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Commissioner of Official Languages

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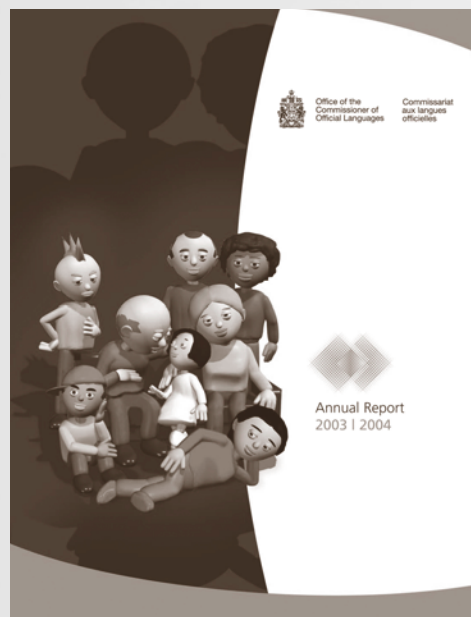
## A WORD FROM THE COMMISSIONER

Before presenting the year's results, surely an annual report should provide a snapshot of the situation. In our case, this is the day-to-day application of the *Official Languages Act*, and that is what my fifth report attempts to do. It is addressed to all Canadians, who expect the government to make extraordinary efforts in the day-to-day application of the *Act*.

This issue of *INFOACTION* takes a close look at the highlights of my 2003-2004 Annual Report. Because it is a summary, it reports only the most significant aspects of what was "a slow year that raised some questions." In fact, efforts to implement the *Action Plan for Official Languages* proceeded at a rather slow pace. For example, the Report criticizes the delay in investing new funds in minority language education and second language instruction, even though this has been identified as a priority. When it comes to the language of

work in the public service, we observe that there is little progress in spite of language training and imperative staffing, and in spite of the facts that most public servants meet the required language level and that participation rates are balanced. There were no activities undertaken to raise public awareness about the meaning of linguistic duality. Little headway was made on strengthening Part VII of the *Act*. The renewal of the Official Languages Program in education is inexplicably behind schedule when we consider the government's experience in this area.

However, the Report also highlights actions taken that do illustrate a firm commitment to change on the part of the government of Canada and federal institutions. The swearing in of the new Minister responsible for Official Languages in December 2003 marked a first in Canada's history. Full responsibility for language issues has been assigned to one Minister, thus strengthening his role. The Minister will continue to have the support of a committee of ministers responsible for sector portfolios. This *should stimulate leadership at the highest levels*. The creation of the Public Service Human Resources Management Agency, which reports to the Treasury Board President, will make human resources management a higher priority.



Given the strategic situation of the Agency, we venture to hope that official languages questions will enjoy considerable visibility. Parliamentarians have shown the leadership we expect in getting action on some language issues, including positive steps taken in the areas of health and immigration. They have also confirmed that funding for the *Action Plan for Official Languages* would not be reduced. The leitmotiv running through each page of the Report reminds us that the efficient and effective governance of official languages calls for firm leadership, with the aim and priority of achieving steady, measurable results. Of course, a stringent framework for transparent and detailed accounting is essential.

The recommendations to the government that are discussed in this issue of *INFOACTION* encourage renewed governance, based on creating a broad consensus on means and ends. Rest assured that I will be closely monitoring the government's efforts to move forward on several key fronts: health, knowledge development, early childhood development and communities.

As the conclusion of the Annual Report reminds us all: "Cultivating our official languages and cultural understanding will reap a harvest of peace and progress. As a result,

we have made a major place for ourselves in today's world." We will succeed in this great cooperative endeavour through political leadership that calls on the best in each of us, and through language governance that is characterized by its daring. Our two great language communities, in all their richness and diversity, ask for nothing more than for us to continue the noble undertaking we share.

Happy reading!



Dyane Adam

## CONTENT FOR EVERYONE, ACCESSIBLE TO EVERYONE

Don't make the mistake of comparing a perusal of the 2003-2004 Annual Report with a reading of a dry administrative document. As you leaf through it, you will soon realize that each chapter is addressed directly to Canadians, who expect only one thing when it comes to language rights: results. Here is an overview of the highlights of the Report.

**CHAPTER ONE** shows just how fundamentally achieving linguistic equality depends on the governance of the two official languages of Canada. Although the government took a number of measures during 2003 to advance linguistic duality, this chapter illustrates why and how it must be more daring in 2004-2005. The Commissioner is confident that the government can establish a new kind of language governance, one that is more dynamic and positive, and therefore more effective.

**CHAPTER TWO** deals with the measures that the government has implemented to improve service to the public, in particular by developing a critical mass of French on the Internet. Despite the efforts made by many federal institutions to set things right, much remains to be done. This chapter offers ideas for achievable solutions that focus on getting the results that Canadians plainly expect. Senior managers in each federal institution must demonstrate a greater commitment to actions that lead to lasting results benefiting Canadians in their everyday lives.

**CHAPTER THREE** discusses the language rights of federal employees, who must feel respected and free to work in the official language of their choice, in a workplace that reflects the presence of both language communities. This chapter examines the administrative measures that the Government of Canada put into place during fiscal year 2003-2004 to promote a workplace that respects language rights. It also examines the measures taken to correct deficiencies previously reported by the Commissioner or to encourage the use of both official languages. Once again, Dr. Adam urges senior managers to exercise stronger leadership in order to create truly bilingual workplaces.

**CHAPTER FOUR** deals with the contribution made by the Government of Canada to the development of official language minority communities. Numerous facts and examples bear witness to the results achieved in the areas of education, health, economic development, access to justice and immigration. The Commissioner expresses some concerns regarding

the shortcomings observed, and proposes remedial measures. Once again, this chapter stresses the central role of the citizen in the governance of official languages.

**CHAPTER FIVE** paints a picture of the key elements of this major social project: achieving full recognition and use of both of our official languages in Canadian society. This project calls for ongoing cooperation between Parliament and the provincial and territorial legislatures. Canadians are entitled to a complete range of government services, in education, culture, health and leisure activities, in the official language of their choice. Chapter Five contains numerous examples of achievements, activities and initiatives that will be familiar to people all over Canada, and about which *INFOACTION* has reported during the past year. The Commissioner also points out that the Government of Canada and its partners in Canadian society must draw up a joint strategy for Canadians to have a better understanding and appreciation of the objectives of our language policy.

**CHAPTER SIX** deals with the role of the Commissioner as ombudsman. In that capacity, she received 1,031 complaints, in addition to 994 information requests. This chapter gives a breakdown of the complaints filed over the past year, and the manner in which they were submitted. It analyses the decrease in the number of complaints that were filed and found admissible, and identifies the sources of complaints by region and by the federal institutions concerned.

**APPENDIX A** sets out the 11 recommendations made by the Commissioner. In her capacity as a genuine agent of change, Dr. Adam makes recommendations to various federal institutions, urging them to fulfil their responsibilities in relation to official languages.

**APPENDIX B** pays tribute to the people responsible for particular official language initiatives who have contributed to creating a new awareness of language issues both among public servants and in Canadian society as a whole.

## REFRESHING OUR MEMORY

When you read the 2003-2004 Annual Report, you will find it refers to parts of the *Official Languages Act* and sections of the *Canadian Charter of Rights and Freedoms*. Mention is often made of the *Action Plan for Official Languages* and language governance. Here is some information to cast light on your reading of the Report.

Part VII is a key part of the *Act*, and is essential to the development of the official languages communities. It provides as follows:

*The Government of Canada is committed to*  
(a) *enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and*  
(b) *fostering the full recognition and use of both English and French in Canadian society. - section 41*

*The Minister of Canadian Heritage, in consultation with other ministers of the Crown, shall encourage and promote a coordinated approach to the implementation by federal institutions of the commitments set out in section 41. - section 42*

The following section of the Charter contains important guarantees regarding the education rights of minority language groups:

- (1) *Citizens of Canada*
- (a) *whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or*
- (b) *who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.*

(2) *Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada have the right to have all their children receive primary and secondary school instruction in the same language. - section 23*

By affirming that English and French are the two official languages of Canada, the Charter recognizes that individuals are entitled to communicate with departments and agencies of the federal government in English or French, and to receive services in the official language of their choice:

*English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada. - section 16.(1)*

**Language governance** is defined in the Annual Report:

*Governance is the political, administrative and legal framework used to implement the Official Languages Act.*

*Beyond that, governance is also the collective, concerted and interactive action required of all political and social players to implement common objectives that citizens can support and carry out in their daily lives.*

The government's *Action Plan for Official Languages* was published on March 12, 2003. The Commissioner sees the Plan as the most significant affirmation of political leadership in the area of official languages in the past decade.

*The Action Plan targets three main areas: education; community development; and the Public Service.*

*It provides for an accountability and coordination framework that confirms and clarifies institutional and governmental responsibilities regarding official languages and obliges institutions and the government to take official languages into account in developing their projects.*

(Source: 2002-2003 Annual Report, p. 25.)



## LINGUISTIC GOVERNANCE: KEY WORDS TO REMEMBER

### CITIZENS, ACTION, GOVERNANCE, RESULTS.

These are the key words in the fifth Annual Report of the Commissioner of Official Languages. Beyond the words, we can feel the spirit that should set the direction of future federal Government of Canada actions for official languages. In its very first line, the Report states that it is “for all Canadians,” for everyone who shares our official languages reality. The Commissioner believes language governance is a matter of the utmost importance; accordingly, the Report provides readers with:

- some thoughts on matters that particularly affected the governance of official languages during 2003-2004;
- an analysis of major events or changes in governance in this area; and
- comments on the need for ongoing, forward-looking leadership at the federal level to maintain linguistic equality in a changing Canadian society.

In other words, the Annual Report raises questions based on the results the mechanism of governance has achieved. The Commissioner’s assessment is based on her vision of what government action should be to promote values associated with language: responsibility, consistency, efficiency, public participation and transparency.

In the conclusion to her 2002-2003 Annual Report, the Commissioner expressed great expectations from the then newly released *Action Plan for Official Languages*. How do things stand with the Action Plan at the end of the first year? In attempting to answer that question, one finding emerges: its implementation has been quite slow. There were real achievements, and the Annual Report lists them. But there were also delays in government funding for priority activities: minority official language instruction and second language teaching.

The Commissioner’s message to the new government is very clear. It has a responsibility for meeting the commitments set out in the Action Plan, and above all for respecting the deadlines. Dr. Adam states: “Any delay or slowdown on this front could seriously harm official language communities, not to mention the social fabric of Canada.” Along these lines, she sees only one solution: to implement effective accountability measures. And her call is loud and clear: “action means getting results.”

The Commissioner speaks for all Canadians, who expect just one thing from the government: results. She writes: “They care little about plans developed at the highest level. We repeat, they want results.” In her view, the government should take advantage of the new synergy and the new constructive attitude that are gradually developing among Canadians towards bilingual services and the promotion of official languages.

The Annual Report offers a number of possible solutions for the various language-related problems that call for leadership in governance. The Commissioner’s recommendations on governance express her wish that the government show the will to make up for lost time. It must even pick up its pace to:

- continue implementing the Accountability and Coordination Framework;
- complete the full review of official language policies; and
- renew the framework agreement for education without further delay.

She suggests ways that the government can avoid the pitfalls by:

- investing the amounts provided for in the Action Plan; and
- maintaining, in the context of the spending review, all of the resources related to the Official Languages Program.

At several points, the Commissioner stresses how important it is for the government to consult the communities, take their opinions more fully into account and inform them of ongoing initiatives. Those consultations should be conducted together with other levels of government, thereby keeping the public informed about plans that will affect them the most.

Dr. Adam is disappointed that the government is still on the starting blocks in the important field of education. Since half the investments under the Action Plan cover education in the language of the minority and teaching of the second language, it is important that Canadian Heritage, in its negotiations with the provinces, ensure that these investments target the appropriate objectives and that the governments demonstrate the results. In Dr. Adam’s opinion, it is urgent that the Government of

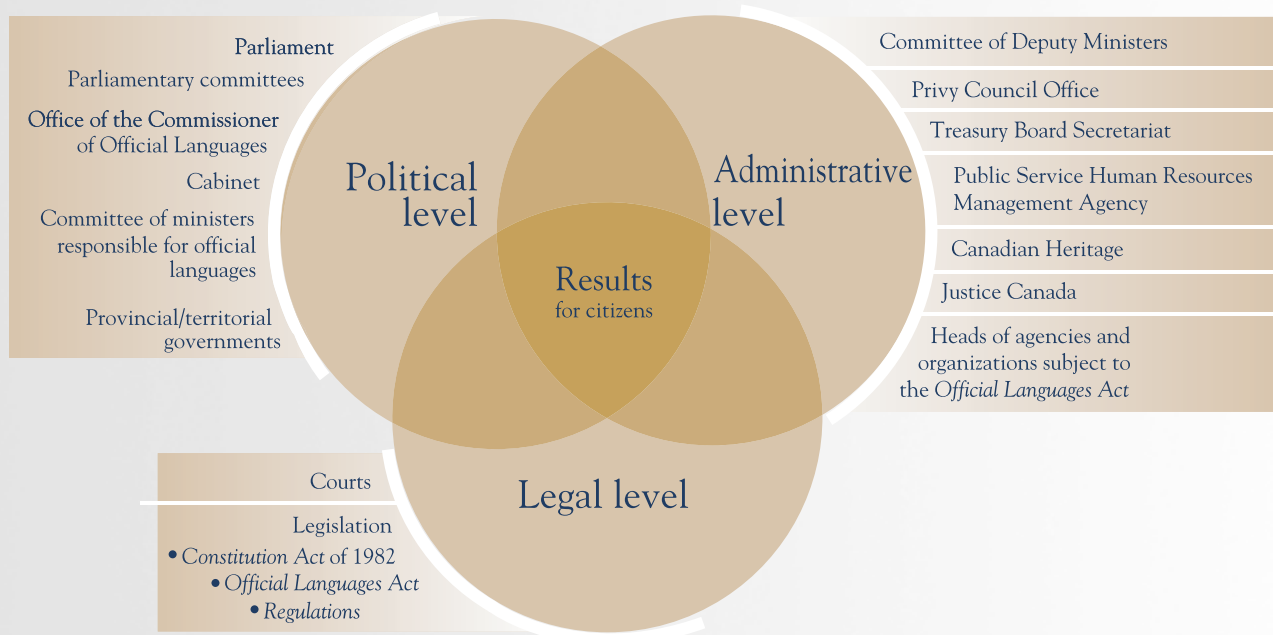
Canada take action to reach agreements with the provinces. Each delay further hinders progress towards achieving the two key objectives of the Action Plan, which are to be reached by 2013:

- increasing the proportion of bilingual secondary school graduates from 24% to 50%; and
- providing French language instruction to 80% of the target school population covered by section 23 of the Charter.

Although the governance of official languages may look like complex and impressive machinery, the principle on which it works is really quite simple. It is based on the Constitution, which says that Canadians have the right to expect Parliament and the Government of Canada to protect and defend linguistic duality.

The Commissioner hopes that in 2004-2005 the government will take action to ensure progress on a number of fronts, including health, knowledge development, early childhood development and communities. She firmly believes that the government will succeed in this by relying on our society's basic strength and on our language communities. In the Commissioner's view, building a country that calls on the best in each of us is a great cooperative endeavour; it cannot be achieved without the political leadership that is key, and it calls for daring. Like many Canadians, she is confident that this government will demonstrate a new, more dynamic and more positive approach to language governance. The proof should emerge in the months to come.

## The Governance Machine



## SERVICE TO THE PUBLIC: WHAT DO CANADIANS WANT?

When it comes to federal services, what all Canadians want is to go into a designated bilingual federal office and be served in the official language of their choice. They also want the following:

- to reach public servants by telephone quickly, using the official language of their choice;
- to feel respected;
- to access high-quality, bilingual government Web sites;
- to find the information they need in their own community newspapers; and
- to hear this information when they tune in to their favourite radio stations when the government uses this medium to reach them.

Language rights entitle Canadians to demand the availability of these services. Over the past year, the government has adopted several measures to improve services to the public:

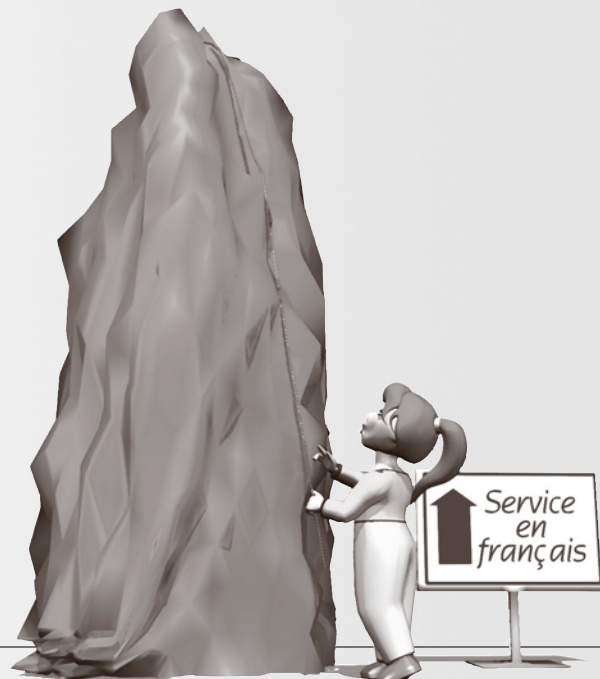
- To put citizens at the heart of all government programs and services, the Treasury Board Secretariat published a *Management Accountability Framework* in 2003. While it is an excellent document, it unfortunately does not clearly state that bilingualism is a basic element of citizen-focused services. The entire document emphasizes skills, not results. Two of the Commissioner's recommendations (4 and 5) encourage managers to put more emphasis on results than on processes.
- Among the changes to the government's official languages policy that took effect on April 1, 2004 is imperative staffing, which requires that only candidates with all the qualifications for the position at the time of staffing, including language, be considered.
- The Treasury Board Secretariat reviewed the list of government offices and points of service that must offer services in both languages (in light of data from the 2001 Census).
- The *Action Plan for Official Languages* provides for the establishment of an innovation program, with funding of \$14 million over five years. The program is intended to improve bilingual services and lead to a more balanced use of both official languages in the workplace.

Despite these achievements and goodwill gestures of the government, much remains to be done. Chapter Two of the Annual Report lists the departments and agencies that provide services to the public on an everyday basis and that need to remedy a number of shortcomings. They include:

- Canada Post Corporation;
- airport security services – Vancouver, Calgary, Edmonton, Winnipeg, Toronto (Pearson), Ottawa, Montréal (Trudeau), Québec, Fredericton, Moncton and Halifax;
- Royal Canadian Mounted Police (RCMP) in the Moncton region (language requirements for positions);
- Air Canada and air transport restructuring;
- Cable Public Affairs Channel (CPAC) and broadcasting of proceedings and debates.

On the other hand, the Annual Report cites initiatives of some federal institutions that show their services to the public are on the right track. Some examples are:

- In Saskatchewan, single wickets offer services in French (Human Resources and Skills Development Canada, Industry Canada, Western Economic Diversification and the Federal Council of Saskatchewan), and there is also the contribution of the *Assemblée communautaire fransaskoise*.



- In response to the recommendations the Commissioner made with respect to the presence of French on the Internet, the Government of Canada, under the leadership of Canadian Heritage, formed a partnership with several departments and agencies affected (*French on the Internet: Key to the Canadian Identity and the Knowledge Economy*, Office of the Commissioner, 2002).
- Industry Canada has undertaken interesting initiatives for the development of Canada's language industries.

"Change was in the air this year," Dr. Adam remarks. What she is calling for from the government is clear and unequivocal: "Canadian taxpayers should not have to accommodate themselves to the government system; rather it should respond to citizens' needs. There should be an ongoing emphasis on respectful behaviour and practices in providing official languages services." This is what will lead to exemplary official languages practices and to actions that will produce the anticipated results.

## THE RIGHT TO WORK IN ONE'S OWN LANGUAGE

In some regions of the country, federal public servants have the right to work in the official language of their choice, as guaranteed by the *Official Languages Act*. What this means in practice is that in designated bilingual regions, federal employees who speak either English or French must be treated with the same consideration and respect. The Annual Report says: "In other words, public servants must feel respected and free to work in the official language of their choice, in a workplace that truly reflects the presence of both language groups."

For readers less familiar with the federal public service, let us point out that:

- having the right to work in one's language means, for example, having access to work instruments and training in that language, without having to wait longer than colleagues belonging to the other language group and without having to ask for them. It also means being able to speak one's language at meetings or when dealing with colleagues, supervisors and senior management.

Chapter Three of the Report deals with the question of a workplace that respects employee language rights, and more specifically with:

- the administrative measures the Government of Canada has put into place for fiscal year 2003-2004 to promote a workplace that respects language rights;

- the initial results of a study undertaken by the Commissioner to better understand the factors that influence the choice of language in a bilingual workplace, and the findings of a number of other studies; and
- the measures taken in various institutions to correct reported deficiencies or to encourage the use of both languages.

The chapter on language of work shows that there is a major gap between the letter and the spirit of the *Official Languages Act* and the reality faced by employees in the field. The Commissioner has no hesitation in saying that something must be wrong. In her view, too much emphasis has been put on meeting linguistic objectives, and not enough on managerial leadership. It is up to managers to remedy a situation that is problematic, to say the least, and has gone on for too long.

Hence, Dr. Adam would like to see managers strictly follow the rules for language of work, which are clear. In her conclusion to this chapter, she states a fundamental principle: "Nothing can replace the daily examples of leadership from above and real accountability measures. Creating a truly bilingual workplace is above all a matter of professional commitment and mutual respect."



## EDUCATION: WAITING FOR A SECOND WIND

Anglophone and Francophone parents in minority communities want their children to be educated in their own language. They also want to have the resources and tools their children need to achieve results comparable with those of the majority language schools. The situation is far from ideal, and the Commissioner's concern is well founded.

Progress has been slow in the negotiations for renewing the Protocol and bilateral agreements under the Official Languages Program in Education. What exactly is the Government of Canada waiting for, when it needs to take quick action to ensure concerted efforts by all levels of government? Dr. Adam stresses the importance for the governments to report annually on the results derived from the investments by the Government of Canada. The Commissioner is particularly concerned by the fact that enrolment in Francophone and Acadian schools has stopped growing, and again points out that the need to act on this front is urgent. To back it up, she reiterates Recommendation 5 of the 2002-2003 Annual Report (Recommendation 7, 2003-2004 Annual Report).

### RECOMMENDATION 7

The Commissioner reiterates Recommendation 5 from the 2002-2003 Annual Report and recommends that the Minister of Canadian Heritage:

- require each provincial Minister of Education to produce an annual report on progress achieved both 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 covered by section 23 of the *Charter*.

The Commissioner is also concerned about the development of early childhood services and access to postsecondary education in the language of the minority. She is closely monitoring and evaluating the achievements made

towards reaching the objectives of the *Action Plan for Official Languages*, which provided for new investment in initiatives that are barely starting. Five pilot projects have begun in childcare. Unfortunately, the Department of Social Development has made little progress in this area.

In 2004, the Commissioner completed a study of the services offered to Francophones in Nova Scotia under the federal-provincial-territorial Early Childhood Development Agreement that has been in place since 2001-2002. The study confirmed that the federal government had not taken steps to ensure that this five-year agreement would fully support the development of Francophone communities, as required by section 41 of the *Official Languages Act*.

The Annual Report discusses several cases that have been or will be decided by the Supreme Court. These include:

- the Nova Scotia *Doucet-Boudreau* case involving remedies;
- the *Gosselin* case brought by Quebec parents seeking the right to have their children receive instruction in English in Anglophone minority schools; and
- the *Casimir* case relating to the admission requirements for English schools in Quebec.

The Commissioner applauds the upcoming creation of the *Institut français* at the University of Regina. The Government of Canada, the Government of Saskatchewan and the University of Regina have signed a five-year funding agreement that will enable the new institute to develop and administer programming tailored to the needs of Saskatchewan.

In her discussion of education, Dr. Adam again stresses the need for intergovernmental cooperation and ongoing consultation with the public. These are essential if the *Action Plan for Official Languages* is to be successfully implemented.

## THE LANGUAGE SITUATION: ARE WE IN GOOD SHAPE?

Canada's major media outlets remind us daily that health is Canadians' highest priority. Access to health care in one's own language is an equally high priority.

In what shape is health care in minority communities when it comes to official languages? In early 2004, the Minister of Health confirmed funding for some planned initiatives:

- Some \$27 million over four years was provided to improve primary health services for Quebec Anglophones.
- Health Canada created the Official Language Community Support Bureau, and agreements have been signed with the *Consortium national de formation en santé* for the training of over 1,000 health care providers by 2008.
- The *Société Santé en français* created 17 regional health networks that will be responsible for planning health services for Francophones.
- A total of \$63 million over five years has been allocated to the Support Program to train and retain health care providers in minority Francophone communities.
- In 2003-2004, substantial amounts were allocated to five teaching institutions and to the Consortium national de formation.

In the Commissioner's opinion, all these initiatives bode well. However, she hopes that Health Canada will pick up speed after this promising start.

Dr. Adam supports the recommendations made by the Standing Committee on Official Languages of the House of Commons to the Canadian Institutes of Health Research (CIHR). In response to those recommendations, the CIHR appointed an official languages champion and organized a workshop bringing together health caregivers from minority communities to determine research needs and deficiencies in this area.

Dr. Adam again appeals to provincial authorities to develop service models that respond as much as possible to the situations in official language communities. Efforts to continue setting up effective training and professional development networks for health workers must be pursued as well, and reliable performance indicators must be developed.

The new Government of Canada has made a commitment to improving our health care system. Let us hope that the new government ensures that future federal-provincial-territorial agreements are tailored to the particular needs of the official language minority communities of each province and territory.

## MINORITY COMMUNITIES NEED STABLE ECONOMIES

The Government of Canada needs to establish skills development and economic development programs in place, which are essential if minority communities are to continue to be economically viable in all respects. In 1999, the Department of Human Resources Development created the Official Language Minority Communities' Support Fund to promote economic development in minority communities. Two committees are responsible for managing the fund, with a mandate for encouraging economic initiatives, obtaining the commitment of participating

departments (seven departments and three federal agencies) and fostering cooperation among the various participants.

In February 2004, the new Department of Human Resources and Skills Development Canada (HRSDC) announced that it intended to review the mandate and objectives of the Support Fund and suspended funding allocations for an indefinite period. Needless to say, this decision dismayed community stakeholders. Many economic development projects were put on hold while awaiting a decision from the

department as well as new funding. To avert the possibility of failure, HRSDC set up a transitional fund covering the period up to March 31, 2005.

The Commissioner would like to see the Government of Canada guarantee a horizontal policy and stable, continued funding. Without that, no community can enjoy economic prosperity, particularly when the survival of its projects is constantly under threat. Dr. Adam also points out that renewing employability programs is equally important, as they play a key role in community vitality. She intends to follow this issue closely and to encourage the various departments and agencies with obligations in this regard to live up to their responsibilities.

The Annual Report provides several examples of situations that illustrate non-compliance with Part VII of the *Official Languages Act*. These include:

- the Canadian Food Inspection Agency, where seasonal inspector positions were transferred from Shippagan to Shediac;

- the *Centre d'avancement et de leadership en développement économique communautaire de la Huronie*, in Ontario, which launched a lawsuit against Industry Canada in 2004 before the Superior Court of Ontario;
- the *Pêcheurs polyvalents de Old Fort-Sablon*, which lodged a complaint with the Commissioner on the basis that a moratorium imposed by Fisheries and Oceans had a negative impact on the vitality of the Lower North Shore Anglophone community in Quebec.

Furthermore, the Commissioner congratulates Industry Canada on several initiatives it launched (described in the Annual Report) to improve access to training and increase connectivity for communities and their participation in the knowledge economy.



## IMMIGRATION ISSUES

Immigration is one of the broad societal issues of the keenest interest to the Commissioner. The new Annual Report addresses the challenge presented by immigration from the specific standpoint of the relative decline in the size of the French-Canadian population. Francophones in Canada naturally want to take advantage of what immigration significantly contributes to the demographic growth of the country as a whole. For this to happen, each province must receive its fair share of immigrants, and facilitate their full integration into society and the economy.

The Report gives some information on the efforts that have been made to attract newcomers to official language minority communities. In November 2003, Citizenship and Immigration Canada's Francophone Minority Communities Steering Committee published a Strategic Framework, an initiative that is part of the Action Plan. It provides for an investment of \$9 million over a five-year period to recruit and integrate immigrants. The Strategic Framework also

aims to raise the percentage of Francophones who settle outside Quebec from 3.1% to 4.4% by 2008, and to encourage the regionalization of Francophone immigration away from poles of attraction like Toronto and Vancouver.

In May 2003, the Commissioner and the House of Commons Standing Committee on Official Languages recommended that the agreements allowing the provinces to select a certain number of immigrants based on their own criteria contain a specific clause providing for participation by minority communities in the promotion, recruitment and integration of newcomers whose first official language is the language of the minority. The agreements signed with Manitoba, Saskatchewan, British-Columbia and Nova Scotia contain a clause to that effect. Citizenship and Immigration is planning to introduce a similar clause in agreements with the other provinces when they come up for renegotiation.

The Commissioner was apprised of the difficulties arising in the administration of language tests for immigration applicants. Inequitable access to the French test created the risk of a decrease in the admission rate for French-speaking immigrants to Canada. The Commissioner informed Citizenship and Immigration Canada of the problem, and prompt remedial measures were taken:

- French tests are now available in 74 countries, and the Paris Chamber of Commerce and Industry, the organization responsible for the French tests, is negotiating with 27 other countries.
- Two formal reminders were issued to Canadian missions abroad to be flexible in terms of deadlines.
- A Citizenship and Immigration Canada study titled *Availability and Costs of Language Tests* confirms that the costs of tests to evaluate knowledge of English and French are comparable.

This progress demonstrates that Citizenship and Immigration Canada is working hard to increase the number of language assessment centres.

If the Government of Canada seriously believes immigration to be one of the cornerstones of demographic growth in Canada, it must ensure that immigration promotes the development of Canada's two language communities equitably.

## THE SCOPE OF LANGUAGE RIGHTS

In its study of the status of official languages in the federal courts, the Annual Report highlights the importance of Canadians' language rights. As we know, anybody appearing before the courts in Canada has the right to be heard and understood in the official language of his or her choice.

In response to a decision of the Federal Court in 2001, the Government of Canada made provision in the Action Plan for an investment of \$24 million over five years to ensure that the public's language rights are respected. In its decision, the Court upheld the right of individuals who receive a citation for a federal contravention:

- to receive services from court staff in the official language of their choice; and
- to undergo trial in the official language of their choice anywhere in Canada.





In the wake of that decision, and in accordance with its commitment in the Action Plan, the Department of Justice took a step of the utmost importance for residents of Manitoba. It entered into an agreement with Manitoba that:

- ensures everyone has access to services in French from court employees in the districts of Selkirk, Steinbach and Winnipeg; and
- provides for the creation of points of service where people may enter a plea of guilty or not guilty respecting contraventions of federal statutes and may receive services in the official language of their choice.

The Commissioner reminds the Department of Justice that it must now pick up the pace, so that the agreements with New Brunswick, Nova Scotia, Quebec and Prince Edward Island can be reviewed within a reasonable period and agreements can be reached with the other provinces and territories.

The shortage of bilingual judges makes access to justice in French difficult. The recent appointment of unilingual Anglophone judges to replace bilingual judges in Windsor and Welland in Ontario is a clear step backward, and could jeopardize Canadians' rights in the justice system.

The Commissioner hopes the Government of Canada will undertake a review of the appointment process for superior and federal court judges, and place greater weight on language skills as a selection criterion. The Annual Report notes that, in accordance with the commitment made in the Action Plan, the Department of Justice has established an advisory committee comprising the major organizations representing official language minority communities, and two sub-committees: one on access to justice and one on Part VII of the *Act*.

Over the next year, the Government of Canada will have to show even more vigilant leadership in all matters relating to official languages, and the actions it takes must lead to significant and lasting results.

## LINGUISTIC DUALITY: A PROCESS OF CONSTANT REINVENTION

The vitality of Canada's linguistic duality affects all of us. The Annual Report highlights some very encouraging signs that demonstrate Canadians' support for bilingualism, which has remained high and relatively stable for a decade and a half. (The data presented in Chapter Five are taken from an article by Andre Parkin and André Turcotte titled *Bilingualism: Part of Our Past or Part of Our Future?* published in 2004 in The CRIC, Centre for Research and Development and Information on Canada, Paper 13). Here are some of the findings:

- 77% of Canadians think it is important to keep English and French as official languages;
- 8 out of 10 citizens think all Canadians should have the right to obtain service from the Government of Canada in English or French;

- more than 8 out of 10 English speakers think it is important for their children to learn another language, and three-quarters think it should be French;
- most Canadians (8 out of 10) believe that, in Canada, speaking English and French increases one's chances of finding a good job; and
- 1 out of 4 students (24%) can speak both official languages upon graduating from secondary school, twice as many as in 1971 (13%); 1 out of 4 Canadians between the ages of 15 and 29 describe themselves as bilingual.

The Commissioner does not yet see sufficient hard evidence of this support. For example, enrolment in French immersion programs has been stagnant since 1990, as has enrolment in French and English second-language programs.

The Annual Report provides a detailed report on the symposium “Vision and Challenges for the 21st Century” held in March 2004 in Toronto. The July 2004 issue of *INFOACTION* presented the highlights of the symposium. Still, we think it appropriate to share some information that provided the context for discussions by symposium participants with our readers.

More than half of Canadian business leaders believe that people who speak more than one language have an easier time finding work, a new survey has found.

- Also, 47% of the businesspeople polled by COMPAS Inc. for the *Financial Post* thought that fluency in another language makes individuals more culturally sensitive.
- The results of the survey, which was conducted Nov. 26-28, also suggest that business leaders value other languages in prospective employees.
- Of those polled, only 16% said that bilingualism in French and English essentially isn't an asset in a prospective worker, with all others assigning varying levels of importance to the skill.
- “The good news is that businesses do consider second-language skills – particularly second-language skills in French – as being valuable,” COMPAS spokeswoman Tamara Gottlieb said.
- Business leaders believe that if an individual is fluent in more than one language, “it’s going to be easier for you to find a job and probably you’re going to get a better-paying job, to boot,” Ms. Gottlieb said.

(Source: Wojtek Dabrowski, *Financial Post*, December 1, 2003, p. FP02.)

Canadians believe that linguistic duality is one of the fundamental values inherent to our identity. Unfortunately, that support is not as firmly anchored as we might hope. The Commissioner would like to see the Government of Canada and its partners develop a concerted strategy to encourage a better understanding and appreciation of the objectives of Canada’s language policy.

As Dr. Adam observes, “Canada has made a name for itself and has remained united by rallying around shared values, while respecting differences.” We have made the most of our

triple identity (Aboriginal, French and English), an identity based on the tolerance and flexibility required in order to welcome others and live together in harmony. To conclude this chapter, the Commissioner gives the floor to the Right Hon. Beverley McLachlin: “Linguistic duality is part of Canadian identity and is rooted in our history. But that history belongs to all Canadians, not just to those whose ancestors came here in the seventeenth or eighteenth century. If our history is to be an appropriate source for our national identity, it has to have meaning for newcomers. Canadian identity is constantly being reinvented, in an effort to bring the past and present together.”

(Source: Address delivered by the Chief Justice at the J. Fernand Landry Seminar 2004, titled *Linguistic Duality and Pluralism*, Moncton, March 8, 2004.)



## HANDLING OF COMPLAINTS: A PRIORITY

The ombudsman role of the Commissioner essentially consists of receiving and settling complaints, conducting investigations and suggesting solutions that guarantee fuller compliance with the *Official Languages Act*. By working as closely as possible with federal institutions, the Office of the Commissioner of Official Languages encourages them to reduce the psychological gap between government and the average citizen. Dr. Adam and her team have also succeeded in improving the process for handling complaints.

### BREAKDOWN OF COMPLAINTS LODGED OVER THE PAST YEAR

- Some 1,031 complaints were made to the Commissioner, 23% fewer than last year.
- Around 74% (761) of complaints lodged were admissible, about the same percentage as in previous years.

- Most complaints (86%) came from Francophones.
- The number of complaints Anglophones lodged decreased by 52%, dropping from 305 in 2002-2003 to 145 in 2003-2004. (In 2002-2003, more than 100 complaints were received from Anglophones about Environment Canada weather reports. These complaints were deemed to be unfounded.)

The number of complaints lodged in person decreased steadily over recent years. On the other hand, the number sent over the Internet increased steadily. At present, they are around 10% of all complaints received.

### 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	Other
Newfoundland and Labrador	4	4	0	0	0	0	0
Prince Edward Island	31	28	0	3	0	0	0
Nova Scotia	58	36	5	3	1	1	12
New Brunswick	59	30	12	7	3	6	1
Quebec	74	41	21	2	6	3	1
National Capital Region (Quebec)	57	14	15	28	0	0	0
National Capital Region (Ontario)	230	118	61	25	13	12	1
Ontario	113	91	10	2	3	7	0
Manitoba	32	21	0	7	1	1	2
Saskatchewan	21	18	1	0	2	0	0
Alberta	35	31	1	2	1	0	0
British Columbia	31	26	2	0	0	2	1
Yukon	4	3	0	0	0	1	0
Northwest Territories	2	1	0	0	1	0	0
Nunavut	0	0	0	0	0	0	0
Outside Canada	10	8	0	0	2	0	0
<b>TOTAL</b>	<b>761</b>	<b>470</b>	<b>128</b>	<b>79</b>	<b>33</b>	<b>33</b>	<b>18</b>

#### WHAT ABOUT INFORMATION REQUESTS?

- The number doubled, increasing from 516 to 994.
- The number of requests from Anglophones rose from 175 in 2002-2003 to 539 in 2003-2004, a 208% increase.
- Requests from Francophones grew by 33%.

#### WHY THE DECREASE IN THE NUMBER OF COMPLAINTS?

According to the Annual Report, the decrease in complaints noted this year is essentially due to a reduction in language-of-service complaints, for the following reasons:

- fewer complaints about Air Canada (which is being restructured);

- fewer complaints from Anglophones (for the reasons mentioned earlier);
- lack of awareness by citizens of their language rights; and
- complainants having become tired of complaining in the face of the inability of institutions to solve recurrent problems.

On this point, the Commissioner notes that while Canadians generally do not like to make complaints, they must still continue to believe that their protests are not meaningless, but “contribute instead to promoting the equality of status of English and French in federal institutions, and ultimately in Canadian society.” She reiterates that complaints are an essential ingredient in helping to reach the goal she has set for herself: to be a catalyst for change.

#### INSTITUTIONS WITH 15 OR MORE ADMISSIBLE COMPLAINTS IN 2003-2004 AND STATUS OF COMPLAINTS

Department or Institution	Total admissible complaints 2003-2004	Founded	Unfounded	Under investigation
Canada Post	66	34	13	19
Human Resources Development Canada	64	30	5	29
Air Canada	58	10	3	45
Public Works and Government Services Canada	55	11	5	39
Department of National Defence	45	6	4	35
Canada Customs and Revenue Agency	44	14	4	26
Royal Canadian Mounted Police	27	11	1	15
CBC	24	6	1	17
CORCAN	21	0	3	18
Health Canada	18	7	1	10
<b>TOTAL</b>	<b>422</b>	<b>129</b>	<b>40</b>	<b>253</b>



## KNOW-HOW FOR EXPORT

Language planning, Canada's way of ensuring respect for language rights, serves as an inspiration for many multilingual states. The Office of the Commissioner of Official Languages (OCOL) is often consulted because of its expertise. Here are some examples:

### SOUTH AFRICA

South Africa has 11 official languages. In September 2003, at the request of the Canadian International Development Agency (CIDA), OCOL coordinated the visit of a delegation of members of the South African Commission of Official Languages. The support infrastructure for implementing the *Official Languages Act*, OCOL's ombudsman role and its promotional activities greatly impressed our distinguished guests.

### SRI LANKA

OCOL sent a representative to Sri Lanka in June 2003 at the request of the Government of Sri Lanka and thanks to a CIDA program. Sri Lanka has some 20 million inhabitants, of whom 75% speak Sinhalese and 25% speak Tamil. These two languages have been official since 1987.

OCOL action was focused on the management capacity of the Sri Lanka Official Languages Commission and the ministry responsible for implementing language policies.

### PEOPLE'S REPUBLIC OF CHINA

OCOL recently hosted a delegation from the People's Republic of China on a fact-finding mission to obtain information and observe the Canadian approach to language planning in action.

The People's Republic of China, with a population of over one billion, has at least 70 million citizens who speak minority languages. Minorities ranging from 10,000 to one million people speak these languages. In this context, language rights and diversity management are challenges

on a national scale, and the Canadian experience in this field is of great interest.

### ASSOCIATION DES OMBUDSMANS ET MÉDIATEURS DE LA FRANCOPHONIE

Until October 2003, the Commissioner was one of the two vice-presidents of the *Association des ombudsmans et médiateurs de la Francophonie*, an organization of some 40 ombudsmen and mediators of La Francophonie. Over the past year, she coordinated the review of the Association's by-laws.

Dr. Adam is pleased to be able to contribute to sharing Canada's language planning experience, which is unique in the world.



## COLLABORATION IS ESSENTIAL

Ever since the Commissioner took office, she has considered working with parliamentarians essential, especially with the members of House of Commons and Senate committees. They have set an example by demonstrating a firm intention to support progress towards equality of both official languages, no easy task when the government already has so much on its plate.

In 2003-2004, the Commissioner appeared eight times before committees of the two Houses of Parliament:

- before the House of Commons Standing Committee on Official Languages, to speak to:
  - her 2002-2003 Annual Report;
  - federal responsibilities for official language minority community health care;
- language of work; and
- the 2004-2005 Main Estimates.
- before the Standing Senate Committee on Official Languages, to speak to:
  - her *Report on Plans and Priorities*,
  - the *Action Plan for Official Languages*,
  - Bill S-11 to amend the *Official Languages Act* to clarify the scope of Part VII; and
  - the report on the activities of the Office of the Commissioner.

She also recommended amendments to Bill C-25 on Public Service modernization to the Standing Senate Committee on National Finance.

## THE OCOL HALL OF FAME

When it comes to champions of language rights, we certainly have a few, and *INFOACTION* has brought you news of them several times in recent years. Official languages initiatives contribute to creating a new awareness of language issues among public servants and in Canadian society as a whole. In "A Showcase of Success Stories," the Annual Report congratulates the people responsible for these welcome initiatives. Here are some of the highlights.

### LEON LEADERSHIP AWARD FOR 2003-2004

The OCOL Leon Leadership Award for 2003-2004 goes to Michel Dorais, Deputy Minister of Citizenship and Immigration Canada. Mr. Dorais is a senior executive who has demonstrated remarkable leadership, as *INFOACTION* has reported in the past. In awarding the Leon Leadership Award to Mr. Dorais, the Commissioner pays tribute to an agent for change whose day-to-day leadership on official languages has truly helped Canadian society flourish.

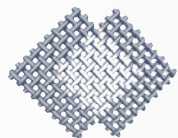


#### HEAD OF THE PUBLIC SERVICE AWARD FOR OFFICIAL LANGUAGES WESTERN ECONOMIC DIVERSIFICATION

This Award, created by the Clerk of the Privy Council, recognizes the work of public servants who make outstanding contributions to Canadian society. In December 2003, the Head of the Public Service Award for Official Languages was given for the first time to the Official Languages Section 41 Team at Western Economic Diversification Canada.

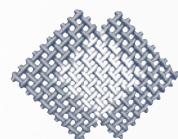
The Commissioner sees this initiative as providing Francophone communities with a sustainable tool to strengthen their economic vitality. It is an exemplary approach that other federal departments could use as a model.

#### FISHERIES AND OCEANS CANADA



Fisheries and Oceans Canada set up a very successful pilot project for language mentoring. The project responded to a need expressed by the *Regroupement des pêcheurs professionnels du sud de la Gaspésie*. The purpose of the initiative was to make the most of the experience and knowledge of Anglophone fishers in the Gaspé Peninsula and enable them to share it with representatives of fisheries associations and federal public servants interested in improving their capacity to interact orally in English. Language mentoring was used as leverage to improve the second-language skills of the people involved. About 60 Anglophone and Francophone participants met once a week for several months to improve their second-language skills. The project helped bring the two language communities closer together.

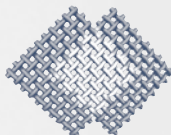
#### ATLANTIC CANADA OPPORTUNITIES AGENCY (ACOA)



Under the leadership of Brian Dick, Regional Vice-President, the New Brunswick Region of the Atlantic Canada Opportunities Agency (ACOA) established a mentoring program to enable Anglophone employees to retain and improve their knowledge of spoken and written French that proved very successful. Over 30 teams registered for the program. Quizzes, language games, discussions, management meetings and a

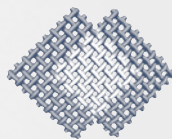
variety of exercises and socio-cultural activities were all used to raise the level of bilingualism in the workplace.

#### A PARTNERSHIP IN EDMONTON



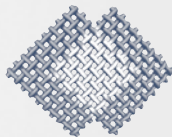
The Edmonton Public School District, together with the federal Public Service Commission, successfully increased student enrolment in immersion classes by almost 30% in just one year. This three-year pilot project, which has enabled the Public Service Commission to determine the current language potential of Western youth, was described in a past issue of *INFOACTION*.

#### FRENCH-LANGUAGE SERVICE POLICY IN SASKATCHEWAN



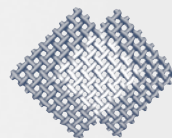
In January 2003, the *Assemblée communautaire francophone* opened a dialogue with the provincial government through the Joint Liaison Committee on French-language Services. The Committee then recommended adoption of a language policy on French services. In September 2003, the provincial Cabinet adopted a policy that will serve to guide its ministries, institutions and Crown corporations, and enable them to provide more services in French. This policy recognizes the principle of linguistic duality and the idea of active offer. A step in the right direction if ever there was one!

#### TELE-HEALTH SERVICES IN FRENCH IN MANITOBA



In February 2004, the Province of Manitoba inaugurated an Info-Health call centre for Manitoba Francophones. The service is provided on a 24-hour basis by five nurses, and will be a boon to Francophones.

#### SERVICES IN FRENCH FROM THE ONTARIO PROVINCIAL POLICE

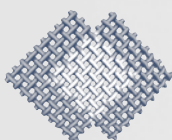


In September 2003, the *Association française des municipalités de l'Ontario* (AFMO) signed a historic agreement on the provision of service in French with the Ontario Provincial Police (OPP), the Association of French-speaking Jurists of Ontario and *Action ontarienne contre la violence faite aux femmes*. Under that agreement,



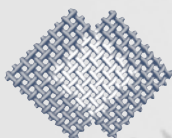
the OPP agreed to define, measure and document the provision of services in French. Besides various initiatives still in the planning stage, the Human Resources Office will set up recruitment initiatives that meet the requirements for service in French.

#### THE CENTRE HOSPITALIER DE L'UNIVERSITÉ DE SHERBROOKE (CHUS)



The CHUS is continuing its efforts to improve health services for the English-speaking community in the Eastern Townships. It hired a liaison agent to handle communications with the Anglophone community. It also translated many documents into English to better inform the community about the health care services it provides. It set up English second language courses that more than 400 staff members attend in their free time. And it called on a large number of Anglophone volunteers to lend a hand with community outreach activities.

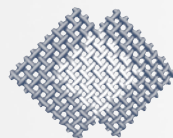
#### A PARTNERSHIP IN NOVA SCOTIA



Throughout 2004, which marks the 400th anniversary of Acadia, large-scale celebrations are taking place all over Nova Scotia. The *Fédération acadienne de la Nouvelle-Écosse* joined in with a road signage and tourist promotion project. Each Acadian region was clearly identified on the province's major highways. There have also been booths at 17 tourist information centres describing the Acadian regions and their tourism products.

The Nova Scotia Ministry of Tourism, Culture and Acadian Affairs, the Atlantic Canada Opportunities Agency, Enterprise Cape Breton Corporation and Canadian Heritage collaborated in carrying out the project.

#### A PARTNERSHIP IN NEWFOUNDLAND AND LABRADOR



The Future Leaders Network of Newfoundland and Labrador launched an initiative called *Parlons* in 2004 to encourage English-speaking federal public servants to use the French skills they have acquired. The *Parlons français* segment invites interested people to wear an identification badge for a few hours or one whole day a week. Badge wearers speak French to each other. A second segment, *Parlons français ici*, consists of organized meetings. Public servants meet twice a week at lunchtime to practise French in an informal setting.

#### THE UNITED STATES EMBASSY

In November 2003, in response to the study by the OCOL titled *Official Languages on the Internet: Web Sites of Diplomatic Missions and International Organizations*, the United States Embassy in Canada inaugurated the French section of its Web site. This excellent initiative clearly demonstrates the Embassy's respect for Canada's linguistic duality and its desire to provide services to Canadians in both of Canada's official languages.





## THE COMMISSIONER'S RECOMMENDATIONS

### RECOMMENDATION 1

The Commissioner recommends that the President of Treasury Board:

- quickly complete a review of remaining official language policies.

### RECOMMENDATION 2

The Commissioner recommends that the government:

- clarify the legal scope of Part VII through legislation or regulation by defining its compulsory nature as well as how federal institutions should implement it under the terms of section 41 of the *Act*.

### RECOMMENDATION 3

The Commissioner recommends that the government:

- maintain, in the context of the spending review, the resources allocated to the Official Languages Program as a whole.

### RECOMMENDATION 4

As this accountability framework will play an important role in identifying sectors, and in order to change an organizational culture which emphasizes process over results, the Commissioner recommends that the Treasury Board Secretariat:

- strengthen the Management Accountability Framework by:
- reviewing it to emphasize the importance of official languages in performance-based indicators for citizen-focused services; and
- developing very specific official language performance indicators.

### RECOMMENDATION 5

To reinforce the requirement that managers report on the implementation of the *Act* and to increase awareness among public servants regarding the importance of respecting the public's language rights, the Commissioner recommends that the Public Service Human Resources Management Agency:

- establish effective results-based assessment mechanisms and appropriate employee training mechanisms by:

- conducting more audits on the implementation of the *Act* in institutions;
- requiring that institutions themselves conduct internal audits; and
- ensuring that employees receive better training, with an emphasis on respecting language rights as a fundamental part of showing respect for the citizen.

### RECOMMENDATION 6

The Commissioner recommends that Transport Canada:

- 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.

### RECOMMENDATION 7

The Commissioner reiterates Recommendation 5 from the 2002-2003 Annual Report and recommends that the Minister of Canadian Heritage:

- require each provincial Minister of Education to produce an annual report on progress achieved both 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 covered by section 23 of the *Charter*.

### RECOMMENDATION 8

The Commissioner reiterates her recommendation of 2002-2003 that the federal Health Minister:

- 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 specific provisions on health services that must be offered in the minority language.

#### RECOMMENDATION 9

The Commissioner recommends that the Privy Council Office:

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

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#### RECOMMENDATION 10

To better consolidate linguistic duality in Canadian society, the Commissioner recommends that:

Canadian Heritage:

- place greater emphasis on measures to promote linguistic duality, especially by providing institutions with the guidance necessary to define activities linked to this aspect of Part VII; and assess the effectiveness of programs promoting linguistic duality and take corrective measures, if necessary.

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#### RECOMMENDATION 11

Federal institutions:

- especially those that are required to develop a plan regarding Part VII of the *Official Languages Act*, include in such plans initiatives aimed at enhancing linguistic duality and be accountable for this activity to Canadian Heritage.

