performance report card as an additional means of informing the public and parliamentarians about the relative performance of a number of federal institutions that fall under the Act. This report card was designed to provide senior management with information on the performance of their institutions regarding official languages. The report card also provides a quick comparison between similar institutions. It is the Commissioner's intention to publish an annual report card to ensure closer scrutiny of the implementation of the Act in institutions that are subject to it.

Methodology

A sample of 29 institutions was selected to represent a wide variety of institutions under the Act, taking into account their status as a department or a separate employer, as well as their size and mandate. The development of the performance report card took place over a period of 12 months. The underlying approach was intended to be educational in nature. Specifically, we met with official language officials in the various institutions at the beginning of the year to collect information, and then maintained an open dialogue throughout the year. This approach also enabled institutions to act promptly, where necessary, to put certain measures in place to integrate linguistic duality more fully in their organizational culture and their daily activities.

Performance is measured against basic criteria that apply to all institutions governed by the Act, regardless of their specific mandates. These criteria were determined following consultation with various stakeholders. A relative weight was attributed to each of the criteria, leading to an overall score for each institution. The detailed rating guide used for each assessment can be found at www.ocol-clo.gc.ca/archives/ar_ra/2004_05/rating_guide_notation_e.htm.

The performance assessment draws on several sources of information. On the ground, the active offer of services in the two official languages in offices designated bilingual, and the delivery of service in an individual's preferred official language were assessed. In addition to communications with official language officials in the institutions, the following sources of information were used: statistical data from the systems of the Public Service Human Resources Management Agency of Canada (henceforth referred to as the "Agency"), annual review reports on official languages, section 41 action plans and status reports submitted to Canadian Heritage, documentation provided by institutions, results of the Public Service survey on language of work (2002), an audit of telephone services conducted by the Agency (2003), and the Commissioner's investigation and audit reports.

Results

The performance report card presents results in such a way that a quick comparison is possible between institutions with similar characteristics. Thus, institutions that belong to the economic, transport, and security portfolio are found in the first part of the report card, followed by social, cultural and other governmental institutions. In addition, institutions are organized by status as a department or a separate employer, and by the size of the organization. These groupings are indicated by a double vertical line. In the left column are listed the assessment criteria and their relative weight. For example, the section relating to service to the public is composed of four criteria and represents 25% of the overall assessment. It includes on-site observations, which account for 15% of the total score. Finally, the overall score reflects the compiled results for all the elements assessed.

Emoticons are used to represent the score, as follows:

😊😊	Exemplary
😊	Good
😐	Fair
😞	Poor
😞😞	Very poor

The sample used for on-site observations was developed with the help of Statistics Canada. It was designed primarily to provide statistically valid material on each institution's overall performance. It was also possible to establish a statistically valid average for several regions. Table 1 sets out the results on a regional basis for all the institutions observed.

TABLE 1 – RESULTS OF THE OBSERVATIONS FOR SERVICE IN PERSON, BY REGION

Region	Active offer – visual	Active offer – by staff	Appropriate service delivery
Alberta	74.4%	7.9%	50.5%
British Columbia	69.9%	6.2%	88.0%
Manitoba and Saskatchewan	59.0%	37.5%	43.6%
New Brunswick	99.1%	15.3%	89.9%
Nova Scotia	52.1%	25.5%	68.7%
Northwest Territories*	25.8%	0.0%	42.9%
Newfoundland and Labrador*	57.3%	20.1%	49.5%
Ontario	87.8%	36.9%	78.1%
Prince Edward Island*	93.3%	0.0%	31.8%
Quebec	93.8%	25.8%	90.4%
Yukon*	84.5%	0.0%	67.8%
National Capital Region	98.4%	55.3%	100.0%

* Given the insufficient volume of observations that were conducted in relation to the established sample, the results of these provinces or territories are not necessarily representative and must therefore be used with caution. In addition, no observations were conducted in Nunavut this year.

PORTFOLIO: ECONOMY–TRANSPORT–SECURITY

	Border Services	Fisheries and Oceans	Public Works	Canada Post	Canadian Forces	RCMP	Revenue	Environment	Industry	Transport	Passport
Management											
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	☺	☹	☺	☺	☺☺	☹	☺☺	☺	☺☺	☺	☺
b) Visibility of official languages in the organization (5%)	☺	☺	☺	☺	☺	☺	☺☺	☺	☺	☺	☺
c) Complaints (5%)	☹	☹	☹	☺	☹☹	☹	☺☺	☺	☹	☺	☺
Service to the public – Part IV											
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	☺	☺	☺	☺	☹	☺	☺	☺	☺	☺	☺
b) Findings on active offer and service delivery (15%)	☺	☹	☹	☺	☹☹	☹☹	☺	☹☹	☹	☹	☺
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	☺	☹	☺	☺	☺	☹	☺	☺	☺	☹	☺☺
d) Bilingual services quality monitoring (4%)	☺	☺	☺	☺☺	☺	☹	☺☺	☺	☺	☺	☺
Language of work – Part V											
a) Adequate bilingual supervision and language of work policy (12.5%)	☺	☺	☺	☺	☹	☺	☺	☺	☺	☺	☹
b) Use of each language in the workplace (12.5%)	☺	☺	☺	☺	☺	☺	☺☺	☹	☺	☺	☺
Equitable participation – Part VI											
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺	☺☺	☺☺	☺☺	☺☺	☺☺	☺	☺☺	☺
b) Percentage of Anglophone participation in Quebec (5%)	☺☺	☹	☹	☺	N/A ¹	☺☺	☺	☺☺	☺	☺	☺
Development of OL minority communities and promotion – Part VII											
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	☺	☺	☺	☺☺	☺	☺	☺☺	☺	☺	☹	☺
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	☺	☺	☺	☺☺	☹	☹	☺☺	☺	☺	☹	☹
Overall Rating	☺	☺	☺	☺	☹	☹	☺	☹	☺	☹	☺

¹ Given that members of the Canadian Forces are very mobile, the representation of both language groups will not correspond to provincial demographical statistics.

PORTFOLIO: ECONOMY–TRANSPORT–SECURITY (continued)

	Mortgage and Housing	Air Transport Security Authority	Business Development Bank	Food Inspection Agency	NAV CANADA	Tourism Commission	VIA Rail	Macdonald-Cartier Airport
Management								
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	☺	☺	☺	☺	☺	☹	☹	☹
b) Visibility of official languages in the organization (5%)	☺☺	☺	☺	☺	☺	☺	☺	☺
c) Complaints (5%)	☺☺	☺	☺☺	☹	☺	☹	☺	☹
Service to the public – Part IV								
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	☺	☺☺	☺☺	☺	☺☺	☹	☺☺	☺☺
b) Findings on active offer and service delivery (15%)	☹	☹	☹☹	☹☹	☺☺	☺☺	☹	☺
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	☺☺	☺☺	☺☺	☺	☺	☹	☺	☺
d) Bilingual services quality monitoring (4%)	☺	☺	☺	☺	☺	☺	☺	☺
Language of work – Part V								
a) Adequate bilingual supervision and language of work policy (12.5%)	☺☺	☹	☺	☺	☹	☺	☹	☺
b) Use of each language in the workplace (12.5%)	☺☺	☺	☺	☺	☹	☹	☺	☺
Equitable participation – Part VI								
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺	☺☺	☺☺	☺	☺☺	☺☺
b) Percentage of Anglophone participation in Quebec (5%)	☺	N/A ²	☺☺	☹	☺	N/A ²	☺☺	N/A ²
Development of OL minority communities and promotion – Part VII								
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	☺	☺	☺☺	☺	☹	☹	☺	N/A ³
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	☺	☹	☺	☺	☹☹	☹	☺	N/A ³
Overall Rating	☺	☺	☺	☹	☹	☹	☺	☺

² No staff in Quebec (excluding NCR).

³ Part VII of the Act does not apply to the Ottawa Macdonald-Cartier International Airport Authority.

PORTFOLIO: SOCIAL-CULTURAL-OTHER INSTITUTIONS

	Health	Human Resources and Skills Development	CBC	Citizenship and Immigration	Public Service Commission	Statistics	Parks	National Arts Centre	National Capital Commission	National Film Board
Management										
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	☺	☺	☺	☺☺	☺	☺☺	☺	☹	☺	☹
b) Visibility of official languages in the organization (5%)	☺	☺	☺	☺☺	☺	☺	☺	☺	☺	☺☺
c) Complaints (5%)	☹	☹☹	☺	☺	☺☺	☺☺	☺	☺☺	☺	☺☺
Service to the public – Part IV										
a) Bilingual services advertised to the public and sufficient bilingual staff (4%)	☹	☺	☺☺	☺	☺	☺	☺☺	☺☺	☺☺	☺☺
b) Findings on active offer and service delivery (15%)	☹	☹	☺	☹	☹	☹	☹	☺☺	☺	☺
c) The service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	☺	☺	☺	☺	☺	☺☺	☺	☺	☺	☺
d) Bilingual services quality monitoring (4%)	☺	☺	☺	☺	☺	☺☺	☺	☺☺	☺	☺
Language of work – Part V										
a) Adequate bilingual supervision and language of work policy (12.5%)	☺	☺	☺	☺	☺☺	☺	☺	☺	☺	☺☺
b) Use of each language in the workplace (12.5%)	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺
Equitable participation – Part VI										
a) Percentage of Francophone participation throughout Canada (5%)	☺☺	☺☺	☺☺	☺☺	☺	☺	☺☺	☺☺	☺	☺
b) Percentage of Anglophone participation in Quebec (5%)	☺	☹	☺	☺☺	☺	☹☹	☹☹	N/A ²	N/A ²	☺☺
Development of OL minority communities and promotion – Part VII										
a) Strategic planning and the development of policies and programs take into account the development of minority language communities (12.5%)	☺☺	☺☺	☺☺	☺☺	☺	☺☺	☺☺	☺	☺	☺
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	☺☺	☺	☺☺	☺☺	☺	☺☺	☺	☺	☺☺	☺☺
Overall Rating	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺

² No staff in Quebec (excluding NCR).

Analysis and Conclusions

No federal institution obtained an overall score of “exemplary” or “very poor”. Of the 29 institutions featured in the performance report card, 11 obtained a rating of “good”, 11 received an “average” rating, and 7 received a “poor” rating.

Generally speaking, institutions in the social, cultural, and other governmental institutions portfolio were rated higher than those in the economic, transport, and security portfolio. The first group was found to have better management of the official languages program within their organization; for example, these institutions have a well-defined accountability framework for the overall program; they grant considerable visibility to the two official languages and they tend to have less systemic problems that come to light after investigation of complaints by the Commissioner’s office. Moreover, the institutions in this group have a more clearly established management framework concerning Part VII of the Act. In fact, all these institutions, with the exception of the Public Service Commission, have had, for a number of years now, to develop action plans and to report to Canadian Heritage on the development of official language minority communities and on the promotion of linguistic duality.

More details on the various institutions are available in fact sheets, which can be viewed on OCOL’s Web site at www.ocol-clo.gc.ca/archives/ar_ra/2004_05/list_institutions_liste_e.htm.

Stagnation in the quality of services provided to the public

On-site observations conducted at the national level indicate that the quality of bilingual services being offered to the general public has stagnated. For all the institutions, we see that service was delivered in the language of the minority in 76.3% of all cases, and that the

active offer of bilingual service by staff occurred in only 26.8% of all cases. These results are similar to results obtained in follow-ups by the Office of the Commissioner of Official Languages of a previous study and published in its report titled *Time For a Change in Culture*. These follow-ups, conducted between 1996 and 1999, show that service in the language of the minority community was satisfactorily provided in 76% of all cases, while the active offer by a service representative occurred in only 20% of all cases. The overall performance results for each institution concerning active offer and bilingual service delivery can be consulted on OCOL’s Web site.

The delivery of bilingual service has improved in New Brunswick (increasing from 78% to 89.9%), and in the NCR (increasing from 92% to 100%). In contrast, it decreased in certain provinces: Alberta dropped from 66% to 50.5%, and Quebec dropped from 100% to 90.4%. Serious efforts will be required to ensure that the service being delivered reflects the equal status of French and English in Canada as well as the Government of Canada’s commitment to respect the Canadian public.

Weaknesses in the identification of bilingual points of service

The observation of in-person service in certain institutions revealed problems in updating the BUROLIS database, which identifies the bilingual or unilingual status of points of service throughout the federal administration. These difficulties arose in nearly 5% of cases. Once on site, we sometimes found that an office we had planned to check had been closed two or three years earlier! Institutions experiencing such problems lost points under the criterion that relates to the announcement of bilingual services to the public.

Obviously, the first step in the active offer of services to the Canadian public is to inform them correctly about where they can go or call

to obtain services. In regions where only a limited number of offices have been designated as bilingual, failure to correctly identify bilingual points of service seriously restricts the possibility of citizens being able to receive services from the Government of Canada in the language of their choice, as is their right.

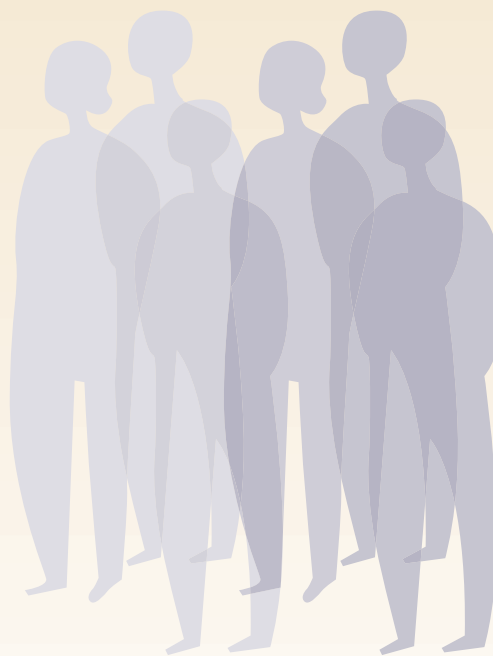
Data on language capacity not available

In the case of some employers, it was difficult to obtain information regarding the language skills of persons holding bilingual functions for service to the public. The Agency is less present in institutions where the Treasury Board is not the employer. Thus, information could not be obtained through the intermediary of the Agency nor, in certain cases, from the institutions themselves. Yet this information is essential to determine the extent to which an institution has developed the required infrastructure to provide adequate bilingual service. The Commissioner expects that all institutions that are subject to the Act should be able to supply this information.

Systemic problems hinder implementation of the Act

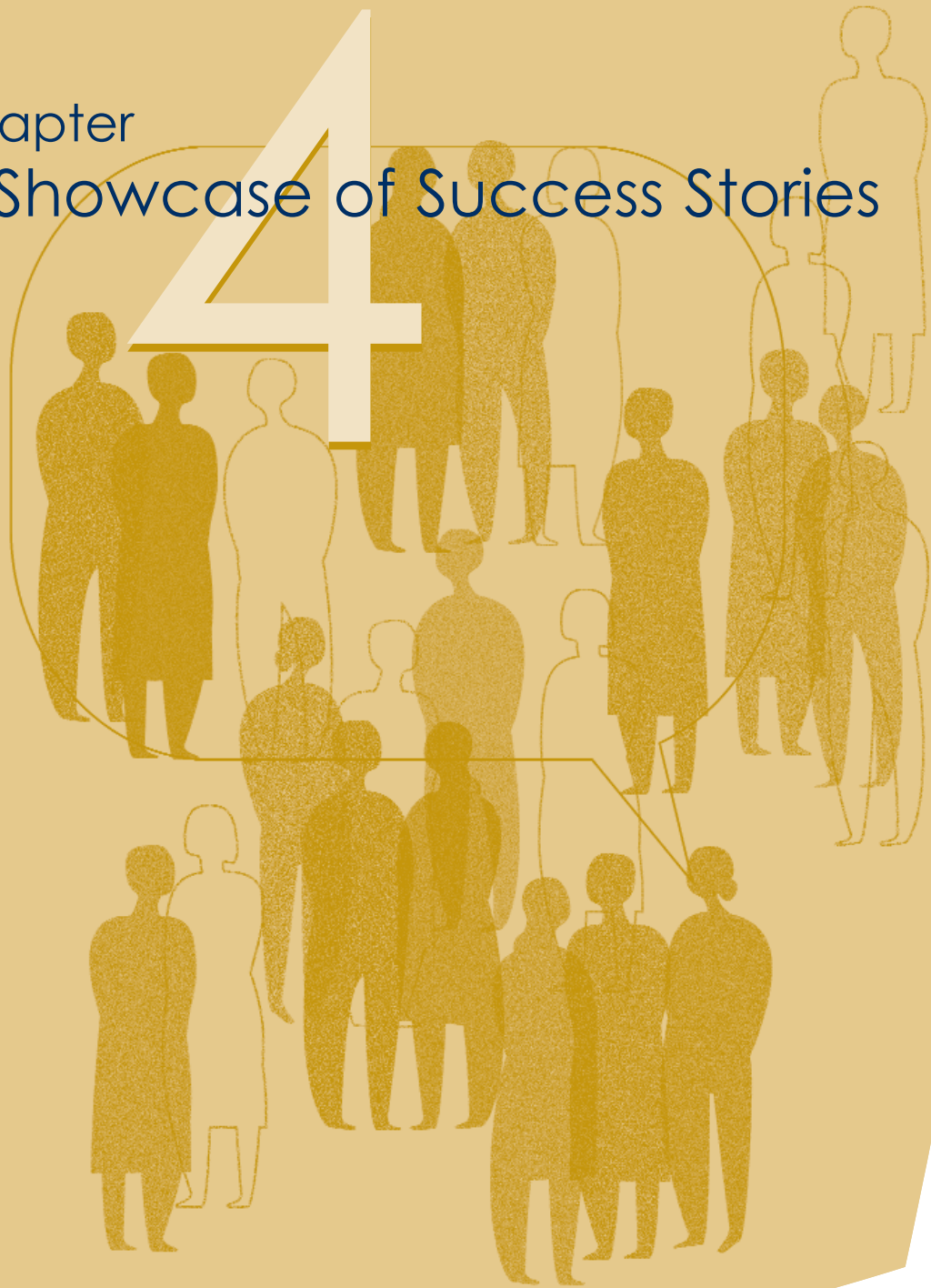
Investigations by the Commissioner's Office sometimes reveal systemic problems that are hampering implementation of the Act within an institution. Systemic problems that have not been resolved affected the assessment of the institutions chosen for this exercise. It is expected that a follow-up to these problems will be made between now and the next report card, so that any progress can be reported.

The next report card will once again cover the 29 institutions selected this year. This will enable parliamentarians and the public to track the performance of these institutions from one year to the next. In addition, other institutions subject to the Act will be added to next year's performance report card, with the goal of painting an even more complete portrait of how the *Official Languages Act* is being respected within the federal administration.



Chapter
A Showcase of Success Stories

4





Chapter

4

As in previous years, this section highlights the accomplishments of government departments and agencies that have demonstrated originality and determination in the area of official languages. The 2004–2005 fiscal year includes more than one example of success in language training. This is particularly interesting, because access to language training and maintenance of these acquired skills are two essential components in creating a work environment that encourages the use of both languages. Congratulations to all those who have made language acquisition and development their leitmotif!

Among them is the senior executive the Commissioner of Official Languages has chosen to honour with the Leon Leadership Award for 2004–2005.



Commissioner's Leon Leadership Award for 2004–2005:

Marcel Beaudry, President, National Capital Commission

The Leon Leadership Award is presented each year to a deputy minister or agency head who has demonstrated remarkable leadership in the area of official languages. The Commissioner's Leon Leadership Award for 2004–2005 goes to Marcel Beaudry, President of the National Capital Commission (NCC). Mr. Beaudry has been exemplary in making official languages an integral part of his organization and in promoting linguistic duality in the National Capital Region.

Under Mr. Beaudry's leadership, the senior management committee approved an integrated management framework based on the values of respect, well-being and commitment. This framework also addresses official languages, specifically encouraging the use of both official languages in the workplace. One result of this initiative is language training during the noon hour, an activity in which 60 employees participate.

The NCC also introduced a protocol for chairing bilingual meetings and produced a guide on how to hold successful bilingual

meetings. Furthermore, the NCC entered into a three-year agreement with a school that offers language training to employees at their place of work.

The NCC does not fall short in the area of service to the public either. According to an audit on telephone service conducted by the Public Service Human Resources Management Agency of Canada and observations on in-person service made by our office, the NCC generally performs well with respect to making an active offer and had a 100% success rate on the delivery of service in both official languages.

With Mr. Beaudry's support, the NCC joined the Business Assistance pilot project undertaken by the City of Ottawa. Under this project, the NCC developed an action plan to ensure that official language obligations are clear to business tenants and respected by them. This includes discussions, monitoring, evaluations and the provision of practical tools and assistance to help them fulfill their obligations.

Mr. Beaudry has taken a leading role in co-operating with municipalities to promote linguistic duality in the National Capital Region. The NCC worked with several partners to bring to Canadians Bernard Pivot's *Les trophées de la langue française*, a television program paying tribute to renowned French-speaking individuals in a variety of fields.

This program, which aired on TV5 in 43 countries as part of the 2004 Francophone Summit, in Ouagadougou, Burkina Faso, contributed to the National Capital Region's international presence, while promoting the French language.

The NCC also co-ordinated the Sussex Cinéma, an outdoor French film festival that showcased film talent, brought life to the Sussex Heritage Courtyards and promoted bilingualism in the National Capital Region on the occasion of the 400th anniversary of the French presence in North America.

In awarding the Leon Leadership Award to Mr. Beaudry, the Commissioner pays tribute to an individual who has shown exemplary leadership—not only within an organization, but also among Canadians—and who serves as a model for other heads of organizations.

The 2004–2005 Success Stories

Language training

Agriculture and Agri-Food Canada

Agriculture and Agri-Food Canada has set up a voluntary bilingual capacity-building program called *Our Bilingualism* to offer second language training to employees occupying unilingual positions and to provide a framework for other official languages initiatives that foster greater bilingualism within the department. The budget for this program has been set up as a separate fund within the Human Resources Team, and there is a process to determine funding priorities.

Canada Revenue Agency

Canada Revenue Agency understands that language retention is equally as important as language training. The Agency launched a virtual language retention centre to help employees maintain or regain their second official language skills and, as a result, improve the quality of service to the public. Université Sainte-Anne in Nova Scotia delivers this pilot program to approximately 15 participants in six Atlantic centres. Employees take part in videoconference sessions and workshops. What a great way to maintain bilingual capacity!

National Research Council Canada

In fall 2004, the National Research Council's official languages committee developed an incentive campaign for the maintenance of second language skills. Participation in this innovative campaign by both learners and

helpers is purely voluntary. Employees wanting to practise their second language pair up with those who wish to help. Employees can also participate in lunch chats in their second official language. In addition, participants who achieve their personal linguistic goals or pass the Second Language Evaluation tests receive a Certificate of Recognition. To illustrate the buddy system, the campaign poster shows two tennis players in action. This is a way of reminding employees that in order to maintain their second language skills, they have to practise!

As part of the campaign, the committee distributed a number of tools to all Council employees: a desk sign for employees who wish to practise their second-language and another for supervisors and employees who wish to offer their colleagues the choice of speaking in English or French. In addition, learners and volunteers can wear a pin to identify themselves as such. What a great initiative to make learning a second official language informal and fun!

Statistics Canada

Statistics Canada has developed a French-language training program entitled *Accélééré* as a way to increase language training opportunities for its employees. This full-time program enables employees with an intermediate level of proficiency in French oral interaction to attain superior proficiency. The students and facilitators create the course content individually and collectively, based on their personal and professional experiences. The goal of this program, which is offered twice a year in the National Capital Region, is to train 36 participants per year.

Newfoundland and Labrador Federal Council

The federal administration in Newfoundland and Labrador continues its efforts to promote both official languages. In fact, it co-operated with Memorial University of Newfoundland and

Labrador to develop a course for public servants entitled *French for the Workplace*, despite the fact that the region is not designated bilingual for language-of-work purposes. Public servants in Newfoundland and Labrador understand that practising a language on a regular basis contributes greatly to its retention.

Pacific Federal Council

Many federal institutions in British Columbia face the important challenge of ensuring that their employees make an active offer of service in both official languages to the public. To meet this challenge, the Pacific Federal Council developed an innovative course entitled *Parlez-vous français?* ("do you speak French?") to give staff a clear understanding of what an active offer of service is and why they need to provide it. An interesting tool developed by the official languages committee for this course is a mouse pad that gives basic phrases in both languages and their pronunciation in French. This initiative helps employees feel more comfortable about making an active offer of service and encourages the public to use French when receiving services from bilingual offices of the federal administration in British Columbia.

Promotion of official languages

Quebec Federal Council

The Quebec Federal Council held the 2005 Forum on Linguistic Duality on February 22. This was a new initiative for the Quebec Region. The theme of the event was "Parle-moi, I'm listening." The forum, which drew some 206 participants, was an opportunity to reflect, to share best practices and to gather information on official languages issues in the federal Public Service in the Quebec Region. Although participants discussed all the parts of the Act, they examined those dealing with language of work and equitable participation most closely, since both these issues are of particular importance to the Quebec Region.

Canada Revenue Agency

Canada Revenue Agency's Toronto Centre Tax Services Office (TCTS) has introduced initiatives to promote official language policies and best practices. In celebration of *Les Rendez-vous de la francophonie* and St-Jean Baptiste Day, the TCTS, which was the first office in the Southern Ontario Region to have its own Official Languages Committee, organized festivities to create awareness of French culture and language. The Committee prepared events such as contests, invited speakers from French organizations in the community to speak to employees and awarded prizes. The festivities enabled employees to gain a greater appreciation of French culture.

Supreme Court of Canada

The Supreme Court of Canada joined in the spirit of celebrating our nation's French heritage. To launch the celebration of *Les Rendez-vous de la francophonie*, a judge of the Court delivered a speech on language rights in Canada to employees of the Court. Also, as part of the festivities for its employees, the Supreme Court of Canada organized special activities such as games to test language skills and the viewing of a French film, and held an information session given by the Director of Human Resources on new directions for official languages.

Development of official language minority communities

Prince Edward Island Federal Council

As a way to better contribute to the development of the province's Acadian and Francophone community, the Prince Edward Island Federal Council's Official Languages Committee examined the *Plan Vision*, a five-year community development plan for Acadians and Francophones in the province. The Plan addresses community development areas such as economic activity,

heritage and culture, education and training, and community services. In order to ensure that each department in the province becomes involved as required, the Committee examined each of the recommendations in the plan to determine which department could provide support to the communities in the form of financial or material resources, or expertise.

The Commissioner of Official Languages wishes to recognize some encouraging initiatives in other sectors of Canadian society.

Government of Nova Scotia

In the fall of 2004, the Government of Nova Scotia passed a bill on French-language services in Nova Scotia. The *French-language Services Act* will provide for the delivery of French-language services by designated departments, offices, agencies of government, Crown corporations and public institutions to the Acadian and Francophone communities. This new law confirms the Government of Nova Scotia's commitment to contributing to the preservation and growth of the Acadian and French-speaking minority communities in the province. This bill is a step in the right direction.

Manitoba Department of Justice

Manitoba Justice has made history! It opened the first bilingual provincial circuit court in St-Pierre-Jolys. Thanks to this initiative, Francophones can now use their own language before the courts. Furthermore, they can now obtain information in French on the department's programs and services through a legal services generalist hired by the Bilingual Service Centre. The department employees also benefit from the initiative, as this gives them the possibility to work in French as well. We commend the department for its leadership, which will ensure that citizens can access the courts and government services in both official languages in the French-speaking regions of Manitoba.

Ontario Ministry of Education

The Ministry of Education launched the *Politique d'aménagement linguistique* (A Policy for Ontario's French-language Schools and Francophone Community) to help French language students maintain their culture and improve their academic performance and their self-esteem. The plan provides a guide for French-language school boards and school authorities to work with their communities to develop a local approach to countering assimilation and to improving student achievement and retention rates.

Community Partnership in New Brunswick

The Université de Moncton, the Association francophone des municipalités du Nouveau-Brunswick, the Société des Acadiens et Acadiennes du Nouveau-Brunswick and other organizations decided that New Brunswick needed a permanent body that could commission studies and examine the language landscape. The result was the creation of the Conseil de l'aménagement linguistique du Nouveau-Brunswick. The Council, whose mission is to ensure progress toward the equality of the two official linguistic communities in New Brunswick, brings together experts who will make recommendations in this respect to the government, municipalities, businesses and organizations in New Brunswick. Some of the areas the Council will work on include toponymy, the commercial landscape, tools and resources, and language of work.

Chambre de commerce de Québec

As part of the *Semaine Québec Multilingue* festivities, an Internet portal for English-speaking newcomers to Quebec was launched. This virtual gateway gives the English-speaking population access to a host of services offered in English in the greater Québec area.

The Web site, www.englishinquebec.ca, offers information on economic development, health and social services, employment, and education.

Congrès mondial acadien 2004

The Congrès mondial acadien 2004 was held in Nova Scotia. Thousands of visitors celebrated Acadian and French pride in Nova Scotia in commemoration of the 400th anniversary of the founding of Acadia. Relatives and visitors revelled in the excitement of reuniting with long-lost cousins and families from around the world and celebrated their roots and culture. Many took the time to reflect on what Acadia would be like in the next 20 years.

Société 2004 Society

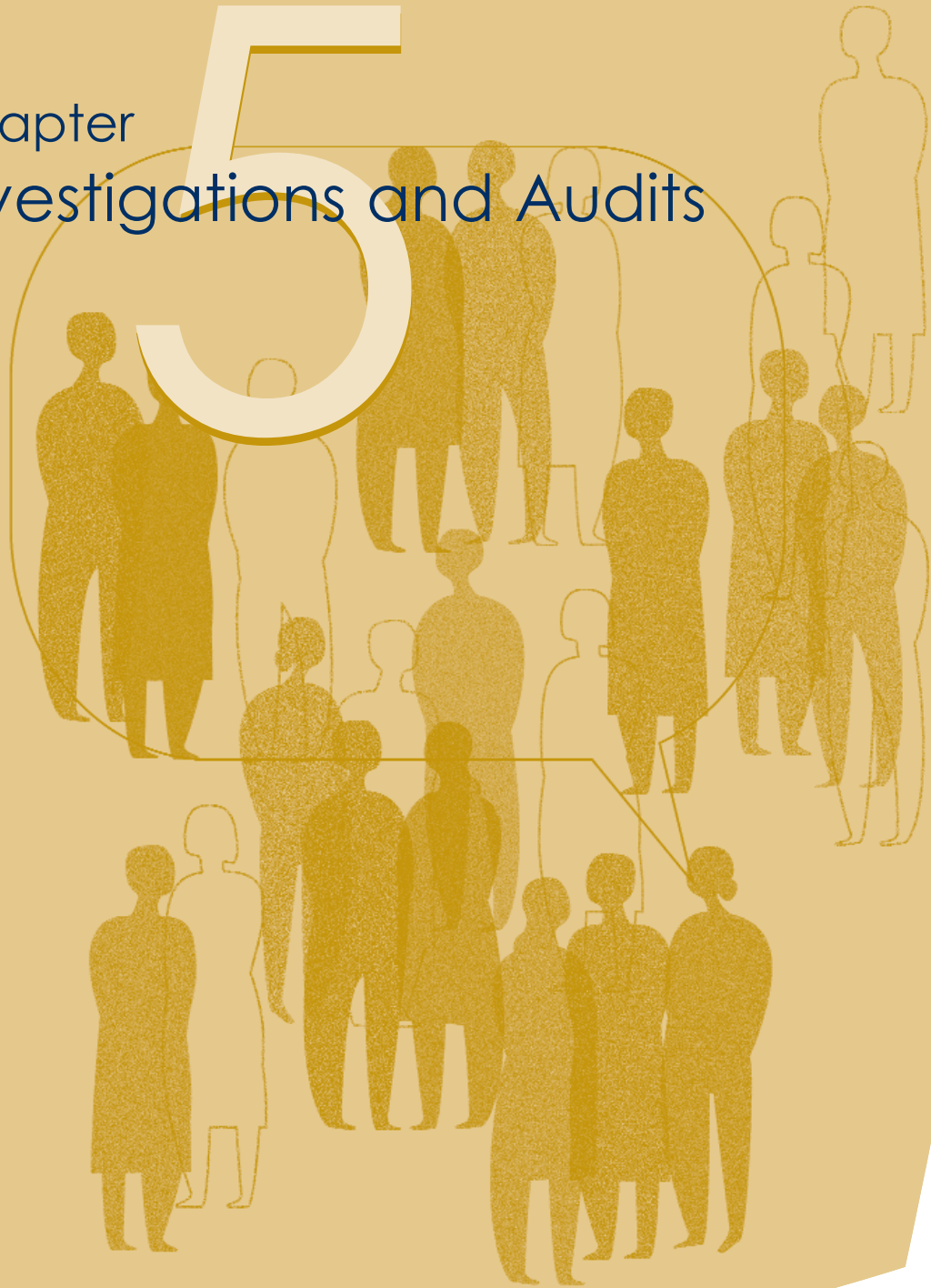
Société 2004 Society organized festivities to commemorate 500 years of French presence in Atlantic Canada. Francophones and Acadians took part in cultural activities held throughout 2004 in Newfoundland and Labrador. This also enabled the English-speaking population to learn about the French heritage in the region. The celebrations not only commemorated a rich French history and culture, but also generated significant economic benefits for the people who live in these communities.

Community Partnership in Newfoundland and Labrador

The Francophone population in St. John's, Newfoundland and Labrador, benefited from the opening of the new Centre scolaire et communautaire (CSC) des Grands Vents. The CSC combines services for the Francophone minority. It offers classes from preschool to grade 12, centres for seniors and youth, a resource centre, a gymnasium and a theatre, and serves as a meeting point for the region's Francophone community. Francophones of all ages can take part in French language social, cultural and educational activities.

Chapter Investigations and Audits

5





Chapter

5

In this chapter of the report, we will focus mainly on the roles of the Commissioner of Official Languages as ombudsman and auditor.

As linguistic ombudsman, the Commissioner receives complaints from the public concerning the implementation of the *Official Languages Act*. If a complaint is deemed founded, the Commissioner then makes recommendations to address problems raised. The goal is more than mere compliance with the Act; it is to find solutions that result in lasting change. To do this, her investigators try to work as closely as possible with federal institutions during the investigation process to actively engage managers and decision makers in finding lasting solutions.

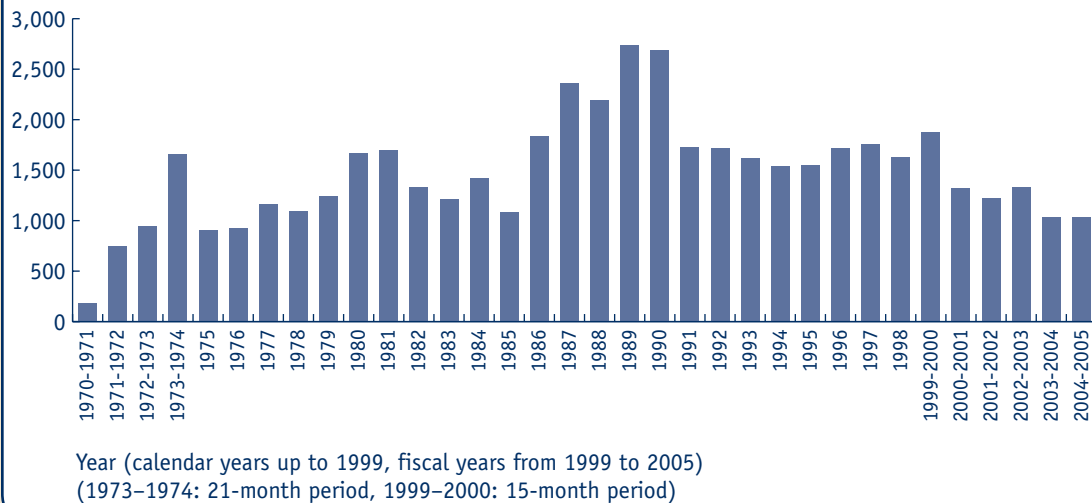
The drive for lasting change also shapes the Commissioner's approach to her audit function. Our audit methodology focuses on the root causes of non-compliance. We seek practices and policies that ensure full implementation of the Act.

35 years at a glance...

In view of the special nature of our annual report this year, where we have given a historical perspective of linguistic duality in our society over the past 35 years, we will also place the analysis of complaints for 2004–2005 in this historical context.

As Figure 1 shows, there was a gradual increase in complaints lodged from 1970 to 1986. Beginning in 1986, there was a five-year surge in complaint activity. In every one of these five years (1986 to 1990), the Office of the Commissioner of Official Languages (OCOL) received more complaints than at any time before or since, averaging over 2,000 per year. The number of complaints dropped in 1991 and then stayed relatively stable throughout the rest of the 1990s, averaging just under 1,700 complaints annually. The year 2000 saw another drop in the number of complaints. The level has remained reasonably constant since, averaging 1,250 complaints a year. A detailed analysis of complaints throughout this 35-year period follows.

Figure 1 – Complaints from 1970 to 2004–2005



The seventies: A gradual increase in complaints

During the first year of OCOL's existence, we received 181 complaints. The following year, the number rose to 745, in part because the Office became better known, and in part because there was a decennial federal census, which generated 63 complaints. During the following years, the complaints gradually increased, going from 906 in 1975 to the decade high of 1,243 in 1979. (For the year 1973–1974, Figure 1 indicates 1,665 complaints, but this number covers a 21-month period.)

A significant number of the complaints during the 1970s concerned language of work; this was probably spurred on by the resolution adopted by Parliament in 1973 on official languages in the Public Service. Public servants in the National Capital Region and air traffic controllers lodged the majority of these complaints.

During the period from 1970 to 1976, only 6.5% of the complaints lodged originated from the Atlantic region. However, an OCOL regional office was established in Moncton, New Brunswick, in 1977. This created greater visibility for

official languages in the Atlantic region; in 1978, 17% of complaints originated from this region. The results were similar in Winnipeg; when a regional office was established there in 1978, the complaints received from this region went from 0.7% to 7% the following year.

On May 4, 2004, the Commissioner inaugurated a Liaison Office in Sudbury, Ontario. Among the numerous guests were representatives from various fields such as politics, government institutions, business, education, culture, the media and Anglophone and Francophone community organizations. The Liaison Officer will contribute to the development of a dialogue with the organizations and institutions that play an essential role in the growth and development of both official language communities in Northern Ontario. The presence of the Office of the Commissioner in this region will also help to identify opportunities for development, partnership and bridge-building with organizations representing the English-speaking community in order to foster exchanges between the two linguistic communities.

The eighties: Wide variations

In 1980 and 1981, the number of complaints reached new heights: 1,673 and 1,696 complaints, respectively. Commissioner Maxwell Yalden commented in the 1980 Annual Report that this did not reflect a deterioration of the linguistic efficiency of federal departments, but was proof that Canadians demanded that their linguistic rights be respected.

After this surge, the number of complaints decreased for a few years. In 1985, the Commissioner received only 1,080 complaints, which was the lowest number since 1976. Particular decreases were noted in complaints concerning bilingual signage, the publication of advertisements in minority language press by federal departments, and Air Canada.

This changed dramatically in the second half of the decade. During the period from 1986 to 1990, the number of complaints averaged over 2,000 each year; there were more complaints received in every one of those years than had been received in 1981, the previous record year. In 1989, 2,743 complaints were lodged, the greatest number in OCOL's history.

While impressive, these numbers could have been even higher. Employees of the Canadian Security Intelligence Service (CSIS) lodged 1,784 complaints in 1986 and 456 complaints in 1987 contesting English-only documents sent to the Quebec office. For statistical purposes, OCOL counted only one of these complaints for each of the years in question so as not to artificially inflate the total. However, they still contributed to a rapidly rising workload.

There were two national factors that contributed to this significant rise in complaints. First of all, the Meech Lake Accord generated passionate debate across the country, bringing the question of official languages to the forefront of national consciousness and generating intense interest in the subject. At the same time, the

Commissioner was promoting the newly revised *Official Languages Act* and the issue of language of work. In the Annual Report of 1990, Commissioner D'Iberville Fortier commented that, since the enactment of the new Act in 1988, there had been a 25% increase in complaints.

The nineties: A stabilization

In the nineties, the number of complaints stabilized at about 1,700 per year. Although it appears that there was an increase in the number of complaints during the year 1999–2000 (1,872 complaints), this period in fact covered 15 months (during the transition from calendar to fiscal years), and so was in line with overall performance during the decade.

The new millennium: Decreasing numbers a general trend

During the last five years, the number of complaints received has further decreased to about 1,200 per year. Why? There are a number of possible explanations. For example, we have heard from complainants over the past few years that the complaint investigation process does not guarantee that the problems encountered will be fixed permanently. Certain types of problems, such as minority press complaints and complaints concerning Air Canada's service to the public, keep recurring. It is interesting to note that these two problem areas account for 25% of our service to the public complaints.

Other reasons also account for some of the decrease in complaints in the last five years. For example, the OCOL 2003–2004 Annual Report noted that there had been a decrease in complaints against Air Canada while it was restructuring.

On a more positive note, a part of the decrease can be linked to progress being made by certain institutions. VIA Rail, for example, has made

changes to its hiring practices over the last few years. This has improved service to the public: complaints have dropped over the past five years, from 49 in 1999–2000 to 17 in 2004–2005.

It is also possible that many Canadians do not understand their linguistic rights well enough to know when and how to lodge complaints. Complaint volumes often increase when language issues are brought to the forefront, either through information campaigns or media interest. The recent media coverage of the April 2004 Treasury Board directives on imperative staffing probably contributed to the increase in the number of complaints from English-speaking public servants about career advancement and the language designation of positions. Normally about 20% of these types of complaints come from English-speaking employees, but this year the figure rose to 47%.

It is our view that a combination of all factors cited above is at play. This office will monitor these trends over the next year. We will also continue to promote linguistic rights, sensitizing federal institutions to their responsibilities, and reminding citizens of their rights.

2004–2005: The year in detail

Given the ebb and flow of complaints over the years, where are we now? The following sections provide detailed information on the day-to-day work of the Commissioner as language ombudsman and auditor throughout 2004–2005.

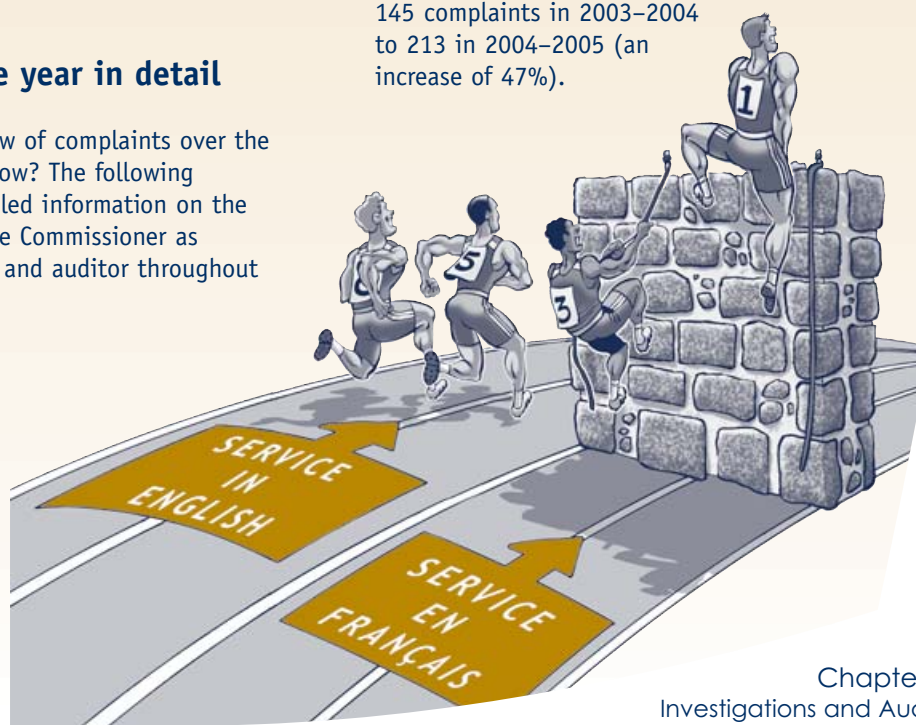
Information requests

After a dramatic rise in information requests last year (to 994 from 516 in 2002–2003), the number of information requests has returned to previous levels this year. Of the 373 requests for information received in 2004–2005, 43% (160) were from English-speakers and 57% (213) were from French-speakers. Most of the requests for information were general in nature (publications, statistics and access to language training).

Complaints

Here is the breakdown of complaints lodged over the past year:

- a total of 1,151 complaints, up 12% from the previous year;
- 74% (847) of complaints were admissible, about the same percentage as in previous years;
- as in the past years, most complaints (81%) came from French-speakers; and
- the number of complaints lodged by English-speakers increased from 145 complaints in 2003–2004 to 213 in 2004–2005 (an increase of 47%).



The present level of complaints reflects the general trend in the last four years.

Mode of complaint transmittal in 2004–2005

The majority of complaints this year were made by telephone (47%), by letter (19%) and by Internet (8%). The number of complaints made by Internet has remained stable in the last three years (8% in 2002–2003, 10% in 2003–2004, and 8% in 2004–2005).

Complaints investigation process

A complaint is deemed admissible when it deals with an obligation covered by the *Official Languages Act*, involves a federal institution subject to the Act and concerns a specific incident. If a complaint is admissible, it is investigated to determine whether there was a contravention of the Act (the complaint is founded) or no contravention of the Act (the complaint is unfounded).

At the end of this process, both the complainant and the institution are informed of the decision and, when recommendations are made, given the opportunity to comment. OCOL also conducts follow-ups as required to ensure that recommendations have been implemented.

When appropriate, OCOL works with the institution against which the complaint was lodged to find a quick resolution to the complaint. This year, 35% of all complaints received were streamed through our rapid resolution process. Most are dealt with within 60 days of receipt. For example, when we received a complaint that the quality of French was not adequate on the Web site of the Communications Research Centre Canada, an agency of Industry Canada, the institution was quickly able to both fix the immediate problem and put measures into place to reduce the possibility of a recurrence. As a

result, we were able to inform the complainant about the measures taken within a month of receiving the complaint.

Analysis of complaints

The increase in the number of complaints in 2004–2005 (compared with 2003–2004) is partly due to concerns about the equitable participation of English-speaking and French-speaking public servants at all levels in federal institutions. This increase is, in our view, related to the Treasury Board directives of April 1, 2004, requiring that bilingual positions be staffed with people who already meet the linguistic requirements of the positions (except in special cases).

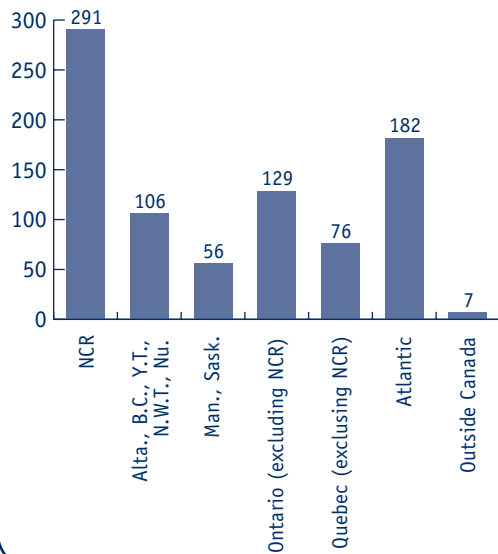
Two other events in 2004 contributed to the rise in complaints:

- Air Canada emerged from restructuring; while Air Canada was undergoing restructuring, we noticed a drop in the number of complaints. This changed once the restructuring was completed in fall 2004.
- A federal election led to a sharp rise in the number of complaints against Elections Canada.

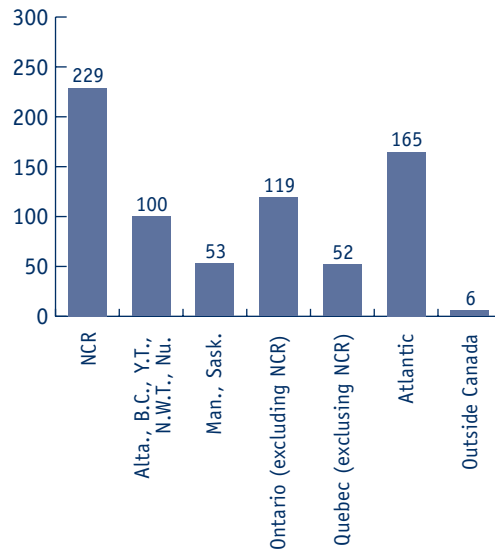
Figures 2, 3 and 4 show the origin of admissible complaints by region and by language group (Anglophones and Francophones).

The majority of admissible complaints came from French-speakers within the National Capital Region (NCR), Ontario and the Atlantic provinces. This is consistent with previous years.

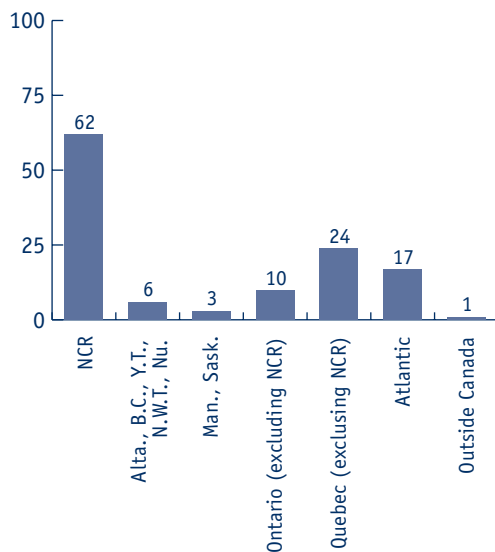
**Figure 2 – Number of admissible complaints by region
April 1, 2004 to March 31, 2005**



**Figure 3 – Number of admissible complaints from French speakers
April 1, 2004 to March 31, 2005**



**Figure 4 – Number of admissible complaints from English speakers
April 1, 2004 to March 31, 2005**



The ten most targeted institutions

More than half (53%) of the admissible complaints concerned 10 institutions. In general, these institutions are in close contact with the public, and as a result, language of service accounted for 69% of the admissible complaints received. Table 2 shows the number of admissible complaints against these 10 institutions, with a detailed breakdown. Although these complaints are admissible, they are not necessarily founded.

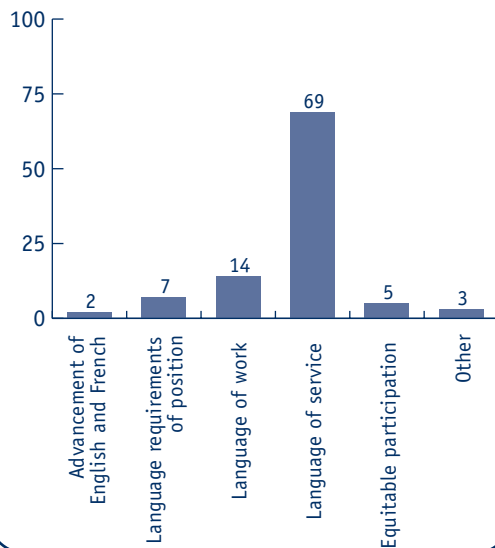
TABLE 2

NUMBER OF ADMISSIBLE COMPLAINTS AGAINST THE TEN MOST TARGETED INSTITUTIONS AND STATUS OF COMPLAINTS

April 1, 2004 to March 31, 2005

Department/Institution	Total admissible	Founded	Unfounded	Under Investigation	Others
Air Canada	84	5	1	77	1
Public Works and Government Services Canada	51	11	1	39	0
Correctional Service Canada	49	3	6	40	0
Canada Post Corporation	49	24	4	21	0
Human Resources and Skills Development Canada	46	18	1	26	1
Elections Canada	46	0	1	45	0
Canadian Heritage	35	5	6	24	0
Canadian Air Transport Security Authority	35	5	0	30	0
Canada Revenue Agency	32	7	4	19	2
Department of National Defence	25	7	3	14	1

Figure 5 – Percentage of admissible complaints by major category
April 1, 2004 to March 31, 2005



Admissible complaints by major category

Over the years, about three quarters of admissible complaints have concerned service to the public, and another 12% to 15% concerned language of work. However, these percentages have fluctuated significantly over time. For example, between 1970 and 1986, almost 85% of the complaints concerned language of service to the public. By 1994, this was down to 77%, while complaints concerning language of work rose from 7% to 13%, and those on equitable participation and the advancement of English and French rose from 5% to 8%. It was not until 1994 that the Commissioner received the first complaint concerning Part VII of the Act dealing with the advancement of English and French.

Of the admissible complaints made during the past year:

- the 587 complaints about language of service represented a 25% increase from the previous year, and 69% of the receivable complaints lodged this year;
- 14% were about language of work;
- the 45 admissible complaints (5%) about equitable participation represented a 36% increase from the previous year;
- there has been a 29% decrease in complaints about the language requirements of positions (section 91 complaints), from 79 last year to 56 this year; and
- 16 complaints concerned the promotion of English and French (Part VII of the Act), a 52% decrease from the previous year.

TABLE 3
NUMBER OF ADMISSIBLE COMPLAINTS BY PROVINCE/TERRITORY AND BY MAJOR CATEGORY

Province/Territory	Admissible complaints	Service to the public	Language of work	Language requirements	Promotion of English and French	Equitable participation	Others
Newfoundland and Labrador	3	3	0	0	0	0	0
Prince Edward Island	17	13	0	1	0	0	3
Nova Scotia	71	49	0	8	0	1	13
New Brunswick	91	43	27	15	0	5	1
Quebec	76	48	17	6	1	1	3
National Capital Region (Quebec)	58	33	17	4	2	2	0
National Capital Region (Ontario)	233	134	39	18	8	28	6
Ontario	129	110	10	2	2	5	0
Manitoba	37	36	0	1	0	0	0
Saskatchewan	19	17	0	0	1	1	0
Alberta	43	37	5	0	0	0	1
British Columbia	52	48	0	1	0	2	1
Yukon Territory	10	8	0	0	2	0	0
Northwest Territories	1	1	0	0	0	0	0
Nunavut	0	0	0	0	0	0	0
Outside Canada	7	7	0	0	0	0	0
TOTAL	847	587	115	56	16	45	28

Note: Approximately 74% of complaints are admissible. Complaints that are not investigated are referred to an appropriate institution or refused because they do not fall under the jurisdiction of the *Official Languages Act* or its Regulations.

The category "Others" includes mainly complaints regarding notices, administration of justice and discrimination as a result of lodging a complaint.

Service to the public

The five major categories of admissible complaints about service to the public were the following:

- ground services for the travelling public (22%);
- person-to-person communication (18%): receptionists, customs officers, postal workers, police officers, and so on, who do not actively offer services in both official languages or who do not provide services in the language of choice of the client;
- written communications (17%);
- communications in the media (10%): nearly all of these complaints were about the lack of advertising in official language minority publications; and
- telephone communications (10%).

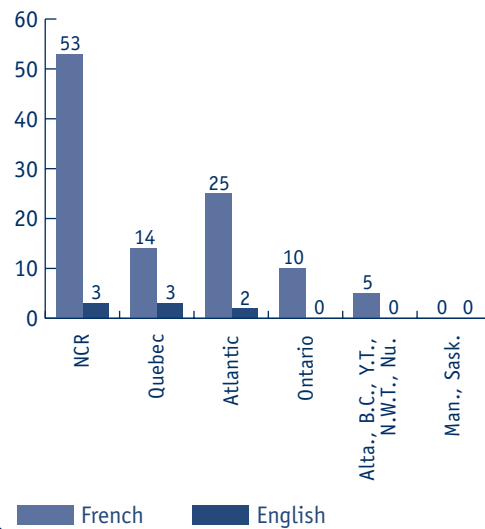
Language of work

Most of the 115 admissible complaints about language of work were as follows:

- 49% from the National Capital Region;
- 23% from the Atlantic provinces; and
- 15% from Quebec.

Of these complaints, 32 (28%) concerned internal communications, 15 (13%) concerned professional development, and 13 (11%) concerned written communication.

Figure 6 – Number of admissible complaints about language of work, by language of complainants
April 1, 2004 to March 31, 2005



Equitable participation

This year there was a 36% increase in admissible complaints (from 33 to 45) concerned with the lack of equitable participation of the two official language groups in the Public Service. In over one third of these cases, it was alleged that English-speaking and French-speaking public servants did not have the same opportunities for promotion within their institution. This increase, as well as a number of complaints concerning access to language training, was related to the new policy on imperative staffing, as noted earlier.

Language requirements of positions

This year 7% of admissible complaints were about the language requirements of positions, down from 10% last year but close to the 2002–2003 level of 6%.

Advancement of English and French

Sixteen admissible complaints identified possible contraventions of Part VII of the Act, which sets out the government's commitment to favour the development of Canada's English- and French-speaking minorities and to promote full recognition and use of English and French in Canadian society. This represented a decrease of 52% from the previous year, from 33 admissible complaints to 16. However, last year's total was unusually high: up from 19 in 2002–2003 and 10 the year before, probably due to increased awareness of the issue in the media and among minority communities. Therefore, the number of Part VII complaints this year represented a return to previous levels.

Of the 16 Part VII complaints lodged, 12 (75%) were lodged by French-speakers. The Part VII complaints were directed at the following institutions: four complaints against Canadian Heritage, three complaints against Foreign Affairs Canada, two complaints each against Health Canada and Citizenship and Immigration Canada, and one complaint each against the Canadian Broadcasting Corporation, Correctional Service Canada, Indian and Northern Affairs Canada, Industry Canada, and the Privy Council Office.



Some interesting cases resolved in 2004-2005

The text boxes on this and subsequent pages highlight some interesting cases resolved this

year. They include results of investigations and follow-ups to ensure implementation of recommendations that were made previously.

PART IV – SERVICE TO THE PUBLIC

Subject matter	Institution	Issue	How resolved
Third parties	Office of the Ethics Commissioner	Witnesses were not given the opportunity to be sworn in or to give testimony in their preferred official language. Founded	Future contracts between the Office and its legal agents will contain a clause requiring that the preferred official language of witnesses be respected. The Office of the Ethics Commissioner has modified its procedures accordingly.
Training offered to outside clients	Royal Canadian Mounted Police	The Gatineau Police Force requested training in French but the RCMP could only provide it in English. Founded	The RCMP had the course material translated and the course can now be given in French.
Federally funded organizations	Health Canada	The Saint John Family Resource Centre and the Fredericton Regional Family Resource Centre in New Brunswick were unable to provide services in French. Founded	Health Canada has agreed to ensure that these centres provide services in the two official languages since there is a significant demand in each of these offices for service to be provided in both official languages.
Use of minority press	Public Works and Government Services Canada, Treasury Board Secretariat, Public Service Human Resources Management Agency of Canada and Canadian Heritage	Follow-up on recommendations made in 2002 that advocated providing clearer communications policies and guidelines on advertising to ensure equal treatment of both official languages. Founded	Five recommendations have been fully implemented, three have been partially implemented and nine are still under way. The Commissioner considers that the measures taken are a step in the right direction, but that there is a need to pick up the pace.

PART V – LANGUAGE OF WORK

Subject matter	Institution	Issue	How resolved
Work instruments	Parks Canada	The institution failed to provide simultaneous translation and documents in both official languages at National Occupational Health and Safety Policy Committee meetings. Founded with respect to documents.	We determined that the institution was not obligated to provide simultaneous translation. However, all documents provided during these meetings are now translated.
Central services	Environment Canada	The department's Human Resources Office in Downsview, Ontario, was unable to provide services in French to staff working in the National Capital Region. Founded	We recommended that the institution take appropriate administrative measures to provide services in French until the Downsview office has the required bilingual capacity, that it develop a clear directive on active offer, provide staff training on official languages obligations and monitor the provision of service in the preferred official language of clients.

PART VI – EQUITABLE PARTICIPATION

Subject matter	Institution	Issue	How resolved
Career opportunities	Public Service Commission	<p>The pass mark for the PSC-310 test, approved as an alternative to a university degree, differs depending on whether the language of the test is English or French.</p> <p>Not founded</p>	<p>The complaint was unfounded because pass marks were established according to generally recognized measurement principles and take into account the inherent degree of difficulty peculiar to each official language. Thus, both linguistic groups have an equal chance of success on this test.</p>
Transfer opportunity	National Defence	<p>An employee alleged that he was penalized on an assessment for an occupational transfer due to the results he achieved on a training course, which he was required to undergo in French, his second language.</p> <p>Founded</p>	<p>Although the Department maintains that the employee was not penalized on his assessment since he received the occupational transfer, the department did amend the complainant's Personnel Selection Report to indicate that he completed the training in his second official language.</p>

PART VII – ADVANCEMENT OF ENGLISH AND FRENCH

Subject matter	Institution	Issue	How resolved
Web sites of diplomatic missions	Department of Foreign Affairs	<p>Follow-up on recommendations made in 2002 to ensure equal status of English and French on Web sites of Canadian missions abroad, foreign diplomatic missions in Canada, and international organizations.</p> <p>Founded</p>	<p>All surveyed Web sites of Canadian missions abroad are now in both official languages. The Department will continue to encourage foreign countries (half of which provide content in English only) to use both languages on their mission Web sites, and to promote the use of French within international organizations.</p>
Electoral boundaries	Federal Electoral Boundaries Commission of New Brunswick	<p>Proposed electoral boundary changes for the district of Acadie-Bathurst threatened the preservation and development of three Francophone parishes in New Brunswick.</p> <p>Founded</p>	<p>The Commissioner recommended that the Electoral Boundaries Commission of New Brunswick re-examine its proposal, taking into account its obligation to respect the government's Part VII commitment to enhance the vitality and support the development of official language minority communities. A Federal Court challenge, in which the Commissioner intervened, contributed to the reintegration of the parishes into their original districts.</p>
Hours of service	Human Resources and Skills Development Canada (HRSDC)	<p>The reduction in hours of service at HRSDC's office in Wellington, P.E.I., has a negative impact on the socio-economic development of the Francophone community in the province's Evangeline region.</p> <p>Founded</p>	<p>The Commissioner views as positive a meeting held between the Department and the community. However, it has not yet resulted in improvements in service. The Commissioner recommended that the Department review its decision to reduce service in order to ensure that it supports the community to the full extent of its mandate in accordance with Part VII.</p>

PART VII – ADVANCEMENT OF ENGLISH AND FRENCH (continued)

Subject matter	Institution	Issue	How resolved
Promotion of linguistic duality	Canadian Broadcasting Corporation	<p>Comments were made on the English television network and French radio network of CBC, which many Canadians considered discriminatory against the other official language group.</p> <p>The original complaints dealt with discrimination, and as such were not deemed admissible; however, we did review how CBC took into consideration Part VII of the Act. This resulted in two recommendations that were made to the institution.</p>	The Corporation has agreed to include a specific reference to linguistic duality in its program policies and standards, as well as in its orientation procedures and practices for new employees.

AUDITS

Two audits were completed this year. The first dealt with the Community Futures Program and the second involved the Canadian Tourism Commission. The first audit focused on Part IV of the Act, dealing with services to the public, and Part VII of the Act, which sets out the government's commitment to enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development, as well as foster the full recognition and use of both official languages in Canadian society. The scope of the second audit included only Part VII of the Act.

Community Futures Program

In May 2004, OCOL undertook an audit to evaluate the services provided by the

Community Futures Program, which is administered by the Atlantic Canada Opportunities Agency (ACOA), Canada Economic Development for Quebec Regions (CED), Industry Canada's (IC) Federal Economic Development Initiative in Northern Ontario (FedNor) and Western Economic Diversification (WD). Under this Program, a national network of Community Futures Development Corporations (CFDCs) has been created to diversify the economy in Canada's rural regions. In Atlantic Canada, these corporations are called Community Business Development Corporations (CBDCs). The four federal institutions are responsible for ensuring that the CFDCs and CBDCs comply with the requirements of parts IV and VII of the *Official Languages Act*.

The audit revealed that, despite efforts made by ACOA, CED and IC/FedNor, the services provided by the CFDCs in Quebec and Ontario as well as

those provided by the CBDCs in Atlantic Canada are inadequate. WD has integrated into its network the Francophone Economic Development Organizations (FEDO). They consult the minority community during their strategic planning and prepare a plan for each of the four western provinces. The FEDOs examined offered excellent services in French, and the documentation, signage and Web site were available in that language. All four institutions now have official languages clauses in their agreements, although in some cases the clauses need to be more explicit. CED, IC and WD have taken additional measures to inform the CFDCs of their linguistic obligations.

The Commissioner made 18 recommendations, mainly to ACOA, CED and IC, aimed at improving the compliance of CFDCs and CBDCs with the *Official Languages Act*. Above all, they must extend an active offer of service and possess a sufficient linguistic capacity to provide service of comparable quality in both languages. They must develop mechanisms for assessing the quality of service in both languages, as well as performance indicators for measuring the results achieved in supporting the development of Canada's English- and French-speaking communities. To this end, they must consult separately with official language minority communities during their strategic planning in order to ensure that the needs of the community are clearly identified.

The federal institutions advised that they would implement the majority of the audit recommendations. The recommendations that have not been accepted, or that have been partially accepted, deal with the implementation of Part VII of the Act. Three of the four federal institutions are of the view that Part VII obligations do not apply to CFDCs and CBDCs. In our opinion, the obligations of federal institutions, in the context of the mandates entrusted to CFDCs and CBDCs, encompass responsibilities relating to Parts IV and VII of the Act.

Canadian Tourism Commission

In August 2004, OCOL undertook an audit of the Canadian Tourism Commission (CTC) to evaluate the Commission's implementation of Part VII of the Act dealing with how the CTC fosters the use of English and French in Canada and projects Canada's bilingual character.

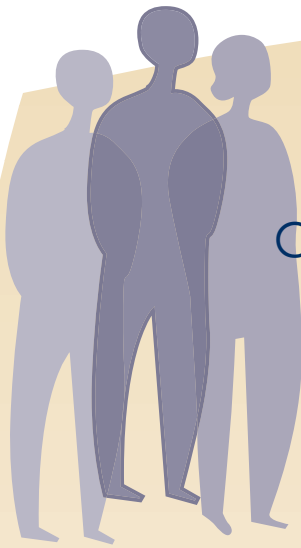
The audit showed that the CTC does not yet have an official languages policy and guidelines, and that most of its managers and employees know little about the Commission's obligations under the Act. Although the CTC has an action plan for implementing Part VII, the plan does not include precise and measurable objectives. Moreover, the Commission has no mechanism for evaluating its official languages performance. Out of some 250 partnership agreements that the CTC has concluded over the past three years, only 2% have been with official language minority communities, and no formal consultation mechanism has been established to determine the economic development needs of these communities. Moreover, the CTC does not make sufficient use of its publications and Web sites as a means to promote English and French in Canada and abroad.

The Commissioner recommended that the CTC establish an official languages policy and distribute it to all staff, draw up an appropriate action plan for implementing Part VII, consult official language minority communities (taking into account its obligations in its partnership agreements), and adopt mechanisms to monitor performance and ensure management accountability. The audit concluded that senior managers must show more leadership and take the steps needed to remedy the shortcomings identified.

Overall, the Commissioner was satisfied with the measures proposed by the CTC to implement those recommendations.

Conclusion





Conclusion

As seen in Volume I, there has been considerable progress on Canada's language front over the past 35 years. In this volume as well, there are clear signs, particularly in the chapter on successes and the Leon Leadership Award, that the Government of Canada is actively pursuing efforts in several fields for improved results with regard to official languages. Still, there is much work that remains to be done.

The results of our investigations and audits show that improvements are needed in the areas of service to the public, language of work, and the development of minority language communities. These are the issues that will continue to hold our attention, especially as the government seeks to develop new ways to deliver its services to Canadians in the 21st century.

For the first time, our performance report card offers an evaluation summary of the implementation of the official languages program in 29 institutions. These assessments make it quite clear that simply having an infrastructure in place is not enough. Rather, the result on the ground must be consistent with policies and directives.

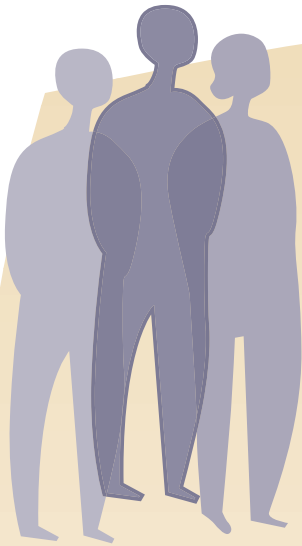
Stronger and more visible leadership is needed to counteract this slow and timid approach, and to advance certain strategic portfolios that were the subject of recommendations in last year's Annual Report. For example, there is the need to pursue legislative or regulatory avenues to clarify the legal scope of Part VII of the Act.

The government's *Action Plan for Official Languages* is on an uncertain course. While we applaud the government's leadership in establishing this plan, we remain concerned, two years after its launch, about a lack of co-ordination and cohesion. This nonchalant attitude means lost momentum and credibility.

Put briefly, work in the area of official languages is stagnating. Stronger political and administrative leadership is required. This is what we observed in Volume I as well. Whenever such a vacuum in leadership occurs, official languages lose ground. Our political and administrative leaders must chart a clearer course, by proposing a generous and stimulating vision for our society. Canada's linguistic future depends on it.

Index





Index

- Action Plan for Official Languages*, 4–8
accountability framework, need for, 7
Canada-Community Agreements and, 6
clarification of responsibilities, 7
delays, 5–6
and early childhood development, 6
financial transparency requirement, 7
implementation, 8
initiatives and government departments, 5
need for improvements, 6
progress in year 2, 5
progress report, 4–5
slow start in year 1, 4–5
- Active offer, 23
- Advancement of English and French, 41, 45–46
- Agriculture and Agri-Food Canada, 27
- Air Canada, 13, 36
- Air Canada Public Participation Act*, 13
- Audits, 46–47
Official Languages Act, 46–47
Part IV of the Act, 46
Part VII of the Act, 46
Community Futures Program, 46
Canadian Tourism Commission, 47
Audit on telephone service, 27
-
- Beaudry, Marcel, and National Capital Commission, 26–27
linguistic duality, 27
- Bélanger, Mauril, 10, 11
- Bernard Pivot's *Les trophées de la langue française*, 27
- Bilingual points of service, identification of, 23
- Bilingual service, 23

- Bill S-3, 11
- BUROLIS database, 23
- Business Assistance pilot project, 27

- Canada-Community Agreements, 6
- Canada Revenue Agency, 12, 27, 28, 29
- Canadian Heritage, 5-6, 15
 - Action Plan, 5
 - leadership wanting, 5-6
 - Protocol Agreement, 5
 - minority language education and second language teaching, 5
- Canadian Tourism Commission (CTC), 47
- Centre scolaire et communautaire (CSC) des Grands Vents Newfoundland and Labrador, 30
- Citizenship and Immigration Canada, 5, 12
- Commissioner's Leon Leadership Award for 2004-2005, 26-27
- Commissioner's recommendations, review of progress, 10-15
 - bilingual education objectives, provincial reporting, 13
 - clarification of legal scope of Part VII, 10
 - completion of review of Official Languages policies, 10
 - federally appointed judges, bilingual capacity, 14
 - health agreements between Canada and provinces, 14
 - language rights, public and Air Canada employees, protection by legislation, 13
 - Management Accountability Framework, 12
 - Ministers of Education annual report, 13
 - promotion of linguistic duality, 15
 - results-based assessment, 12
 - spending review re Official Languages Program, 11
- Commissioner's roles, 1
- Community Futures Program, 46-47
 - recommendations of the Commissioner, 47
- Community Partnership in Newfoundland and Labrador, 30
- Complaints, 32-41
 - admissible complaints by major category, 38-46
 - advancement of English and French, 46
 - analysis of, 36-37
 - equitable participation principle in workplace, 40
 - interesting cases resolved in 2004-2005, 42-46

language of work, 33
 language of work cases, 43
 language requirements, 41
 mode of transmittal of, 36
 in the 1970s, 33
 in the 1980s, 34
 in the 1990s, 34
 in the new millenium, 34-35
 service to the public cases, 40, 42
 ten most targeted institutions, 37-38
 in 2004–2005, 35–36
 investigation process, 36

Congrès mondial acadien, 2004, 30

Council of Ministers of Education, Canada (CMEC), 6
 Post-secondary, 6

Dryden, Ken, 6

Early Childhood Development, 6

English, advancement of, 41, 45

Environmental Scan: Access to Justice in Both Official Languages,
 Justice Canada report, 14

Equitable participation, 40, 44

Federal-provincial-territorial health agreements, 14

Federal Public Service, and Action Plan, 5

Forum on Linguistic Duality (2005), 28

Forum des maires de la péninsule acadienne case, 11

Francophone Summit (2004), 27

French, advancement of, 41, 45

French-language Services Act (Nova Scotia), 29

French for the Workplace (course), 28

Gauthier, Sen. Jean-Robert, and Bill S–3, 10

Government commitment to English and French minorities, 41

Health agreements, 14

Health Canada, 5

Industry Canada, 5
 Francocommunautés virtuelles program, 5

Information requests, 2004–2005, 35

Internet portal for English-speaking newcomers (Quebec), 30

Investigations and Audits, *see* Audits;
Complaints

Institut français (Saskatchewan), 6

Justice Canada, 5

Access to Justice in Both Official
Languages Support Fund, 5

bilingual capacity of federally
appointed judges, 14

Language Bursary Program, 6

Language evaluation method, 10

Canada School of Public Service, 10

Public Service Commission of
Canada, 10

Language Industry Association, 5

Language requirements of job positions, 41

Language training, 27–28

Accélééré language training program, 28
buddy system, 28

Certificate of Recognition, 28

effectiveness and accessibility, 10

Our Bilingualism course, 27

Second Language Evaluation Tests, 28

virtual language retention centre, 27

Language of work, 33, 40, 43

Leon Leadership Award for 2004–2005, 26–27

Linguistic duality, 15

Manitoba Bilingual Service Centre, 29

Manitoba Minister of Justice, 29

Memorial University, Newfoundland and
Labrador, 28

Minority language instruction, 6

National Capital Commission (NCC), 26–27

National Research Council of Canada, 27–28

New Brunswick, official language initiatives, 30

Community Partnership in New
Brunswick, 30

Conseil de l'aménagement linguistique
du Nouveau-Brunswick, 30

Improvement in delivery bilingual
services, 23

Newfoundland and Labrador Federal Council, 28

Newfoundland and Labrador Community
Partnership, 30

Newfoundland and Labrador, Centre scolaire
et communautaire, 30

Nova Scotia *French-language Services Act*, 29

Nova Scotia Government, 30

Official language minority communities, 29–30

Official languages, promotion of, 28–29

Official Languages Act

- Commissioner's recommendations, 10
- Part VII review, 11
- proposed legislative amendments, 13
- Supreme Court of Canada re *Forum des maires* case, 11
- systemic problems, 24

Official Languages Monitor Program, 6

Official languages policies
and Bill S–3, 11
legal scope, clarification, 10–11,
review of, 10

Ontario Ministry of Education, 30

Our Bilingualism, 27

Pacific Federal Council, 28

Parlez-vous français? (course), 28

Performance assessment, 19

Performance Report Card, 18–24
analysis and conclusions, 23–24

economic-transport-security portfolio
(table), 20–21

fact sheets, 23

language capacity data, 24

methodology, 18–19

performance assessment, 19

rating guide, 18

results, 19–22

sample for on-site observations, 19

social-cultural-other institutions
portfolio (table), 22

sources of information for, 19

stagnation in the quality of service to
public, 23

systemic problems, 24

weaknesses in the identification of
bilingual points of service, 23–24

Plan pursuant to Part VII, 15

Plan Vision, 29

Prince Edward Island Federal Council, 29

Promotion of Official Languages, 28–29
Chambre de Commerce de Québec, and, 30

Protocol Agreement re minority language
education and second language training, 5

Public Service Human Resources
Management Agency of Canada,
Action Plan, 5

<u>Commissioner's recommendations, 12</u>	The Aménagement linguistique Policy of the Government of Ontario, 30
Quebec Federal Council, 28	Transport Canada, 12
<u>Quebec Internet Portal, 30</u>	<u><i>Trophées de la langue française, Les, 27</i></u>
<u>Recommendations, see Commissioner's recommendations, review of progress</u>	<u>Université Sainte-Anne (Nova Scotia), 27</u>
Social Development Canada, 6	VIA Rail, 34
Société 2004 Society, 30	
Statistics Canada, 28	
Success stories, 2004–2005, 27–30 <ul style="list-style-type: none"> development of official language minority communities, 29–30 encouraging initiatives, 29–30 language training, 27 promotion of official languages, 28–29 	
Sudbury (Ontario) Liaison Office, 33	
Summer Language Bursary Program, 6	
Supreme Court of Canada, 29	
<u>Sussex Cinema, 27</u>	
Tables, and Performance Report Card, 19	