



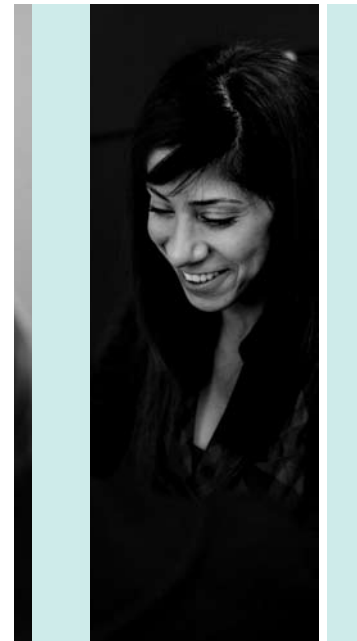
Office of the  
Commissioner of  
Official Languages

Commissariat  
aux langues  
officielles

# BEYOND OBLIGATIONS

ANNUAL REPORT 2009–2010

VOLUME I



**ANNUAL REPORT 2009–2010: BEYOND OBLIGATIONS—VOLUME I**

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**THE SPEAKER OF THE SENATE**

Ottawa

Mr. Speaker,

Pursuant to section 66 of the *Official Languages Act*, I hereby submit to Parliament, through your good offices, volume I of the annual report of the Commissioner of Official Languages covering the period from April 1, 2009 to March 31, 2010.

Yours respectfully,

A handwritten signature in black ink, appearing to read "Graham Fraser". The signature is written in a cursive, flowing style.

Graham Fraser



**THE SPEAKER OF THE HOUSE OF COMMONS**

Ottawa

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Graham Fraser

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# SUMMARY

This is the fourth annual report by Graham Fraser as Commissioner of Official Languages. It is being tabled only a few months after the end of the Vancouver Winter Olympic Games.<sup>1</sup>

In some ways, the Olympics were an event that allowed Canadians and the whole world to see that Canada has made a lot of progress towards the equality of English and French since the *Official Languages Act* was introduced in 1969.

In other ways—though, as the Commissioner notes in his foreword—the Olympics showed that, four decades after the introduction of the Act, “linguistic duality is not yet perceived by many Canadians as a central part of Canadian identity.”

However, as the Commissioner points out, “we would make great progress as a country if we recognized the other language for the huge asset that it is—not as an obligation, an imposition or a concession.”

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<sup>1</sup> The presence of English and French at the Vancouver Olympic Games will be addressed in a special report by the Commissioner that will be published in the fall of 2010.

## A TWO-PART ANNUAL REPORT IN 2009–2010

The 2009–2010 annual report of the Commissioner of Official Languages consists of two volumes. An analysis of institutions' compliance will be found in the second volume. This volume will contain the performance report cards on how select federal institutions apply the *Official Languages Act*.

The second volume of the annual report will be published in the fall of 2010.

### PROMOTING LINGUISTIC DUALITY

Entitled "Vitality and Learning: Investing in Linguistic Duality," Chapter 1 shows that promoting linguistic duality in Canadian society means, among other things, promoting English and French second-language learning among Canadians and strengthening the vitality of official language minority communities.<sup>2</sup>

The chapter points out that the absence of a true continuum of language-learning opportunities for Canadians compromises their ability to acquire language skills, which are increasingly in demand in both the public and private sectors.

Year after year, many students want to enrol in French immersion but are not able to do so, often due to a lack of space in existing programs or due to funding problems that threaten the survival of these programs.

Other students have had to give up on the idea of perfecting the language skills they acquired in primary and secondary school at university, because very few post-secondary institutions give their students the opportunity to take courses within their field in the official language of their choice.

In this context, the renewal of the Protocol for Agreements for Minority-Language Education and Second-Language Instruction is good news. However, it is unfortunate that we are still waiting for most bilateral agreements between the federal government and the provinces and territories to be signed and that the associations and groups involved are not always properly consulted.

With regard to increasing the number of second-language courses in universities, the Commissioner reiterates what he recommended in his study entitled *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*,<sup>3</sup> namely that the Government of Canada, along with the provincial and territorial governments, establish a new fund that would help universities achieve this objective.

The Commissioner also believes that the Government of Canada should use its important role as Canada's largest employer to urge universities to encourage students to acquire solid second-language skills.

2 Throughout the report, the term "official language communities" is used to identify official language minority communities.

3 Office of the Commissioner of Official Languages, *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*, Ottawa, 2009. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_102009\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_102009_e.php)) consulted March 31, 2010.

Lastly, the Commissioner encourages the Government of Canada and the education community to adopt a system similar to the Common European Framework of Reference for Languages. This kind of system would enable postsecondary institutions to set student language objectives that meet federal public service needs.

Chapter 1 also addresses the unacceptable delays noted in 2009–2010 with regard to the signing of some agreements between federal institutions and organizations representing official language communities. The delays had a destabilizing effect on the communities.

The Commissioner acknowledges that the Honourable James Moore, Minister of Canadian Heritage and Official Languages, during his appearance before the House of Commons Standing Committee on Official Languages on October 29, 2009, indicated that he intends to address the communities' concerns with regard to the delays in processing applications.

Finally, the Commissioner is disappointed that some programs set out in the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* have been slow to start or are still not off the ground. He believes that the government should accelerate the implementation of the Roadmap 2008–2013 in cooperation with official language communities.

## OFFICIAL LANGUAGES GOVERNANCE

In Chapter 2, entitled “The Federal Government Must Get Back on Course,” the Commissioner reiterates his conviction that governance plays a vital role in official languages.

As a matter of fact, the changes made by the federal government in how it manages the official languages file (i.e. how it applies the principles of good public governance, such as accountability, transparency and responsiveness, and efficiency and effectiveness) have a concrete and often significant impact on the Canadian public, especially official language communities.

For instance, governance issues cause almost all the airport authorities to give the provisions of the *Official Languages Act* a more limited scope than the Canadian government did when it was managing Canada's major airports.

Still, a change in governance can also have a positive impact. For example, the collaborative approach adopted by the Government of Nunavut to establish new official languages legislation could significantly improve the language situation in the territory.

In light of these facts, it is worrisome that the federal government did not apply all of the principles of sound public governance when it reorganized the official languages function within the Treasury Board Secretariat.

As chapter 2 points out, the Treasury Board Secretariat's Centre of Excellence for Official Languages has seen a considerable drop in its workforce in recent years.

The Centre of Excellence for Official Languages also underwent a major restructuring of its activities in August 2009. As a result, the Treasury Board Secretariat no longer deals with federal institutions through the use of experts on official languages issues and it no longer provides interpretation of the *Official Languages Act* nor of policies related to official languages issues that concern only one institution.

The Commissioner believes that it is still too early to determine the ultimate impact that this past year's changes will have on linguistic duality. However, he thinks that the federal government has not set off on the right foot with regard to the transformations that are being undertaken.

First, the federal government took action without consulting the different parties likely to be affected by the changes, in particular, departmental official languages coordinators and community representatives. In addition, no action has been planned to prevent federal institutions from adopting a narrow interpretation of the *Official Languages Act*.

A number of official languages champions in federal departments and agencies fear that the massive loss of expertise at the Treasury Board Secretariat will have a significant impact on the institution's ability to effectively implement the *Official Languages Act*.

Finally, there is cause for concern about the Treasury Board Secretariat's current capacity to fully exercise its responsibilities. For instance, one wonders whether the necessary expertise and workforce continue to be in place in order to assess the impact and coordinate an appropriate response with regard to the 2011 census results.

However, the Commissioner believes that the changes made by the federal government to official languages governance could still have a positive (or neutral) impact if some significant issues are quickly addressed.

The federal government should first put measures in place to ensure that federal institutions and their senior executives fully assume their official languages responsibilities.

Next, the federal government should ensure that federal institutions have, at all times, the necessary means to effectively perform their official languages roles.

Finally, by demonstrating increased leadership, federal government managers can mitigate the risk that the recent changes to official languages governance will have a negative impact.

The Commissioner of Official Languages concludes Chapter 2 by expressing his hope that, before taking action in the future, the federal government will first consult all key players that would be affected by any changes to the structure of official languages governance. The Commissioner also expects that

any decentralization or privatization or any shift in responsibility be accompanied by the adoption of measures that will enable all parties concerned to continue to effectively fulfill their official languages obligations.

When making these types of changes, the federal government must also ensure that central agencies can continue to play the key role of coordinators and agents of change.

### LANGUAGE OF WORK

Chapter 3, “Leaders Wanted,” opens with two inspiring stories that show that, on occasion, the situation of English and French as languages of work in the federal government reflects the vision set out by legislators in the *Official Languages Act* and by the Commissioner in his 2008–2009 annual report.<sup>4</sup>

According to this vision, federal employees should be proud to work in an environment that values and encourages the use of both official languages.

However, the Government of Canada is still far from having eliminated all the obstacles that hinder the full recognition and use of English and French as languages of work in the public service.

The Office of the Commissioner’s studies, investigations, and analyses of complaints since 2004 have shown that, in all designated bilingual regions, Anglophone and Francophone public servants in minority settings struggle to have all their

language rights recognized. Many of them find it difficult to obtain training in the official language of their choice or to participate in meetings where they can use either English or French.

In light of these findings, the Commissioner believes that leaders of federal departments and agencies must send an unequivocal message that it is in no way personally or professionally detrimental for employees to fully exercise their language rights under the *Official Languages Act*.

According to the Commissioner, a range of solutions must be applied simultaneously to transform the public service into a workplace where English and French are on an equal footing.

First and foremost, as noted by Monique Collette, President of the Atlantic Canada Opportunities Agency, in a report that she prepared following a request by the Clerk of the Privy Council and Secretary to the Cabinet,<sup>5</sup> all federal managers need to demonstrate increased leadership.

In terms of leadership, senior managers are not the only ones with the power to change things, according to Collette. Middle managers are also an important part of the success, or the stagnation, of linguistic duality in the public service. In order to gain a fuller understanding, the Commissioner has recently initiated a study on leadership in a bilingual public service.

4 Office of the Commissioner of Official Languages, *Annual Report 2008–2009: Two Official Languages, One Common Space: 40th anniversary of the Official Languages Act*, Ottawa, 2009, p. 22. On-line version ([www.officiallanguages.gc.ca/docs/e/ar\\_ra\\_e.pdf](http://www.officiallanguages.gc.ca/docs/e/ar_ra_e.pdf)) consulted March 31, 2010.

5 Monique Collette, *Workplace and Workforce Task Force. Compendium of Practical Approaches*, Ottawa, 2009. On-line version ([www.cspc-efpc.gc.ca/pbp/pub/pdfs/ww-cpa-eng.pdf](http://www.cspc-efpc.gc.ca/pbp/pub/pdfs/ww-cpa-eng.pdf)) consulted on March 31, 2010.

Along the same lines, to create a workplace that is conducive to the use of English and French, managers at all levels must lead by example. By actively using both official languages at work, managers at an organization or agency show their employees that using or learning English or French as a second language is an important value that benefits the institution.

Unfortunately, a number of managers still do not use their second official language, thus setting the wrong example for their colleagues and employees. Managers should recognize linguistic duality as a value, not just a requirement to be satisfied or, at times, circumvented.

The Commissioner believes that to be able to serve as examples, managers are responsible for acquiring and maintaining the language skills necessary to promote linguistic duality in the workplace and that institutions are responsible for fully supporting managers in this regard.

Federal institutions must provide opportunities for managers who have recently completed a second-language course to immediately put their new knowledge and skills into practice in concrete projects. On the other hand, employees are sometimes unfamiliar with the language-of-work provisions of the Act, and federal institutions should ensure that these are better communicated.

The participants in a language-of-work forum organized in February 2009 by the Office of the Commissioner's Young Professionals Network stressed that public service employees must not hesitate to assert their language rights at all times, as this would inspire their colleagues to do the same.

Finally, federal institutions and central agencies should not hesitate to design, test and adopt promising new methods when traditional approaches fail to produce results.

For example, by working more closely with universities to strengthen the language skills of graduates seeking a career in the public sector, the Commissioner believes that the Government of Canada could reduce the costs of official bilingualism in the public service.

The government should also seek innovative solutions in order to ensure that knowledge-sharing tools used by departments and agencies (e.g. GCPEDIA) accommodate both English and French.

The Commissioner ends the chapter by reiterating that the Language of Work section of the *Official Languages Act* has lost none of its relevance.

Citizens being served by their federal government must be able to use the official language of their choice—regardless of any global language trends. In the same vein, those Canadians who belong to Anglophone and Francophone minority communities still want the opportunity to live and thrive in their language, both at home and at work.

These are some of the compelling reasons why the federal government must continue the efforts it has made over the past four decades to ensure full equality for English and French in the federal public service.

Since the right of employees to work in the official language of their choice also has a positive impact on official language community vitality, the Commissioner believes that the time has come to consider extending this right beyond the regions that are currently designated bilingual.



- The Commissioner recommends that, with regard to the implementation of the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction for 2009–2010 to 2012–2013*, the Minister of Canadian Heritage and Official Languages actively encourage all provinces and territories to consult all concerned associations and groups so that the bilateral accords can be more effectively designed and applied, and their impact appropriately assessed.
- The Commissioner recommends that the Minister of Canadian Heritage and Official Languages report, by March 31, 2011, on the actions that he has taken to speed up the signing and implementation of collaboration agreements and other agreements between the federal government and official language minority communities. The Minister is asked to indicate in his report how he has ensured that community organizations receive one quarter of their funding by April 1 of each fiscal year.
- The Commissioner of Official Languages recommends that the Prime Minister take all required measures to ensure that new initiatives in alternative modes of service delivery (privatization; partnership or decentralization agreements) do not adversely affect the language rights of Canadians—in particular, members of official language minority communities.
- The Commissioner of Official Languages recommends that the Clerk of the Privy Council make the use of English and French as languages of work in federal institutions a significant priority within the framework of any initiative related to Public Service renewal and improved services for Canadians.

More specifically, the Commissioner recommends that senior officials manage the human resources of their department or agency by applying the most promising practices advanced in Monique Collette's report.

The Commissioner also recommends that senior officials report to the Clerk of the Privy Council on the measures they have taken to provide their staff with more opportunities to work in the official language of their choice.



GRAHAM FRASER

## FOREWORD

### LINGUISTIC DUALITY AND CANADIAN IDENTITY: FROM OBLIGATION TO VALUE

The year of celebration of the 40th anniversary of the *Official Languages Act* and the beginning of the fifth decade of language policy provided a number of opportunities to evaluate progress that has been made, and what remains to be done. The paradox of social change is that once it occurs, it is no longer noticed. No one pays attention to Canada's use of the metric system, or the fact that drivers and their passengers automatically attach their seatbelts, or that there is no longer smoking in restaurants. The transition to the full recognition of Canada's linguistic duality is not yet complete; challenges remain.

The Vancouver 2010 Olympic and Paralympic Winter Games were extraordinary events—by turns exciting, welcoming, spectacular and, sometimes, disappointing. The spotlight of the world focussed on Canada, and millions of Canadians were caught up in the drama, the excitement, the suspense and the spectacle.

Coming on the heels of the events marking the 40th anniversary of the *Official Languages Act*, the Olympics also provided a unique lens through which to observe both how far the country had come since 1969 in terms of official languages, and how far it still had to go.

A great deal of effort was made by federal institutions and the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games to ensure that they could offer services in both languages, and, even though a more complete evaluation has to be completed, there were many positive achievements. Signs and directions were in both English and French. Announcements, introductions and medal ceremonies—as the protocol of the Olympic Games requires, since French and English are the official languages of the Games—were in both languages. Documents and athlete biographies were available in both languages. Families of French-speaking athletes were greeted and accompanied by bilingual volunteers. A number of volunteers wore buttons saying “Bonjour” and were able to greet visitors in both languages.

Thanks to openness and flexibility on the part of the Canadian Radio-television and Telecommunications Commission (CRTC) and to a public-spirited gesture by the cable companies, French-language coverage of the Olympic Games was available on Cable Public Affairs Channel (CPAC) across Canada. Federal institutions like Canada Post, the Royal Canadian Mint and the CBC/Radio-Canada used their Vancouver offices to display

bilingual banners or electronic bulletins. Air Canada made a substantial investment to ensure that passengers would be served in both languages in Vancouver. Private sponsors joined in: the signage outside The Bay was in both languages, and Coca-Cola had bus shelter ads in French as well as in English. Four decades ago, such a display of signs in both languages provoked vandalism; at Vancouver 2010, there were no reports of any such thing.

There was a festive mood in the city, and cultural activities in French became part of the celebration. The *Vancouver Sun* awarded La Place de la Francophonie a gold medal for its dynamic programming.

Perhaps most important, there were a striking number of medal-winning Canadian athletes who were equally inspiring and eloquent in both English and French. Alexandre Bilodeau, Maëlle Ricker, Joannie Rochette, Jennifer Heil, Sidney Crosby, Roberto Luongo, Jonathan Toews, Charles Hamelin, Kristina Groves, Clara Hughes, Jasey-Jay Anderson, Gina Kingsbury and Chandra Crawford—all of them are impressively bilingual. From one Olympic Games to the next, their numbers grow, as does the powerful message they send.

Unfortunately, for many Canadians those achievements were overshadowed by a sense of disappointment at how the country was presented in the Opening Ceremonies. Aside from the presentation of athletes and the comments related to the protocol of the Olympic Games, English was overwhelmingly

predominant in the cultural component. There was no French heard in the narrative presentation of the cultural display—a poetic description of winter by François-Xavier Garneau was even translated into English—and the only French-language cultural contribution was at the very end of the show: the singing of “Un peu plus haut, un peu plus loin” by Garou. My office is investigating many complaints that we received on the Opening Ceremonies.

The Closing Ceremonies were an improvement, and many French-speaking Canadians who felt bitterly offended by the Opening Ceremonies were buoyed, like so many in the rest of the country, by the euphoria that the 17 days in Vancouver generated.

However, the complaints about the absence of French in the Opening Ceremonies—which generated counter-complaints that there was too much French—deserve a broader process of reflection that goes beyond the responsibility of the Office of the Commissioner of Official Languages to investigate complaints. How does Canada present itself to the world? How does that presentation reflect its linguistic duality? To what extent is the fact that Canada has two official languages a central part of the country’s identity, and understood as such? How can that identity be projected in an inclusive and comprehensive fashion so that all Canadians see an image that they consider reflective of the country they are part of? How can Canada move beyond the idea of official bilingualism as a series of obligations to perceive linguistic duality as a value?

There are no easy answers to these questions. But as the *Official Languages Act* enters its fifth decade, it is important that they be addressed.

2009, as the 40th anniversary of the *Official Languages Act*, has provided an opportunity to reflect on the progress that has been made and the challenges that remain in terms of achieving the objectives of the Act. The Office of the Commissioner organized a conference to mark the anniversary with the Association of Canadian Studies, as did the Faculty of Law at the University of Ottawa and a number of federal institutions. My office also organized an exhibition of caricatures at Library and Archives Canada—which resulted in a show that travelled across the country.

In addition, the Fédération des communautés francophones et acadienne (FCFA) du Canada produced a report calling for a fresh look at the Act, the regulation, and the role of the Commissioner.

There is no question that the federal government has made significant progress in terms of introducing systems of obligations with respect to language. Positions and regions have been designated and there are clear requirements in terms of language of service and language of work; there is a network of official languages champions; there are accountability and reporting requirements.

In his book, former official languages commissioner Maxwell Yalden described the *Official Languages Act* as “probably the most successful piece of social legislation to emerge from the

federal administration since the war.” He may be right; certainly, as he went on to say, “it has brought about very significant change with a minimum of disruption.”<sup>1</sup> Individuals receive services and communities receive support in a way that had not been contemplated before the Act was introduced, and the federal government has, despite the hiccups, obstacles and complaints, succeeded in requiring a level of bilingualism among its senior executives that was difficult to imagine four decades ago.

Some senior officials and Canadian ambassadors make a point of using both English and French in their public announcements to send the message that linguistic duality is a key element in Canadian identity. William Elliott, commissioner of the Royal Canadian Mounted Police (RCMP), makes a point of using both languages in his remarks, wherever he is in the country. “It is quite important for me as Commissioner to demonstrate we are a national institution,” he told me, referring to his meetings with RCMP members across Canada.<sup>2</sup>

This is an important signal for senior officials to send to their employees. It not only reinforces that the public service must be able to serve all Canadians, it underlines the fact that, in parts of the country, public servants have the right to choose the official language they want to work in. In addition to the question of promoting linguistic duality and the issue of governance, this annual report examines the right of public servants to work in the official language of their choice.

Giving public servants that right in 1988 was a radical act that empowered employees in a dramatic way. Much of what a public servant does is established by government policy, Treasury Board guidelines, collective agreements or departmental directives. But in certain regions, i.e. the National Capital Region and parts of Ontario and Quebec as well as New Brunswick, it is the employee who has the right to decide the language in which he or she will write memos and briefing notes, speak at meetings or be evaluated. But if that right is not exercised, it is undermined and eroded; it is a classic case of “use it or lose it.”

The Speech from the Throne on March 3, 2010 not only reiterated the government’s commitment to the *Roadmap for Canada’s Linguistic Duality 2008–2013: Acting for the Future*, it defined official bilingualism as a key Canadian value: “Canada’s two official languages are an integral part of our history and position us uniquely in the world.”<sup>3</sup>

But there are still countless indications that federal institutions continue to see linguistic duality as a burden rather than a value; an afterthought rather than a reflex; a legal requirement to be handled and managed rather than an instinctive behaviour and a source of organizational identity and pride. Actively offering services to Canadians in the official language of their choice is not simply a legal obligation; it is a matter of respect both for individuals and communities. It represents an approach that former South African Constitution Court Judge

1 Maxwell Yalden, *Transforming Rights: Reflections from the Front Lines*, Toronto, 2009, p 47.

2 William Elliott, Personal interview with Graham Fraser, December 18, 2009.

3 Government of Canada, *Speech from the Throne*, Ottawa, March 3, 2010. On-line version ([www.discours.gc.ca/eng/media.asp?id=1388](http://www.discours.gc.ca/eng/media.asp?id=1388)) consulted March 31, 2010.

Albie Sachs has called “dignitarian.” As Sachs put it, “Respect for human dignity united the right to be autonomous with the need to recognize that we all live in communities.”<sup>4</sup>

However, despite all the progress that has been made, the series of obligations have yet to be transformed into values that are cherished by the country as a whole. As demonstrated by the Olympic ceremonies and the reactions they provoked, linguistic duality is not yet perceived by many Canadians as a central part of Canadian identity.

In order for this to be the case, Canadians have to feel a sense of ownership of the other official language—even if they do not speak it. They would feel that an event was not a national event if both languages were not used. They would feel that part of that sense of familiarity and relief that accompanies coming home from abroad is characterized by hearing and seeing both official languages in airports or railway stations. The presence of both English and French would be a critical marker, a crucial identification, a signal that “This is Canada.” Similarly, the absence of both languages would convey that this was a local event, perhaps a community or regional event

in an area where only one language is spoken—but not a national event, or an event where Canada presents itself to the world.

The Canadian reality is that we consist of two unilingual linguistic majorities: English-speaking and French-speaking. While there are more bilingual Canadians now than ever before, they are a minority among both English-speaking Canadians and French-speaking Canadians. This will probably always be the case.

But we would make great progress as a country if we recognized the other language for the huge asset that it is—not as an obligation, an imposition or a concession, but as a central part of Canadian identity.

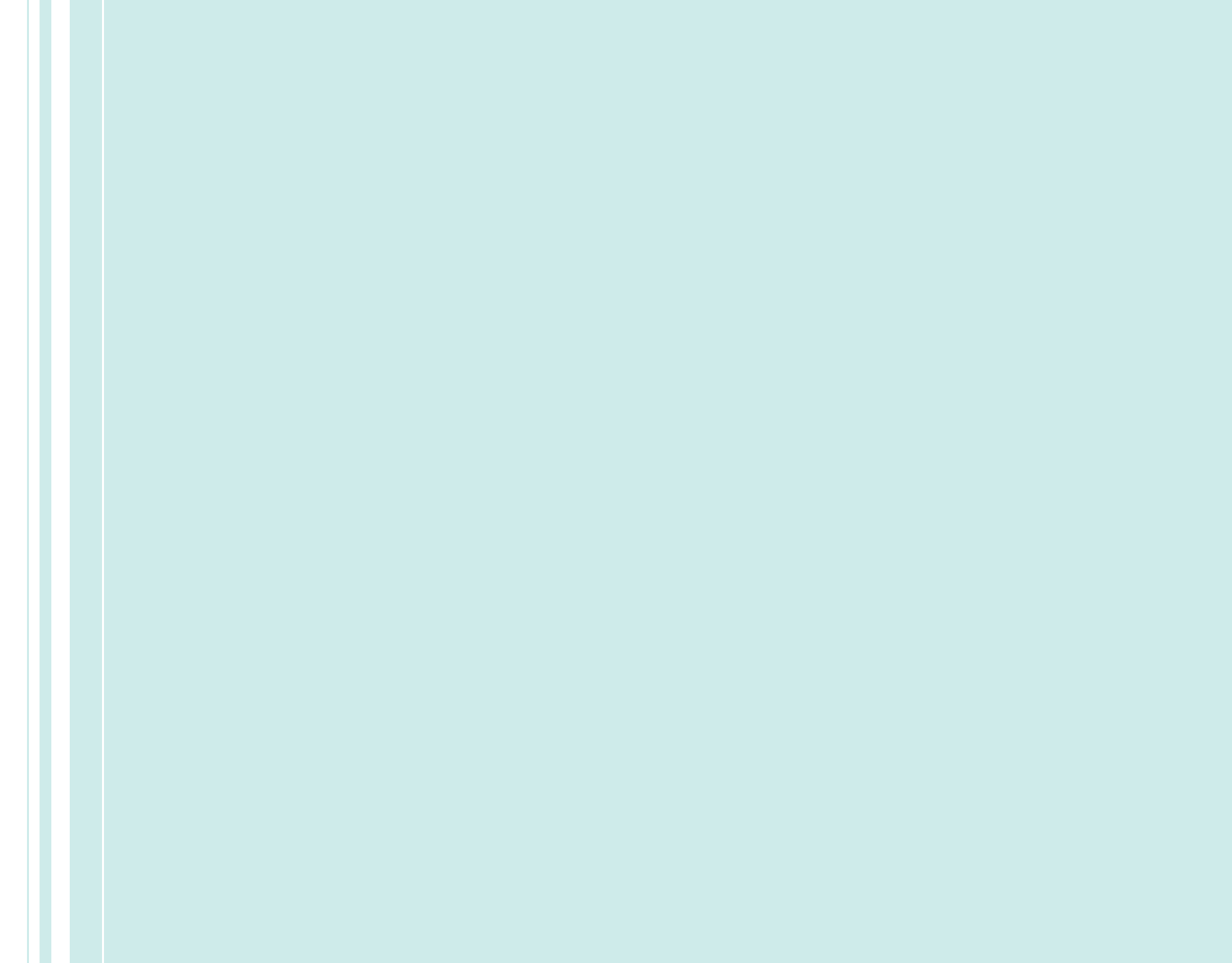


**GRAHAM FRASER**

COMMISSIONER OF OFFICIAL LANGUAGES

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4 Albie Sachs, “The Judge who Cried: The Judicial Enforcement of Socio-Economic Rights,” in *The Strange Alchemy of Life and Law*, Toronto, 2009, p. 173.





**CLAUDETTE PAQUIN, TORONTO**

## AWARD OF EXCELLENCE **PROMOTION OF LINGUISTIC DUALITY**

Claudette Paquin, Chief Executive Officer of TFO, Ontario's French-language educational and cultural television channel, has won the second annual Award of Excellence—Promotion of Linguistic Duality.

Created in 2009 by the Commissioner of Official Languages, this award recognizes an individual or organization that is not subject to the federal *Official Languages Act* but whose leadership has strengthened French or English in Canada or abroad or has contributed to the development of Canada's official language minority communities.

Ms. Paquin has worked for Toronto-based TFO over the past 20 years of her career. Under her leadership, TFO has increased its offering of educational and cultural content through innovative programming such as *FranCœur*, the first major French-language Canadian dramatic series produced outside Quebec. TFO has also extended the reach of its signal and now serves New Brunswick, Quebec and Manitoba.



These achievements have created rewarding opportunities in audiovisual production, a sector where Francophone communities have traditionally been under-represented. More Canadian youth can now benefit from TFO's outstanding tools in the areas of French-language teaching and Francophone cultural promotion.

Ms. Paquin is also responsible for guiding TFO through the process by which, in 2007, it became a stand-alone organization, fully independent from TVOntario. In the words of Madeleine Meilleur, Ontario's Minister Responsible for Francophone Affairs, this major change allowed TFO to "grow and live up to the aspirations of all Francophones in the province."<sup>1</sup>

Ms. Paquin holds a bachelor's degree in Social Sciences from the University of Ottawa and a Master of Business Administration from Queen's University. She has received the Ontario Ordre de la Pléiade and the Ordre des francophones d'Amérique and sits on the boards of directors for TV5, Montfort Hospital, La Cité collégiale, and the Canadian Foundation for Cross-Cultural Dialogue.

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<sup>1</sup> Office of Francophone Affairs, *McGuinty Government Makes Tfo Self-Governing*, press release, Ottawa, June 29, 2006. On-line version ([www.ofa.gov.on.ca/en/news-060629.html](http://www.ofa.gov.on.ca/en/news-060629.html)) consulted March 31, 2010.



KATIE ZEMAN, OTTAWA

## CHAPTER 1

### VITALITY AND LEARNING: INVESTING IN LINGUISTIC DUALITY

Promoting linguistic duality in Canadian society means, among other things, strengthening the vitality of official language minority communities<sup>1</sup> and promoting English and French second-language learning among Canadians.

These two elements are closely linked. On the one hand, the presence of a large pool of bilingual workers helps organizations, particularly the Government of Canada, better serve Canadians—especially, members of official language communities—in the language of their choice. On the other hand, strengthening the place of both official languages in the public sphere encourages Canadians to learn English or French as a second language.

It is crucial that the federal government pay close attention to both aspects.

Unfortunately, the absence of a true continuum of language-learning opportunities for Canadians compromises the ability to acquire language skills, which are increasingly in demand in both the public and private sectors. In addition, in 2009–2010, the federal government’s delays in signing certain financial agreements with official language community development organizations have had a negative impact on the vitality of the communities.

<sup>1</sup> Throughout the report, the term “official language communities” is used to identify official language minority communities.

## TWO KEY INSTRUMENTS IN THE GOVERNMENT'S WORK TOWARDS LINGUISTIC DUALITY

As part of its Official Languages Support Programs, Canadian Heritage signs collaborative agreements with organizations representing official language minority communities. These agreements aim to support the vitality and strengthen the capacity of the communities as well as to promote multisectoral coordination and cooperation. Each agreement has a budget envelope that is provided in the form of grants or contributions. These funds are used to finance operations and projects of over 350 national, provincial and regional organizations.

In addition, the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* is one of the primary instruments the government has put in place to solidify its commitment towards linguistic duality. The Roadmap 2008–2013 (\$1.1 billion over 5 years), serves to fund initiatives, projects and networks of key players. It supports the vitality of official language communities and promote English and French second-language learning in Canada. Fourteen federal institutions are working to implement the Roadmap 2008–2013 in various sectors, such as health, the economy, immigration, education and justice.

## PROMOTING SECOND-LANGUAGE LEARNING

### IN SEARCH OF A LEARNING CONTINUUM

Katie Zeman grew up in northern British Columbia, in an English-speaking family.<sup>2</sup> Enrolled in French immersion from Grade 6 to Grade 12, she then went on to earn a bachelor's degree in Canadian Studies at Campus Saint-Jean, the French-language campus of the University of Alberta.

To improve her French, Ms. Zeman took part in a number of summer activities. For example, she participated in the Quebec-Alberta Student Employment Exchange Program and she had the opportunity to work as a bilingual tour guide at the Parc national de la Jacques-Cartier, near Québec City.

Today, Ms. Zeman works at the Library of Parliament in Ottawa. When she recalls the path that brought her here, she says: "French immersion helped me improve my French and gave me a good sense of Canada's diversity by [giving me the opportunity to meet] other young people from coast to coast. Being bilingual has really opened up a lot of doors for me."

Katie Zeman's experience is similar to that of many young Canadians who, each year, learn Canada's other official language and become familiar with Anglophone or Francophone culture by taking advantage of support from the federal government, the provinces and territories, and their partners.

<sup>2</sup> Story of Katie Zeman reported in "Total Immersion," *Beyond Words*, Issue 3. On-line version ([www.officiallanguages.gc.ca/newsletter\\_cyberbulletin/zeman\\_e.htm](http://www.officiallanguages.gc.ca/newsletter_cyberbulletin/zeman_e.htm)) consulted March 31, 2010.

However, Katie Zeman's story is not representative of the experience of most young Canadians. Year after year, many students want to enrol in French immersion but are not able to do so. In some cases, there are not enough places in existing programs. In other cases, funding problems threaten the survival of very popular immersion programs.<sup>3</sup>

Other students would like to perfect the language skills they acquired in primary and secondary school by pursuing university studies in their second language. However, as the Office of the Commissioner found in its study *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*,<sup>4</sup> this option is currently not readily available. In Canada, very few post-secondary institutions give their students the opportunity to take courses within their field in the official language of their choice.

Consequently, there is still much work to do so that young people can learn English or French as a second language if they so desire.

#### **A POSITIVE STEP: THE SIGNING OF A NEW PROTOCOL FOR AGREEMENTS**

In September 2009, the federal government and the Council of Ministers of Education, Canada announced, the signing of the new *Protocol for Agreements for Minority-Language Education and Second-Language Instruction for 2009–2010 to 2012–2013*.

This is good news because, under this new agreement, the federal government will provide the provinces and territories with \$345 million between now and 2012–2013 to support second-language instruction. It will also provide \$593 million to improve instruction offered in the language of the minority. Finally, the protocol stipulates that, during the period in question, the Government of Canada will invest over \$96 million towards the implementation of the Explore and Destination Clic exchange programs and the Odyssey language assistant program.<sup>5</sup>

However, it is unfortunate that, in most cases, we are waiting for bilateral agreements between the federal government and the provinces and territories on second-language instruction and minority-language education.

3 See, for example, the Fédération des francophones de la Colombie-Britannique press release on this subject: *Des répercussions inquiétantes pour les programmes et les jeunes en immersion*, Vancouver, January 26, 2010. On-line version ([www.lacolombiebritannique.ca/media/CoupuresCS.pdf](http://www.lacolombiebritannique.ca/media/CoupuresCS.pdf)) consulted March 31, 2010. In French only.

4 Office of the Commissioner of Official Languages, *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*, Ottawa, 2009. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_102009\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_102009_e.php)) consulted March 31, 2010.

5 Under the Protocol, the federal government will provide a total of \$938 million to provincial and territorial governments, which is only a one-percent increase over the previous period.

It is also regrettable that the provisions of the protocol that deal with the importance of provinces and territories consulting the associations and groups affected by these two issues are not applied equally from one location to another. And yet, applying this sound governance principle would make it possible to better define the needs that the bilateral agreements should serve to meet. This would also make it possible to ensure an effective implementation of the projects that fall under these agreements and to make sure that the performance objectives set out in the protocol are met. The Commissioner welcomes the inclusion of such targets in the protocol, which has not been done before. The signatories of the protocol would, however, have to be transparent in terms of how the amounts would actually be spent.

## RECOMMENDATION

**The Commissioner recommends that, with regard to the implementation of the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction for 2009–2010 to 2012–2013*, the Minister of Canadian Heritage and Official Languages actively encourage all provinces and territories to consult all concerned associations and groups so that the bilateral accords can be more effectively designed and applied, and their impact appropriately assessed.**

## FEDERAL INVESTMENTS THAT BENEFIT EVERYONE

Increasing the number of second-language courses in universities is another important issue, one that the Commissioner discussed in greater depth in his study entitled *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*.<sup>6</sup>

In the current economic context, in order to be internationally competitive, it is becoming increasingly necessary to improve opportunities for university students to learn English or French as a second language, thus enhancing the language skills and performance of future Canadian workers. But to do this, we need planning, coordination, and strong government leadership.

In his study, the Commissioner recommends that the Government of Canada, along with the provincial and territorial governments, establish a new fund that would give universities the financial assistance they need in order to develop and implement new initiatives to improve second-language learning opportunities. The Commissioner also believes that the Government of Canada should use its position as Canada's largest employer to incite universities to encourage students to acquire solid second-language skills in English or French.

6 Office of the Commissioner of Official Languages, *Two Languages, a World of Opportunities*.

These initiatives would have a positive impact on the Canadian economy, such as greater interprovincial mobility for many workers. Improving the second-language skills of university graduates would also benefit Canadian businesses, which face increasingly competitive international markets. Hiring bilingual university graduates would help businesses benefit from future free trade between Canada and the European Union.

The Government of Canada would also benefit from an increased number of bilingual students graduating from university. As the House of Commons Standing Committee on Official Languages pointed out in a revealing report,<sup>7</sup> federal institutions are the largest employer of bilingual personnel in Canada. They have undertaken a major effort to renew their workforce, which will lead them to annually recruit 5,000 young Canadians who can speak English and French.

## THE CANADA SCHOOL OF PUBLIC SERVICE SETS AN EXAMPLE

In October 2009, the Government of Canada announced that students from about 10 Canadian universities will soon have the opportunity to use the tools created by the Canada School of Public Service for learning English or French as a second language. At the beginning and at the end of this pilot project, the Public Service Commission will perform an official assessment of the students' language skills based on the official language qualification standards of the public service. The results of the evaluation will be valid for five years.

The Commissioner of Official Languages applauds the launch of this exemplary pilot project, which is one of the commitments made by the federal government in the *Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future*. He hopes that the evaluation aspect of this project will constitute the first step in a larger effort that will allow university students to determine, before they even graduate, whether they satisfy the qualification standards for positions requiring the use of both official languages in federal departments and agencies.

7 House of Commons Standing Committee on Official Languages, *5,000 Bilingual Positions To Be Filled Every Year: The Role Of Postsecondary Institutions In Promoting Canada's Linguistic Duality*, Ottawa, 2009. On-line version ([http://dsp-psd.pwgsc.gc.ca/collection\\_2009/parl/XC60-402-1-1-01E.pdf](http://dsp-psd.pwgsc.gc.ca/collection_2009/parl/XC60-402-1-1-01E.pdf)) consulted March 31, 2010.

## ESTABLISHING AND TESTING A COMMON FRAMEWORK OF REFERENCE FOR LANGUAGES FOR CANADA

Since 2006, the Council of Ministers of Education, Canada (CMEC) has been considering the possibility of adapting the Common European Framework of Reference for Languages to Canadian reality.<sup>8</sup> In February 2010, CMEC published the document *Working with the Common European Framework of Reference for Languages (CEFR) in the Canadian Context* to stimulate discussion by departments of education and key players on the potential use of the CEFR in Canada. It should be noted that it is important for all of the key actors to work together on this project if a similar framework is to become a reality in Canada.

Adopting a common framework would have many advantages for Canadians. As stressed by Laurens Vandergrift, a researcher at the University of Ottawa Second Language Institute, a common framework can “serve as a bridge between the formal education system and the world of business and industry by providing common terminology and a framework for describing language proficiency for purposes of work and accreditation.”<sup>9</sup>

In concrete terms, creating a common Canadian framework would help schools ensure that their students acquire the second-language skills needed for admission to the postsecondary institution of their choice. This kind of framework would also enable postsecondary institutions to set student language objectives that meet employers’ needs (for example, a graduate in public administration would need a particular skill level in French written comprehension and another for oral comprehension).

For the past few years, a number of good initiatives related to the framework have been launched. For instance, in 2009, the Canadian Association of Second Language Teachers, which has been looking at this issue since 2006, has been working with teachers to test a tool related to the framework: the professional portfolio. This tool helps teachers “maintain and develop their language proficiency throughout their professional career.”<sup>10</sup>

8 Created with the support of the Council of Europe, “[the Common European Framework of Reference Languages] provides a practical tool for setting clear standards to be attained at successive stages of learning and for evaluating outcomes in an internationally comparable manner.” See Council of Europe, *Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR)*. On-line version ([www.coe.int/t/dg4/linguistic/cadre\\_EN.asp?](http://www.coe.int/t/dg4/linguistic/cadre_EN.asp?)) consulted March 31, 2010.

9 Laurens Vandergrift, *Proposal for a Common Framework of Reference for Languages for Canada*, Gatineau, 2006, p. 32. On-line version ([www.bcatml.org/Vandergrift-CEFRinCanada.pdf](http://www.bcatml.org/Vandergrift-CEFRinCanada.pdf)) consulted March 31, 2010.

10 Michael Salvatori and Alina MacFarlane, *Profile and Pathways. Supports for Developing FSL Teachers’ Pedagogical, Linguistic, and Cultural Competencies*, Ottawa, 2009, p. 21. On-line version ([www.caslt.org/pdf/en/what-we-do/caslt-panorama-profilepathways-e.pdf](http://www.caslt.org/pdf/en/what-we-do/caslt-panorama-profilepathways-e.pdf)) consulted March 31, 2010.

## STRENGTHENING COMMUNITY VITALITY

### COMMENDABLE COMMUNITY PROJECTS

In 2008–2009, the Office of the Commissioner of Official Languages conducted a series of studies on Francophone communities in British Columbia, Alberta and Saskatchewan. These studies sought to produce a better understanding of the factors that affect the vitality of an official language community.

The studies highlighted, for example, a rural development initiative undertaken by the Saskatchewan Francophone community and entitled *Projet d'alternative de développement rural : le terroir*.

The project was developed by the *Assemblée communautaire fransaskoise* and the *Institut français* of the University of Regina in response to the major challenges faced by the rural area encompassing St. Isidore-de-Bellevue, St. Louis, Domremy, Hoey and Duck Lake: outward migration, an aging population and the loss of small agricultural producers. The purpose of the project is to promote the history, customs and products of the Francophone region in accordance with the principles of sustainable development. "I have never seen so much diversity, so much potential in terms of product development,"<sup>11</sup> said Josée Bourgoin, coordinator of this initiative.

11 Television interview by Katherine Brulotte, "La région de Bellevue se prépare pour une opération séduction grâce à sa géographie et à ses produits du terroir," *Le Téléjournal / Saskatchewan*, aired May 7, 2008. On-line version ([www.radio-canada.ca/regions/Saskatchewan/Tele/Chroniques/terroir\\_29600.shtml](http://www.radio-canada.ca/regions/Saskatchewan/Tele/Chroniques/terroir_29600.shtml)) consulted March 31, 2010. In French only.



MICHEL NOËL, WALDHEIM



It is this type of innovative project, supported by local leaders and associations as well as their employees and volunteers, that celebrates the successes of Canada's small official language communities and contributes to their vitality. Michel Noël, who owns an orchard in northern Saskatoon, is one of those local leaders who gets involved in his community.

However, for these initiatives to work, the federal government must give them the solid, sustained and timely support they need. Without this support, community organizations can rapidly find themselves in a precarious situation, which ultimately weakens small official language communities.

It is of serious concern to observe that, in 2009–2010, serious problems hindered the signing of agreements between federal institutions and community organizations representing English-speaking communities in Quebec or Francophone minority communities in Canada.

### PARALYZING DELAYS

Anglophone residents in various parts of Quebec, especially those who live in remote regions, often find it difficult to access health care and social services in their language.

## WIN-WIN PROJECTS

The *Projet d'alternative de développement rural : le terroir* shows that the energy of official language minority communities benefits everyone, including the linguistic majority communities in each province and territory. In fact, this unifying project recognizes the importance, especially in economic terms, of building solid bridges between Saskatchewan's Francophone, Métis, Aboriginal and Anglophone communities.<sup>12</sup>

To mitigate this problem, the Community Health and Social Services Network (CHSSN), a federally-funded organization, supports Quebec English-speaking communities in designing and carrying out projects that meet their most urgent health and social service needs.

For instance, CHSSN recently worked with an organization called *Vision Gaspé-Percé Now* to raise awareness among Anglophone Gaspé Peninsula youth of the dangers of drugs and alcohol. "The program has become so popular, that teachers have requested the program be run every six weeks at their school,"<sup>13</sup> said Cynthia Patterson, who helped implement the Drug Alcohol Multidisciplinary Intervention Team.

Across the St. Lawrence River, CHSSN supports the efforts of the Coasters Association of the Lower North Shore and the Centre de santé et de services sociaux de la Basse-Côte-Nord in order to open a day centre offering English-language services to seniors in this vulnerable community of the region.<sup>14</sup>

12 Assemblée communautaire fransaskoise, *Développement du terroir*, project presentation document, Regina, undated. In French only.

13 Community Health and Social Services Network, *Equitable Access to Health and Social Services to Enhance the Vitality of English-Speaking Quebec*, prospectus, Québec City, 2009. On-line version ([www.chssn.org/Document/Download/Prospectus\\_Eng.pdf](http://www.chssn.org/Document/Download/Prospectus_Eng.pdf)) consulted March 31, 2010.

14 Community Health and Social Services Network, *Community Health Promotion Projects*. On-line version ([www.chssn.org/En/Support\\_Networking/regions2/09\\_Cote-Nord.html](http://www.chssn.org/En/Support_Networking/regions2/09_Cote-Nord.html)) consulted March 31, 2010.

Thanks to its network of 60 members and to the 40 projects that it has undertaken since 2000, the CHSSN has had a marked impact on the quality of life of Quebec Anglophones. It is crucial an organization such as this one promptly receive the funding that the federal government has committed to contributing.

However, in 2009–2010, the promised government funding came very close to arriving too late for the CHSSN. Due to this delay, McGill University nearly had to abandon an important CHSSN project aimed at the training and retention of Quebec health professionals who can communicate with patients and their families in English; the project was only saved by last-minute discussions five months after the

beginning of the fiscal year. The CHSSN also came very close to having to take drastic economic measures that would have had a negative impact on its capacity to help English-speaking Quebecers benefit from the implementation of Health Canada's action plan.

#### **A PERSISTENT PROBLEM**

The CHSSN is not the only example where delays in signing or renewing agreements nearly had—or already did have—a negative impact on the vitality of official language communities. This problem, which became particularly acute in 2009–2010, was examined by the House of Commons Standing Committee on Official Languages.

### **WHEN THE FEDERAL GOVERNMENT STANDS IN THE WAY OF ITS OWN COMMITMENTS**

In 2009–2010, the House of Commons Standing Committee on Official Languages found, in a report on the issue of collaboration agreements, that “the impacts of the time taken to approve applications and to pay the authorized amounts are serious and directly threaten the ability of community organizations to accomplish their mission. These delays add to the administrative burden of the accords in a context in which organizations have to manage a very high staff turnover rate and exhausted volunteers.”<sup>15</sup>

“In some instances, the organizations have to turn down potential funding because they received an answer too late and they could not move forward and achieve the desired results. Ultimately, by making it more difficult for organizations to achieve results in their projects, the federal government is damaging its own commitment to community development.”<sup>16</sup>

<sup>15</sup> House of Commons Standing Committee on Official Languages, *The Impact of Approval and Payment Delays on Department of Canadian Heritage Recipient Organizations*, report, Ottawa, 2009, p. 2. On-line version ([http://dsp-psd.tpsgc.gc.ca/collection\\_2009/parl/XC60-402-1-1-02E.pdf](http://dsp-psd.tpsgc.gc.ca/collection_2009/parl/XC60-402-1-1-02E.pdf)) consulted March 31, 2010.

<sup>16</sup> House of Commons Standing Committee on Official Languages, *The Impact*, p. 6.

In fact, this issue remains as fraught today as it was when the Standing Committee on Official Languages examined it for the first time in 2008.<sup>17</sup>

In a presentation given on October 1, 2009, Marie-France Kenny, President of the Fédération des communautés francophones et acadienne (FCFA) du Canada, explained the troubling results of a survey of 65 community organizations supported by Canadian Heritage and of 16 others that receive funding from other federal departments.<sup>18</sup>

The FCFA reports that, for example, between April 2009 and September 2009, delays forced 59 of the 81 organizations surveyed to rely on credit in order to continue their activities. At least 24 of these 81 organizations were also unable to renew an employee's contract, and at least 12 had to lay off a permanent employee.

These are major problems for small organizations that often have only two or three employees, and especially for the official language communities that depend on their services.

When an executive says that, due to a delay in funding, “a permanent position that is a priority for the sound operation of the association has not been filled for four months,” it is time to admit that, in Kenny's words, “these conditions are not the most conducive to improving life in French in our communities. [translation]”<sup>19</sup>

### FEDERAL FUNDING IS ALSO DELAYED IN QUEBEC

The Quebec Community Groups Network (QCGN) conducted a member survey similar to the one conducted by the Fédération des communautés francophones et acadienne du Canada. The survey found that, as of July 2009, none of the QCGN members had received funding approval from federal institutions for the year starting April 1. Consequently: “Organizations reported severe financial stress, reliance on credit, and non-payment to creditors. Programs were suspended.”<sup>20</sup>

17 See House of Commons Standing Committee on Official Languages, *The Collaboration Accords Between Canadian Heritage and The Community Organizations: an Evolving Partnership*, report, Ottawa, 2008. On-line version ([www2.parl.gc.ca/content/hoc/Committee/392/LANG/Reports/RP3597966/langrp05/langrp05-e.pdf](http://www2.parl.gc.ca/content/hoc/Committee/392/LANG/Reports/RP3597966/langrp05/langrp05-e.pdf)) consulted March 31, 2010.

18 Marie-France Kenny, *Gérer le risque ou créer des risques? L'impact des délais de financement pour les organismes des communautés francophones et acadiennes*, presentation to the House of Commons Standing Committee on Official Languages, Ottawa, 2009, blind folio. On-line version ([www.fcfa.ca/documents/090929CPLOCC-financement.pdf](http://www.fcfa.ca/documents/090929CPLOCC-financement.pdf)) consulted March 31, 2010. In French only.

19 Kenny, *Gérer le risque ou créer des risques?*

20 House of Commons Standing Committee on Official Languages, *Evidence*, Ottawa, October 6, 2009. On-line version ([www2.parl.gc.ca/HousePublications/Publication.aspx?Mode=1&Parl=40&Ses=2&DocId=4126192&File=0&Language=E](http://www2.parl.gc.ca/HousePublications/Publication.aspx?Mode=1&Parl=40&Ses=2&DocId=4126192&File=0&Language=E)) consulted March 31, 2010.

## **BARRIERS MUST BE ELIMINATED**

During his appearance before the House of Commons Standing Committee on Official Languages, the Minister of Canadian Heritage and Official Languages, the Honourable James Moore, said that he had “paid particular attention to the communities’ concerns about delays in processing applications and the weight of administrative processes” and is “committed to addressing these concerns.”<sup>21</sup> The Minister also announced that, under new service standards his government planned to

apply in 2010–2011, organizations that support the development of official language communities should receive 25% of their funding for the fiscal year by April 1.

The Commissioner recognizes that the Minister of Canadian Heritage and Official Languages is committed to taking the measures that are necessary to avoiding delays and shortening administrative processes in order to solve problems that affect the well-being of official language communities.

### **RECOMMENDATION**

**The Commissioner recommends that the Minister of Canadian Heritage and Official Languages report, by March 31, 2011, on the actions that he has taken to speed up the signing and implementation of collaboration agreements and other agreements between the federal government and official language minority communities. The Minister is asked to indicate in his report how he has ensured that community organizations receive one quarter of their funding by April 1 of each fiscal year.**

<sup>21</sup> House of Commons Standing Committee on Official Languages, *Evidence*, Ottawa, October 29, 2009. On-line version ([www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4189203&Mode=1&Parl=40&Ses=2&Language=E](http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4189203&Mode=1&Parl=40&Ses=2&Language=E)) consulted March 31, 2010.

## ACCELERATING THE IMPLEMENTATION OF THE ROADMAP 2008–2013

The *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* is the cornerstone of the federal official languages strategy. According to this plan, the government will devote \$1.1 billion by 2013 to strengthening Canada's linguistic duality.

The Commissioner is disappointed that the programs set out in the Roadmap 2008–2013 have been slow to start or are still not off the ground. For example, the following initiatives did not receive any funding during the first year (2008–2009):

- Cultural Development Fund (Canadian Heritage);
- Youth Initiatives, which promotes second-language learning (Canadian Heritage);
- National Translation Program for Book Publishing (Canadian Heritage);
- Support to Francophone Immigration in New Brunswick (Atlantic Canada Opportunities Agency);
- Economic Development Initiative (Canadian Northern Economic Development Agency).

During the first year, the economic development agencies have also received very little funding for official language minority community development projects. Such is the case for the following organizations:

- Federal Economic Development Initiative in Northern Ontario (FedNor);
- Economic Development Agency of Canada for the Regions of Quebec.

The implementation of the Roadmap 2008–2013 has however been positive in other respects. For example, the Commissioner is satisfied that this year, the government has adopted a new horizontal results-based management and accountability framework, which clearly sets out how it plans to coordinate the implementation of the Roadmap 2008–2013 and report on its achievements.<sup>22</sup>

<sup>22</sup> Canadian Heritage, "Table 5: Horizontal Initiatives", *2008–2009 Departmental Performance Report*.  
On-line version ([www.tbs-sct.gc.ca/dpr-rmr/2008-2009/inst/pch/st-ts05-eng.asp](http://www.tbs-sct.gc.ca/dpr-rmr/2008-2009/inst/pch/st-ts05-eng.asp)) consulted March 31, 2010.

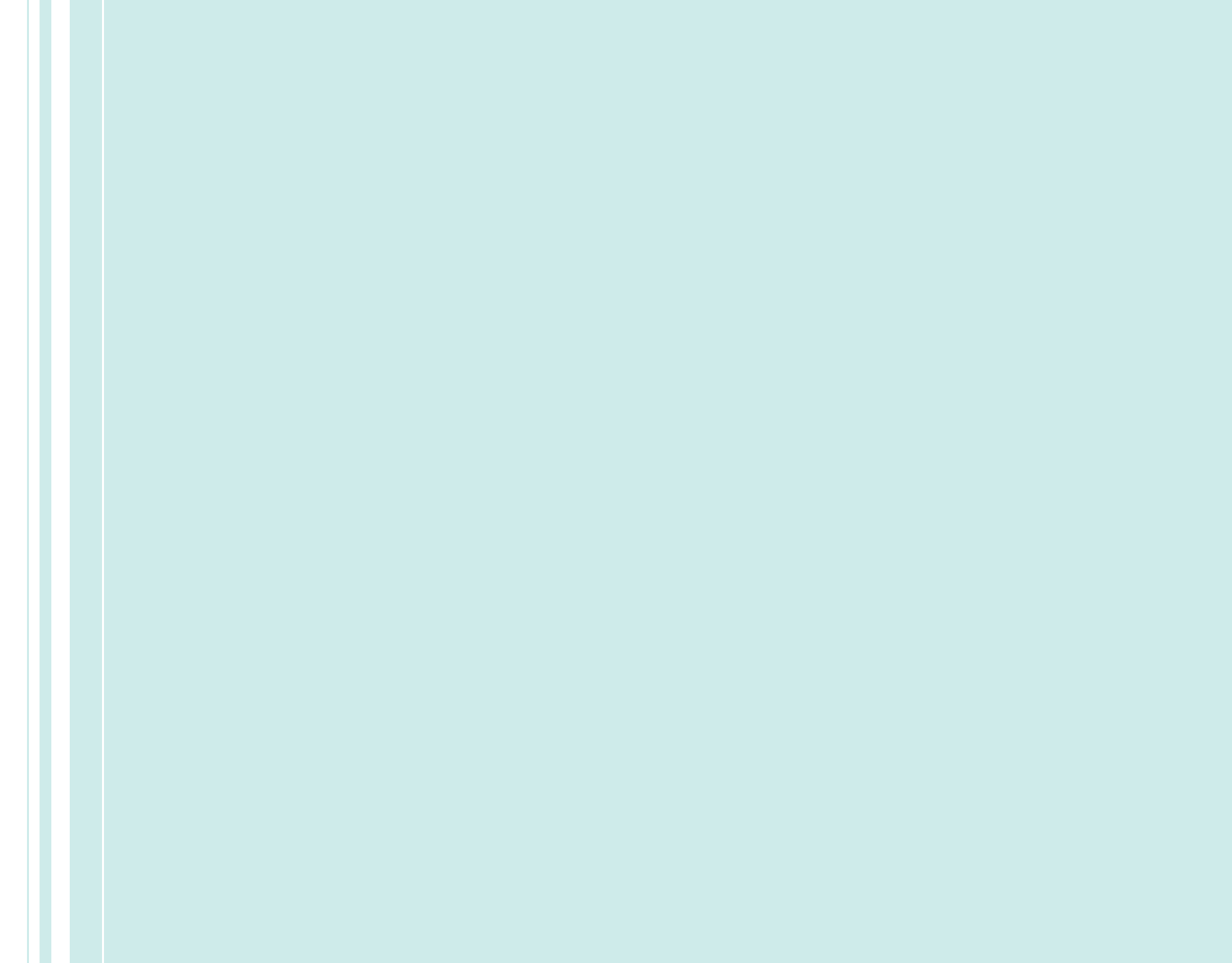
## **BUILDING ON THE 40TH ANNIVERSARY OF THE *OFFICIAL LANGUAGES ACT***

In 2009–2010, the year marking the 40th anniversary of the *Official Languages Act*, many federal institutions have shown that they understand that strengthening Canada's linguistic duality is an integral part of their responsibilities.

They must continue their work in 2010–2011—the fifth anniversary of the amendment to Part VII of the Act, which stipulates that all federal institutions have the legal duty to take positive measures to ensure that English and French have equal status in Canadian society. Other institutions that have been slow to take measures to enhance the vitality of communities, promote the learning of official languages, or sustain a productive dialogue between Anglophones and Francophones must be more decisive in their actions.

For this to happen, it is important that the federal government take the necessary measures over the next year to:

- accelerate the process of reviewing and managing funding applications from organizations that work to support the development of official language communities and promote linguistic duality;
- accelerate the implementation of the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future*. This implementation must be done in cooperation with official language communities so that the efforts made will have a genuine impact on the promotion of linguistic duality;
- encourage its provincial and territorial partners to consult stakeholders affected by the issue of second-language and minority-language instruction;
- continue a constructive dialogue with actors at different levels of government or civil society who help to strengthen linguistic duality, one that will help identify strategies for the effective implementation of Part VII of the *Official Languages Act*.



## CHAPTER 2

# THE FEDERAL GOVERNMENT MUST GET BACK ON COURSE

### GOVERNANCE MATTERS!

Governance, meaning the “way to direct, guide and coordinate the activities of a country, region, social group or private or public organization [translation],”<sup>1</sup> is an abstract concept that does little to inspire everyday people. However, governance plays a vital role in official languages, as it does in other areas.

The changes made by the various levels of government in how they manage the official languages file have a concrete and often significant impact on the Canadian public, especially official language communities.

<sup>1</sup> Office québécois de la langue française, “Gouvernance,” *Grand dictionnaire terminologique*, 2003. On-line version ([www.granddictionnaire.com](http://www.granddictionnaire.com)) consulted March 31, 2010. In French only.



STEPHANIE VANDERPOOL, OTTAWA



The impact of these changes is sometimes negative. For instance, a few years ago the federal government decentralized the management of Canada's major airports. As a result of this change, compliance with the principle of the equal status of English and French in Canada has decreased.

However, the impact can also be positive. For example, the collaborative approach adopted by the Government of Nunavut to establish new official languages legislation may significantly contribute to improving the language situation in the territory.

It is worrisome that the federal government did not apply all of the principles of what is known as "sound public governance" when it reorganized the Treasury Board Secretariat's roles pertaining to official languages. (See text box on pages 18 and 19.)

These governance changes do not necessarily mean that linguistic duality will be weakened or that official language communities will have more difficulty fully exercising their language rights, but the risk is increased. To avoid such an outcome, the federal government must quickly address some major flaws that have not, as of yet, been given enough attention.

## COMMUNITIES ARE AWARE OF THE ISSUES

Official language minority communities are fully aware of the issues associated with the federal government's adherence to the principles of good governance in the area of official languages. This is demonstrated in the Fédération des communautés francophones et acadienne du Canada's examination of the issue in an important report released in November 2009 entitled *The Implementation of the Official Languages Act: A New Approach—A New Vision*.<sup>2</sup>

The Commissioner is aware that the concept of "one size fits all" does not apply to governance. Various approaches, such as the decentralization or centralization of certain roles, can produce good results.

It is all a matter of context, and above all, leadership, commitment and quality of execution.

<sup>2</sup> Fédération des communautés francophones et acadienne (FCFA) du Canada, *The Implementation of the Official Languages Act: A New Approach—A New Vision*, Ottawa, 2009. On-line version ([www.fcfa.ca/documents/doc\\_LLO\\_ENG.pdf](http://www.fcfa.ca/documents/doc_LLO_ENG.pdf)) consulted March 31, 2010.

## PRINCIPAL ELEMENTS OF GOOD GOVERNANCE

In its work on public governance, the Organisation for Economic Co-operation and Development defines the principal elements of good governance as follows:<sup>3</sup>

- **Accountability:** government (particularly ministers and senior officials) is able and willing to “show the extent to which its actions and decisions are consistent with clearly-defined and agreed-upon objectives.”
- **Transparency:** the actions and decision-making processes of ministers and federal organizations are open to scrutiny by “other parts of government, civil society and, in some instances, outside institutions and governments.”
- **Efficiency and effectiveness:** government strives to provide citizens with quality services that are based on their needs, and ensures that these outputs meet stated objectives.
- **Responsiveness:** government has the capacity and flexibility to respond to societal changes, take into account the expectations of its various constituents, and critically re-examine the role of the State.
- **Forward vision:** government is able to anticipate future problems and issues based on current data and trends and to “develop policies that take into account future costs and anticipated changes.”
- **Rule of law:** “government enforces equally transparent laws, regulations and codes.”

<sup>3</sup> Organisation for Economic Co-operation and Development. *Principal Elements of Good Governance*.  
On-line version ([www.oecd.org/document/32/0,3343,en\\_2649\\_33735\\_1814560\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/32/0,3343,en_2649_33735_1814560_1_1_1_1,00.html)) consulted March 31, 2010.

The Office of the Commissioner of Official Languages believes these principles are applicable as follows:

- According to the accountability principle, all federal institutions and their representatives must account for how they apply the *Official Languages Act*.
- According to the principles of transparency and responsiveness, the federal government must consult departments and agencies, as well as key actors within Canadian society, when it plans to make significant changes to the way it manages issues pertaining to linguistic duality.
- According to the efficiency and effectiveness principle, federal institutions must, at all times, have the resources they need in order to provide services of equal quality in English and French to all Canadians. New responsibilities must therefore come with matching resources.

## WHEN AIRPORTS NEGLECT THE RIGHTS OF THE PUBLIC

The quality of the governance framework that the Canadian government establishes in order to manage its activities can have a real impact on Canadians' right to receive government services in the official language of their choice.

This impact can be seen in most of Canada's major international airports, where, too often, the public can only receive services in one of the two official languages. Under the *Official Languages Act*, these institutions should ensure that services are provided to the public in both English and French.

This unfortunate situation stems from a variety of factors, but much of it is rooted in the fact that, in the 1990s, the federal government transferred operational responsibility of all of Canada's major airports to arm's-length airport authorities. Unfortunately, the Canadian government did not, at the time, adopt regulations, policies or guidelines clarifying how the airport authorities were to implement their language obligations to the public.

Consequently, almost all the airport authorities give the provisions of the *Official Languages Act* a more limited scope than the Canadian government did

when it was managing these facilities. The airport authorities believe that they have language obligations to the traveling public, but not to the general public. They also believe that individuals only become travelers when they enter the area restricted to travellers; before accessing this area, they move around the airport as ordinary visitors without any language rights.

The Winnipeg Airport Authority has been slow to produce a French version of its Web site. The Greater Toronto Airports Authority announced its last annual general meeting in both languages, but the meeting was conducted in English only. This

airport authority also failed to publish its 2008 annual report in French. As for the Vancouver International Airport Authority, in 2009, it put up signs for the new Public Observation Area providing information in only one of the two official languages. Each airport gives the responsibility for official languages to a different department. There is therefore no consistency.

As the Treasury Board Secretariat does not have the responsibility to oversee the efforts of Canadian airports in offering services to the public in both English and French, only the leadership of airport officials can ensure the equal use of both official languages.

## **PUBLIC SIGNAGE IN BOTH OFFICIAL LANGUAGES: A VITAL ISSUE**

The issue of public signage in both official languages in Canada's major international airports is an important one. Rodrigue Landry, Executive Director of the Canadian Institute for Research on Linguistic Minorities, pointed out that: "commercial and public signage together constitute the linguistic landscape of a region. The linguistic landscape distinguishes an area, marks the presence of a linguistic community, and gives status to each language. Commercial and public signage . . . is one of the greatest determinants of subjective vitality for members in our communities . . . [translation]"<sup>4</sup>

<sup>4</sup> Rodrigue Landry, *Diagnostic sur la vitalité de la communauté acadienne du Nouveau-Brunswick*, Petit-Rocher, 1994. On-line version ([www.sanb.ca/?!d=215](http://www.sanb.ca/?!d=215)) consulted March 31, 2010. In French only.

## NUNAVUT CHANGES THE RULES

Nunavut recently demonstrated that implementing the principles of good governance can produce results.

In 2000, the Legislative Assembly of Nunavut set up a special committee to provide the territory with new language legislation. The Assembly believed that its *Official Languages Act*, which Nunavut inherited from the Northwest Territories, did not properly address the needs of its people.

As part of this initiative, the Government of Nunavut made sure to invite all of the language communities affected by the project, including the Francophone community, so they would be closely involved in the creation of the new language legislation.

The call for collaboration had a tremendous impact on the language situation in place, as explained by Daniel Cuerrier, former Executive Director of the Association des francophones du Nunavut, when he appeared before the Standing Senate Committee on Legal and Constitutional Affairs:

“So what happened is that the Government of Nunavut called us and said, ‘We are in the process of drafting an official languages act because we want good legislation that meets the needs of the inhabitants of Nunavut, and would you like to participate?’ What a great idea! Yes, we came on board. I am describing this as if it was very easy. But that is not true. . . . but we kept on talking to each other and we finally reached an agreement, we made progress and we moved forward together. . . . We are in a situation where we think . . . [w]e are considered partners, full-fledged human beings, and citizens who are worthy of living in Nunavut and working in partnership with territorial organizations.”<sup>5</sup>

5 Standing Senate Committee on Legal and Constitutional Affairs, *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, Ottawa, June 10 and 11, 2009, Issue 11. On-line version ([www.parl.gc.ca/40/2/parbus/commbus/senate/com-e/lega-e/11ev-e.htm?Language=E&Parl=40&Ses=2&comm\\_id=11](http://www.parl.gc.ca/40/2/parbus/commbus/senate/com-e/lega-e/11ev-e.htm?Language=E&Parl=40&Ses=2&comm_id=11)) consulted March 31, 2010.



DANIEL CUERRIER, NUNAVUT

## A YEAR OF MAJOR CHANGES

Because governance matters for official languages, as shown in the examples above, one may wonder how Canadians will be affected by the federal government's recent decisions in this area.

The year 2009 started with the abolition of the Canada Public Service Agency, as well as the transfer of its responsibilities and of the Centre of Excellence for Official Languages to a new organization, the Office of the Chief Human Resources Officer, within the Treasury Board Secretariat.

The Office of the Chief Human Resources Officer took over the various official languages responsibilities. It is now this organization that establishes the terms according to which federal institutions must provide their services in both official languages, maintain a work environment that is conducive to the use of both English and French and ensure full participation of both language groups in the Public Service.

To perform its role as a leader in the development and monitoring of official languages policies, the Office of the Chief Human Resources Officer relies on one of its components, the Centre of Excellence for Official Languages.

However, it is hard to avoid thinking that excellence no longer has the same importance. The Centre of Excellence for Official Languages has seen a considerable drop in its workforce in recent years: the number of employees went down from 30 to 13 from 2008 to 2009 (a decrease of almost 60%), while the Official Languages Branch had 74 in 2006. Sometimes, less is less. The Centre of Excellence for Official Languages also underwent a major restructuring of its activities in August 2009.

It continues to conduct some key official languages activities for the Treasury Board Secretariat, such as:

- developing official languages policy instruments;
- managing the *Official Languages (Communications with and services to the public) Regulations*;
- providing an interpretation of official languages policies when an issue concerns more than one federal institution;
- facilitating the work of groups such as the Departmental Advisory Committee on Official Languages;
- monitoring the implementation of the official languages program;
- preparing the Annual Report on Official Languages.



However, the Treasury Board Secretariat no longer performs some of the important roles it did in the past. For one, it no longer deals with federal institutions through the use of experts on official languages issues (portfolio managers). It no longer provides interpretation of the *Official Languages Act* or of policies related to official languages issues that have an impact on only one institution. Furthermore, due to a lack of resources, it no longer acts as a leader promoting bilingualism at the launch of the Rendez-vous de la Francophonie within the federal public service, and it no longer performs the task of identifying official languages best practices.

The Treasury Board Secretariat's reduced role and the significant drop in its workforce reflect the federal government's desire to make individual institutions more accountable for their actions in human resources and, by extension, in terms of official languages.

As in the past, government deputy heads are responsible for ensuring that the letter and the spirit of the *Official Languages Act* are respected within their own institution. They are also responsible for innovation in linguistic duality and for reporting on how their institution fulfills its official languages obligations. However, to meet their obligations, they can no longer depend on the same support that the Centre of Excellence for Official Languages used to provide.

## A RISKY GOVERNMENTAL APPROACH

It is still too early to determine the final impact that this past year's changes will have on linguistic duality. However, the federal government does not seem to have set off on the right foot with its transformational project.

First, the federal government took action without consulting all the parties likely to be affected by the changes, in particular the departmental official languages coordinators and Anglophone and Francophone community representatives. This runs counter to the principles of good governance (and sound change management) and is a missed opportunity: The Nunavut example shows that meaningful consultation, without guaranteeing the long-term success of a transformation, can positively influence its outcome.

Secondly, there is a real risk that the decentralization initiated and the reduced role and workforce of the Treasury Board Secretariat's Centre of Excellence for Official Languages could lead some federal institutions to interpret the *Official Languages Act* very narrowly.

While it is true that, in terms of governance, decentralization is neither inherently good nor inherently bad, the decentralization of the airports' management clearly showed that it can result

in a step backwards in the delivery of bilingual services to the public, especially when the government fails to take measures to adequately define, monitor and support those responsible for implementing the *Official Languages Act*.

Thirdly, a number of official languages champions in federal departments and agencies fear that the massive loss of expertise at the Treasury Board Secretariat will have a significant impact on the institution's ability to effectively implement the *Official Languages Act*. Based on the way the federal government is currently implementing these changes, it does not seem concerned about the fact that federal institutions will have to develop their own official languages expertise, which could take years.<sup>6</sup>

Finally, there is cause for concern about the Treasury Board Secretariat's true capacity to fulfill certain roles it has played in the past and continues to play.

Today, one wonders whether the Treasury Board Secretariat possesses the expertise or workforce required in order to: lay the groundwork for the 2011 census; analyze the impact of the census results on the rights of citizens and communities to receive public services in the official language of their choice; and develop official language policies and implementation

<sup>6</sup> Paul Gaboury, « La moitié des postes abolis au Centre d'excellence des langues officielles, » *Le Droit*, Ottawa, October 2, 2009.

On-line version ([www.cyberpresse.ca/le-droit/actualites/fonction-publique/200910/02/01-907842-la-moitie-des-postes-abolis-au-centre-dexcellence-des-langues-officielles.php](http://www.cyberpresse.ca/le-droit/actualites/fonction-publique/200910/02/01-907842-la-moitie-des-postes-abolis-au-centre-dexcellence-des-langues-officielles.php)) consulted March 31, 2010. In French only.



principles for these policies that are suited to the circumstances. In the current context, the Treasury Board Secretariat faces certain challenges reporting to Parliament on how federal institutions are complying with the *Official Languages Act*.

Ultimately, official languages specialists from the Treasury Board Secretariat, as well as federal departments and agencies, are doing their best to support linguistic duality in Canada. They are enthusiastic. However, there are clear limits as to what they can accomplish when major governance problems exist.

### **NOT TOO LATE TO GET BACK ON COURSE**

Having drifted off course does not mean we cannot still reach our destination. The changes made by the federal government to official languages governance could still have a positive (or neutral) impact if some significant issues are addressed quickly.

First, the federal government should put measures in place to ensure that federal institutions and their senior management fully meet their official languages responsibilities.

Then, the federal government should ensure that federal institutions have the necessary means, at all times, to perform their official languages roles effectively. As set out in the provisions of the Act, all Canadians, including members of official language communities, are entitled to services of equal quality in the official language of their choice and should not pay the price for the potential deterioration of Canada's fiscal climate and future reviews of federal departments' and agencies' programs.

Lastly, by demonstrating increased leadership, federal government managers can mitigate the risk that the recent changes to official languages governance will have a negative impact. As Professor Donald Savoie from the Université de Moncton put it, "structures, the machinery of government and the requirements of policy matter. But so do the individuals. Indeed, a highly motivated, highly respected and highly competent manager will make a difference in promoting official languages policy . . ."7

"[N]o changes to the machinery of government can ever compensate for a lack of political commitment."<sup>8</sup> Still, a very strong commitment of this type could correct the implementation of flawed changes.

7 Donald J. Savoie, *Horizontal Management of Official Languages*, report, Ottawa, 2008, p. 14. On-line version ([www.officiallanguages.gc.ca/docs/e/HorizontalManagement.pdf](http://www.officiallanguages.gc.ca/docs/e/HorizontalManagement.pdf)) consulted March 31, 2010.

8 Savoie, *Horizontal Management of Official Languages*, p. 17.

## DECENTRALIZATION OR EROSION?

In the coming months, the Commissioner of Official Languages will closely monitor the impact that the changes made in 2009–2010 will have on the quality of services provided to Anglophones and Francophones and on the vitality of official language communities. However, in terms of governance, he will adopt a broader view of the situation.

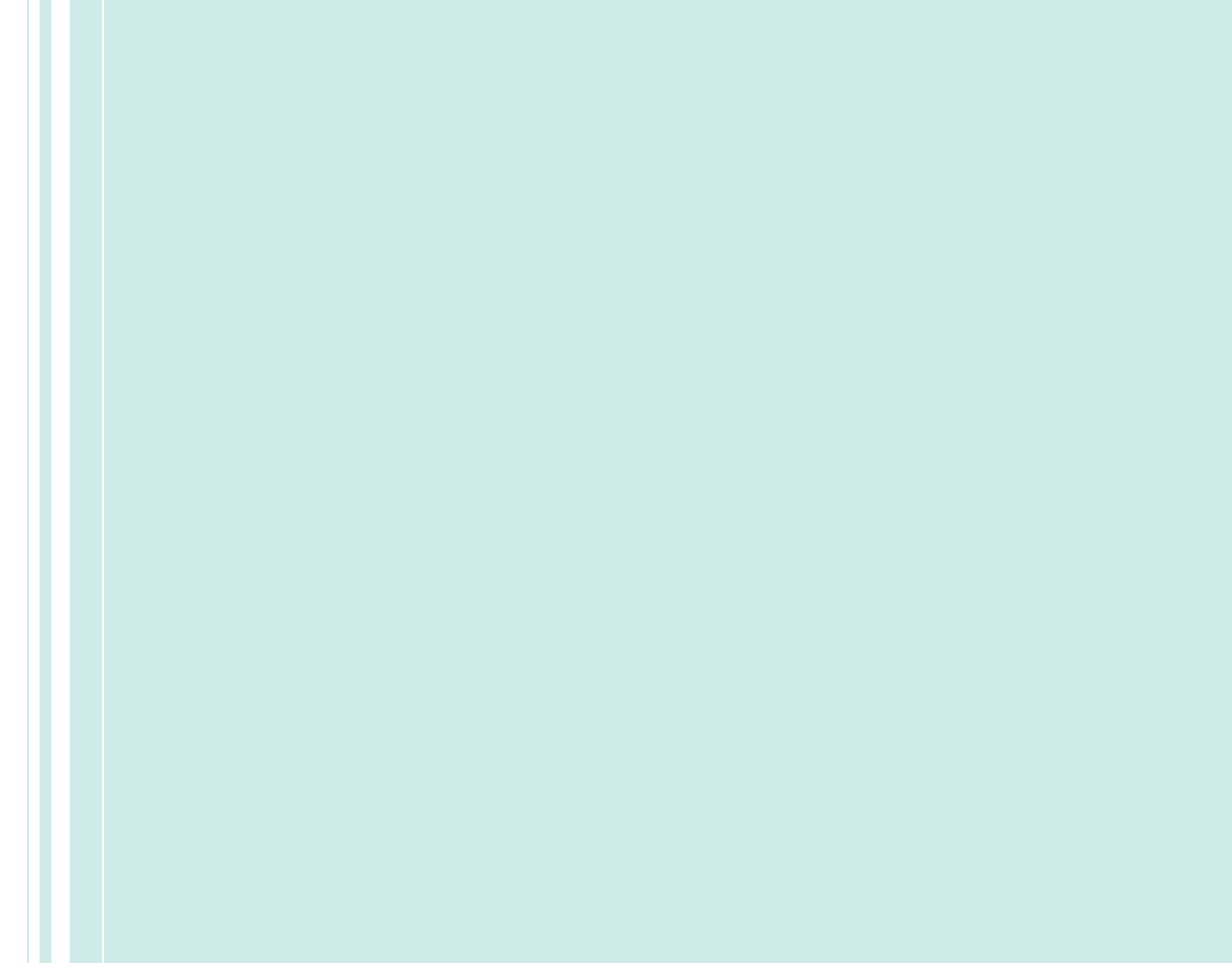
The Government of Canada is engaged in a process of decentralizing or privatizing some of its activities and transferring some of its areas of competence to other levels of government over the next few years. These changes could have a positive or neutral impact on official languages. However, it is crucial that the federal government implement these changes while complying with the principles of good governance. Decentralization must not mean erosion.

The Commissioner of Official Languages expects that, before taking action in the future, the federal government first consult all key players that would be affected by any changes to the structure of official languages governance. The Commissioner also expects that any decentralization or privatization or any shift in responsibility be accompanied by the adoption of measures that will enable all parties concerned to continue to effectively fulfill their official languages obligations.

Lastly, when making these types of changes, the federal government must also ensure that central agencies can continue to properly play their key role as coordinators and agents of change. For decentralization without continued vigilance results in the abandonment of rights and services.

### RECOMMENDATION

**The Commissioner of Official Languages recommends that the Prime Minister take all required measures to ensure that new initiatives in alternative modes of service delivery (privatization; partnership or decentralization agreements) do not adversely affect the language rights of Canadians—in particular, members of official language minority communities.**



## CHAPTER 3 LEADERS WANTED

### TWO INSPIRING STORIES<sup>1</sup>

#### JANET BAX: “FRENCH HAS ALWAYS BEEN PART OF MY LIFE.”

There is no need to convince Janet Bax, executive director of the Federal Healthcare Partnership Secretariat at Veterans Affairs Canada, of the importance of linguistic duality for Canadian society. For this English-speaking senior manager working in Ottawa, knowledge of languages and cultures is an invaluable personal and professional asset.

“I was born in Africa to a British father and a Canadian mother,” says Bax. “From childhood, my mother insisted that I learn to speak Swahili, the vehicular language of Tanzania. But she also wanted me to be fluent in French, the other official language of her homeland. So, French has always been part of my life, in school and university as well as at home and at work.”

“My knowledge of French quickly opened doors,” continues Bax. “When I graduated from Glendon College at York University, the Government of Ontario offered me exciting positions at the Ontario-Quebec Commission for

<sup>1</sup> The quotes attributed to Janet Bax and Lissette Bonilla in this chapter are based on telephone interviews conducted by the Office of the Commissioner of Official Languages on February 26, 2010.



JANET BAX, OTTAWA

Cooperation, then at Ontario House in Brussels. Later, because I was bilingual, the Department of Foreign Affairs and International Trade gave me the responsibility of promoting Canadian studies around the world, and then of promoting our country's Anglophone and Francophone cultures in the United States."

"The duties that I carried out at the beginning of my career, such as those that I later took on at various federal institutions like

Canadian Heritage and Environment Canada, convinced me that Canada must be able to depend on a public service that can understand and serve its two official language communities."

"For this reason," says Bax, "managers must do everything in their power to create, within their department or agency, a workplace where learning and using English and French is valued."

### WHAT DOES THE *OFFICIAL LANGUAGES ACT* SAY?

Part V of the *Official Languages Act* states that "English and French are the languages of work in all federal institutions." Under the Act, federal employees in designated bilingual regions have the right to work in the official language of their choice, regardless of the language designation of their position.<sup>2</sup> The regions designated bilingual are:

- the National Capital Region;
- parts of Northern and Eastern Ontario;
- the bilingual region of Montréal;
- parts of the Eastern Townships, the Gaspé Peninsula, and Western Quebec;
- the province of New Brunswick.

In concrete terms, this right means that employees can choose to be supervised in English or in French, can receive personal and central services in their preferred official language, and can have access to widely used software and other work tools in both official languages.

Similarly, senior managers at federal institutions are responsible for creating and maintaining a workplace that is conducive to the effective use of both official languages. They must also be able to work in both English and French.

It is worth noting that the language-of-work rights guaranteed under the Act are subject to certain guidelines. First, since the duty of federal government employees is to serve the Canadian public, the public's right to use the official language of their choice when dealing with the federal government has precedence over public servants' right to use the official language of their choice at all times. In addition, the right of employees to be supervised in the official language of their choice has precedence over the right of their supervisors to work in either English or French.

<sup>2</sup> This interpretation of the *Official Languages Act* is the one held by the Office of the Commissioner of Official Languages. It differs from the Treasury Board Secretariat's interpretation, which maintains that only employees holding bilingual positions in designated bilingual regions have the right to work in the official language of their choice.



LISSETTE BONILLA, MONTRÉAL

**LISSETTE BONILLA: “EVERYONE HERE FEELS FREE TO USE THE LANGUAGE OF THEIR CHOICE.”**

Lissette Bonilla has worked in the federal public service for 14 years. A manager at the Montréal office of Citizenship and Immigration Canada, an office where nearly all positions are designated bilingual, Bonilla is fluent in three languages: Spanish, her mother tongue; French, her first official language; and English, her second.

For Bonilla, language skills are an extraordinary asset: “Both Anglophones and Francophones can have rewarding careers in the public service, but bilingualism can certainly help an employee move up in government.”

“Fortunately,” she adds, “the federal government really gives its employees opportunities to improve their knowledge of their second official language.” For instance, it provides access to courses and other training tools. “Becoming bilingual takes effort; sometimes you have to work on it outside of office hours, but the necessary support does exist,” says Bonilla.

The government also supports its employees by providing them with an environment that is conducive to the use of their second official language. “I learned a lot of English ‘on the job,’” notes Bonilla, “by watching television or reading in English at home, but also by taking advantage of the fact that I worked with Anglophones and could practise with them.”

As a middle manager, Bonilla plays a major role in creating a truly bilingual work environment at the Montréal office of Citizenship and Immigration Canada. This includes assisting her director (and official languages champion) in this task.

“I really get the impression that everyone here feels free to use the language of their choice with their colleagues or superiors,” says Bonilla. “For example, some of my peers speak English to me and I speak French back to them. In over a decade, I have never had any real problems in this area.”

## THERE IS STILL A LOT OF WORK TO DO

As the stories of Janet Bax and Lissette Bonilla show, the state of English and French as languages of work in the federal government can indeed reflect the vision set out by legislators in the *Official Languages Act* and by the Commissioner in his 2008–2009 annual report, which celebrated the 40th anniversary of the Act.<sup>3</sup>

According to this vision, federal employees should be proud to work in an environment that values and encourages the use of both official languages. By encouraging employees to use the official language of their choice at work, senior management sends the message to all managers and employees of the institution that English and French are on an equal footing.

However, the Government of Canada is still far from having eliminated all the obstacles that hinder the full recognition and use of English and French as languages of work in the public

## OFFICIAL BILINGUALISM IN THE PUBLIC SERVICE: TOWARDS A MORE EFFECTIVE WORKFORCE

“Citizenship and Immigration Canada policies are developed in Ottawa and, very often, draft documents that we are asked to read and improve are prepared in English only.

“Our office tries to make Head Office aware that, even though the *Official Languages Act* does not require these drafts to be produced in both languages, the majority of our employees use mostly French at work. As we are more comfortable in French, our comments are more detailed and our contribution more decisive when they communicate with us in French.

“Finally, the whole Department benefits when English and French are used on an equal footing by Head Office.”

**LISSETTE BONILLA, MANAGER IN MONTRÉAL**

service. In fact, the Office of the Commissioner’s studies since 2004 have shown that, in all designated bilingual regions, Anglophone and Francophone public servants in minority settings struggle to have all of their language rights recognized.

More specifically, English is still under-used in the Quebec offices of federal institutions. Conversely, there needs to be considerably more French in federal institutions in the National Capital Region and outside Quebec, as well as in communications between Government of Canada head offices and regional offices.

<sup>3</sup> Office of the Commissioner of Official Languages, *Annual Report 2008–2009: Two Official Languages, One Common Space: 40th Anniversary of the Official Languages Act*, Ottawa, 2009, p. 22. On-line version ([www.officiallanguages.gc.ca/docs/e/ar\\_ra\\_e.pdf](http://www.officiallanguages.gc.ca/docs/e/ar_ra_e.pdf)) consulted March 31, 2010.

The statistics that the Office of the Commissioner has collected with the help of Statistics Canada show that public servants in designated bilingual regions find they have access to tools in the language of their choice. However, a much lower number of public servants find themselves unable to use the language of their choice for writing purposes (see table below). They also too often find themselves at meetings where there is not enough opportunity for them to use the official language of their choice.

#### RESULTS OF THE PUBLIC SERVICE EMPLOYEE SURVEY ON LANGUAGE OF WORK<sup>4</sup>

	Anglophones (Rating in %*)	Francophones (Rating in %*)
<b>TOOLS</b> (availability in language of one's choice)	<b>83.58</b>	<b>83.34</b>
<b>SUPERVISION</b> (opportunity to use language of one's choice with supervisor)	<b>81.86</b>	<b>81.46</b>
<b>TRAINING</b> (availability in language of one's choice)	<b>67.35</b>	<b>81.92</b>
<b>WRITING</b> (ability to use language of one's choice)	<b>71.26</b>	<b>63.10</b>
<b>MEETINGS</b> (ability to use language of one's choice)	<b>69.10</b>	<b>67.09</b>
* Percentage represents the proportion of individuals in agreement or strongly in agreement with the statement presented to them.		

In the interest of public service employees and, ultimately, the Canadian public, these shortcomings can and must be addressed. To do this, federal institutions must show more rigorous commitment and leadership than what has been observed to date.

In the coming months and years, leaders of federal departments and agencies must send an unequivocal message that it is in no way personally or professionally detrimental for employees to fully exercise their language rights under the *Official Languages Act*.

This means that no public servant working in a bilingual region should worry about “rocking the boat” when choosing to write a memo in their official language rather than that of their superior or the majority of their colleagues. Along the same lines, employees should not believe that speaking English or French in a meeting could jeopardize their career or hinder the work environment. Finally, public servants should never have to lose their competency in their preferred official language due to a lack of opportunity to fully use this language in their professional activities. Supreme Court judges should not have to use English in their deliberations when one of them is unilingual English. This is why the Commissioner had expressed his support for Bill C-232.

<sup>4</sup> Statistics Canada, 2008 Public Service Employee Survey, Ottawa, May 2009.



## AN EYE-OPENING EXPERIENCE IN OTTAWA

“I spent a year in Ottawa. It was only during this brief period of my career at Citizenship and Immigration Canada that I experienced difficulty making full use of my first official language. Even though it was a designated bilingual region and 98% of the people around the table understood French, most of our meetings were held in English because one or two participants knew only English. I would have understood this situation in a unilingual English region, but in the National Capital Region, I found it unacceptable.”

LISSETTE BONILLA, MANAGER IN MONTRÉAL

## STRENGTHENING OFFICIAL BILINGUALISM IN THE PUBLIC SERVICE: POSSIBLE SOLUTIONS

There is no single solution that will quickly and easily transform the entire public service into a workplace where English and French are on an equal footing. Only a full range of measures would make it possible to improve the situation.

## LEADERSHIP IS KEY

In August 2008, the Clerk of the Privy Council and Secretary to the Cabinet signalled the importance of linguistic duality in the public service by asking Monique Collette, President of the Atlantic Canada Opportunities Agency, to report on new and practical approaches that would help “foster full recognition and use of Canada’s two official languages in the workplace.”<sup>5</sup>

Submitted in late 2009 after extensive consultations, Monique Collette’s report<sup>6</sup> sets out 10 approaches that senior management and federal departments and agencies could use in their efforts to promote English and French as languages of work.

The report shows that, for example, leadership on the part of senior managers is key to creating a truly bilingual workplace in the public service. When senior management views linguistic duality as an important value, “results are achieved.”<sup>7</sup>

But in terms of leadership, senior managers are not the only ones with the power to change things, according to Monique Collette. Middle managers, who serve as a link between senior management and front-line personnel, are also an important part of the success or stagnation of linguistic duality in the

5 Privy Council Office, *Sixteenth Annual Report to the Prime Minister on the Public Service of Canada*, Ottawa, 2009. On-line version ([www.pco-bcp.gc.ca/index.asp?lang=eng&page=information&sub=publications&doc=ar-ra/16-2009/rpt-eng.htm](http://www.pco-bcp.gc.ca/index.asp?lang=eng&page=information&sub=publications&doc=ar-ra/16-2009/rpt-eng.htm)) consulted March 31, 2010.

6 Monique Collette, *Workplace and Workforce Task Force—Compendium of Practical Approaches*, Ottawa, 2009. On-line version ([www.csps-efpc.gc.ca/pbp/pub/pdfs/ww-cpa-eng.pdf](http://www.csps-efpc.gc.ca/pbp/pub/pdfs/ww-cpa-eng.pdf)) consulted on March 31, 2010.

7 Collette, *Workplace and Workforce Task Force*, p. 5.

public service. In fact, they are the ones responsible for implementing government policies as well as for recruiting and coaching the next generation of public servants, and they “set the tone for the future evolution of the Public Service.”<sup>8</sup>

Like Monique Collette, the Commissioner believes that the leadership of senior managers in departments and agencies is an essential ingredient in strengthening English and French in the public service.

But what sets a leader apart? How does a good leader behave? What are the qualities of a good leader? How can we foster the development of leaders who can and want to vigorously implement the *Official Languages Act* in the workplace?

To answer these questions in concrete terms, the Commissioner has recently initiated a study on leadership in a bilingual public service. This study will make it possible to identify behaviours that would enable managers at all levels in departments and agencies to create a workplace that is conducive to the effective use of both official languages.

## THE ROLE OF A LEADER: PRACTICAL EXAMPLES

To give weight to her conviction that English and French must be on an equal footing in the public service, Janet Bax, Executive Director at Veterans Affairs Canada, begins each meeting that she chairs in both official languages and explicitly encourages her employees to use the official language of their choice.

Adds Lissette Bonilla, manager at Citizenship and Immigration Canada’s Montréal office: “We always send meeting agendas to the team in both languages. At meetings, all employees are encouraged to use the language of their choice, and I speak both English and French to show that I mean what I say. Both during and outside of our meetings, I always speak English to my Anglophone employees and French to my Francophone employees.”

<sup>8</sup> Collette, *Workplace and Workforce Task Force*, p. 6.

## THE POWER OF EXAMPLE

Albert Einstein once said: “*Setting an example is not the main means of influencing another, it is the only means.*” This is certainly true when it comes to official languages.

By actively using both official languages at work, managers at an organization or agency show their employees that using or learning English or French as a second language is an important value that benefits the institution.

Unfortunately, not all federal managers in bilingual workplaces use both English and French in an exemplary manner. In fact, by not using their second official language, a number of them set the wrong example for their colleagues and employees.

The Young Professionals Network of the Office of the Commissioner of Official Languages invited 45 federal employees working in the field of official languages to discuss this issue in February 2009, at a forum on the use of English and French as languages of work in the public service. According to forum participants, linguistic duality must be recognized as a value, rather than just a criterion to be satisfied or at times circumvented.<sup>9</sup>

Sometimes, senior officials at a department or agency weigh the language skills of management candidates less heavily than other selection criteria, such as education, experience, or

management skills. And sometimes, managers do not take advantage of all opportunities available to improve their second-language skills.

It is important to remember that it is not only desirable, but necessary for a manager or leader to have good second-language skills. In the federal government, “the most qualified person for a position is the one who meets all requirements, including those related to language proficiency.”<sup>10</sup>

The Commissioner believes that managers are responsible for acquiring and maintaining the language skills necessary to promote linguistic duality in the workplace, and that institutions are responsible for fully supporting managers’ efforts in this regard.

Along the same line, participants in the Young Professionals Forum on Language of Work expressed a desire for the federal government to require managers to undergo a new evaluation of their language skills every five years.<sup>11</sup>

The Commissioner believes that federal institutions should give managers who have just finished second-language training the opportunity to test and use their new knowledge and skills. For example, an English-speaking middle manager who just completed French training should have a prompt opportunity to manage a project whose team is primarily Francophone.

9 Young Professionals Network and Office of the Commissioner of Official Languages, *Report of the Young Professionals Forum on Language of Work*, event held on February 25, 2009, Ottawa, unpublished internal document, 2009, p. 3.

10 Young Professionals Network and Office of the Commissioner of Official Languages, *Report*, p. 5.

11 Young Professionals Network and Office of the Commissioner of Official Languages, *Report*, p. 4.

## AN ENGINE OF CHANGE

The participants of the February 2009 Young Professionals Forum on Language of Work emphasized the importance of periodically offering employees and managers, especially new recruits, introduction, training and awareness sessions on their language rights under the *Official Languages Act* and on related obligations.<sup>12</sup>

The language-of-work provisions of the Act are still poorly understood by the employees who are entitled to them or the managers who have to apply them.

Forum participants also stressed that public servants must not hesitate to assert their language rights and encourage managers to respect these rights. Having said this, hierarchies

do exist and it should not be the employee who must shoulder the burden of transforming a not-so-favourable institution, office or division into one that champions linguistic duality.

However, it is unquestionable, as Forum participants pointed out, that “[w]hen they choose to assert their rights, they are setting an example for others and can potentially have a considerable impact on the organizational culture by inspiring others to do the same.”<sup>13</sup>

## INNOVATE TO STAY ON COURSE

To promote the advancement of official languages in the public service, “creativity and innovation must be liberated,”<sup>14</sup> Monique Collette rightfully asserts in her report to the Clerk of the Privy Council.

## WHEN EMPLOYEES ARE AGENTS OF CHANGE

“By systematically using their preferred official language when addressing their superiors, employees themselves become the true leaders, the real agents of change.

“One of our receptionists is Francophone. When she addresses the public, this young woman obviously uses either English or French as required. But when she speaks with me, her supervisor, or with one of her colleagues, she never hesitates to use her own language. This is the type of behaviour that every federal public servant should proudly emulate and that every manager should encourage.”

**JANET BAX, VETERANS' AFFAIRS OFFICIAL LANGUAGES CHAMPION**

<sup>12</sup> Young Professionals Network and Office of the Commissioner of Official Languages, *Report*, p. 4.

<sup>13</sup> Young Professionals Network and Office of the Commissioner of Official Languages, *Report*, p. 4.

<sup>14</sup> Collette, *Workplace and Workforce Task Force*, p. 8.

In fact, federal institutions and central agencies must not hesitate to design, test and adopt promising new methods when traditional approaches fail to produce the expected results.

For example, we know that federal institutions must offer unilingual employees the second-language learning and development opportunities to which they are entitled. However, the Commissioner believes that, by working more closely with universities to strengthen the language skills of graduates seeking a career in the public sector, the Government of Canada could reduce the costs of official bilingualism in the public service.

As the Commissioner points out in the report *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*,<sup>15</sup> the government should seek to harmonize public service language requirements and university language tests. In addition, the Clerk of the Privy Council should foster better collaboration between universities and the public service with regard to official languages. One way of doing this is by ensuring that the initiative to pair university presidents with deputy ministers, which is led by the Privy Council Office, supports this objective. (See text box on this page.)

### DEPUTY MINISTER UNIVERSITY PROGRAM CHAMPIONS

This program offered by the Canada School of Public Service, is aimed at strengthening the relationship between the Government of Canada and Canadian universities. The result of a forward-thinking partnership, “[t]he strategy is designed to support robust and relevant public administration education and research so that the Public Service of Canada has access to leading ideas and theories, a new generation of public administration scholars and new employees well-educated in modern public management.”<sup>16</sup>

If this kind of initiative can create medium- or long-term benefits, other initiatives could help federal institutions to better fulfill or even surpass their language-of-work obligations in the short term.

For instance, in her report, Monique Collette discusses how different federal departments and agencies in Newfoundland and Labrador pooled their financial resources to hire a language coordinator and thus compensate for the lack of

15 Office of the Commissioner of Official Languages, *Two Languages, a World of Opportunities, Second-Language Learning in Canada's Universities*, Ottawa, 2009. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_102009\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_102009_e.php)) consulted March 31, 2010.

16 Canada School of Public Service, *Partnerships and Best Practices*. On-line version ([www.cspc-efpc.gc.ca/pbp/dmucp/index-eng.asp](http://www.cspc-efpc.gc.ca/pbp/dmucp/index-eng.asp)) consulted March 31, 2010.

language training available through the Canada School of Public Service in this province. The language coordinator developed a part-time French-as-a-second-language course that 40 employees in this unilingual region, including Suzanne R. Sullivan, take each year.<sup>17</sup>

Canadian Heritage has also shown that it is worth having a creative approach to language-of-work requirements. One of the Department's Francophone managers had difficulty reaching the required level of bilingualism by taking courses. To solve this problem, Canadian Heritage authorized the manager to spend four weeks working in a Quebec English-language community organization that wanted to benefit from her expertise. This proved to be a win-win situation for all parties involved, especially the manager, who was able to perfect her language skills.<sup>18</sup>

In summary, the Government of Canada should strongly encourage federal institutions to try out new approaches and share the results of their experiences in terms of official languages at work.

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<sup>17</sup> Collette, *Workplace and Workforce Task Force*, p.13

<sup>18</sup> As told by Denise Fournier from Canadian Heritage at the 9th Annual National Managers' Community Professional Development Forum in Montréal, March 2010.



SUZANNE R. SULLIVAN, ST. JOHN'S

## ENGLISH AND FRENCH AT THE FOREFRONT OF NEW TECHNOLOGY

Strengthening the role of English and French as languages of work in the public service will require the federal government to use energy and creativity as it faces new and complex challenges.

For example, it is important to find innovative solutions to ensure that knowledge-sharing tools used by departments and agencies (e.g. GCPEDIA) accommodate both English and French. Achieving this objective will depend on managers' ability to demonstrate leadership.

Moreover, as do the participants of the second Young Professionals Forum on Language of Work, which was held on November 10, 2009, the Commissioner believes that language technologies can be helpful. Terminology data banks (e.g. TERMIUM) or text correction software, as well as on-line learning tools, open promising avenues that federal institutions should look into.

## LINGUISTIC DUALITY IN THE WORKPLACE: AN IMPORTANT VALUE

We sometimes hear that, due to the globalization of markets and the rapid rise of English as a global *lingua franca*, it is no longer as important to work towards strengthening English and French as languages of work in the federal public service.

Some people even claim, 40 years after the introduction of the *Official Languages Act*, that the federal government would function more efficiently and effectively—and at a lower cost—if the ideal of linguistic duality in the workplace were abandoned. In their eyes, the Act is essentially a burden imposed on departments and agencies to achieve an outdated vision.

The Commissioner of Official Languages believes that this point of view is quite misguided, if not mistaken.

The increased use of English to facilitate communication among business people, scientists, tourists and Internet-users does not have a bearing on the fact that Canada is still a country where two major public languages coexist: English and French.



KEVIN MACHIDA, OTTAWA

In other words, regardless of linguistic globalization, the citizens that the public service has the duty to serve still want to be able to use the official language of their choice in their dealings with the federal government. In addition, members of our country's Francophone communities still want to be able to live and thrive, both individually and collectively, in French, just as the English-speaking communities of Quebec want the same opportunity in English. These communities do not want to have to put aside their first official language—the language in which they are usually most productive—when they arrive at work.

In light of this situation, the federal government must continue its efforts of the past four decades to ensure full equality of English and French in the federal public service. This will also help to ensure that both Francophones and Anglophones are able to receive quality government services in their language.

In addition, by improving their employees' and managers' knowledge of both of Canada's official languages and cultures, federal institutions will be better able to design and implement policies and programs that are adapted to the needs of Canadians, particularly members of official language



communities. As Janet Bax notes, “in many cases, public servants cannot properly advise their minister when they do not have a good knowledge of both English and French. For instance, how do you talk about climate change, its eventual effects on our society, and the perspectives that citizens and businesses have on this issue if you aren’t able to watch TV or listen to the radio in both languages, or to read English and French newspapers and scientific publications from Canada and abroad?”

Most importantly, by encouraging and valuing the use of English and French in the public service, the government will contribute to strengthening the identity of members of official language communities. These communities are then able to recognize themselves in all aspects of the federal public service.

Because employees’ right to work in the official language of their choice has a positive impact on official language community vitality, the Commissioner believes that the time has come to consider extending this right beyond the regions that are currently designated as bilingual.

For example, federal employees working in bilingual service centres in bilingual parts of Manitoba with dynamic Francophone communities such as Saint-Boniface, St. Laurent, St. Vital, Notre-Dame-de-Lourdes, would have the opportunity to work in French, just like

their provincial counterparts. By adopting this kind of approach, the Government of Canada would be making a significant contribution to the development and vitality of these communities.

In closing, federal institutions must not address bilingualism in the public service as though it were a labour relations obligation aimed at avoiding complaints. Rather, the Commissioner of Official Languages is convinced that improving federal institutions’ ability to serve the public in both languages and fostering the vitality and development of official language communities will depend greatly on how well these institutions encourage and value the use of English and French as languages of work.

## RECOMMENDATION

**The Commissioner of Official Languages recommends that the Clerk of the Privy Council make the use of English and French as languages of work in federal institutions a significant priority within the framework of any initiative related to Public Service renewal and improved services for Canadians.**

**More specifically, the Commissioner recommends that senior officials manage the human resources of their department or agency by applying the most promising practices advanced in Monique Collette’s report.**

**The Commissioner also recommends that senior officials report to the Clerk of the Privy Council on the measures they have taken to provide their staff with more opportunities to work in the official language of their choice.**

# CONCLUSION

## LINGUISTIC DUALITY: A VALUE AND AN ADVANTAGE TO HARNESS

Leadership and coherence are essential conditions for progress in our society.

A firm believer of this principle, the Commissioner of Official Languages concluded his 2008–2009 annual report by affirming that “to establish substantive equality of English and French across the country, the federal government will have to fully assume a leadership role. It will also have to act in a more coherent manner with regard to linguistic duality than it has in the past.”<sup>1</sup>

This first volume of the 2009–2010 annual report ends on a similar note. This year, the Commissioner’s work has again shown that the federal government could improve the overall health of Canada’s language regime by taking rigorous measures in each area of this regime.

By more diligently processing funding applications from community organizations, the federal government responds to its obligation of promoting official language communities and helps to strengthen their vitality. In this way, the government will give these communities visibility that will positively affect English and French second-language learning among members of Canada’s two linguistic majorities.

Moreover, by increasing its efforts to help university students become bilingual, the federal government will find it much easier to recruit the 5,000 bilingual employees it will need each year in order to renew its workforce and, ultimately, to adequately serve the Canadian public. It will also seize a perfect opportunity to help strengthen the competitiveness of Canadian businesses. In the future, businesses will be able to leverage their employees’ range of language skills so as to stand out in local and foreign markets.

By ensuring that all principles of good public governance are applied when reorganizing the official languages functions of departments and agencies (particularly those of the Treasury Board Secretariat), the Government of Canada will not only have an impact on its institutions, it will also be creating the basic conditions for strengthening the equal status of English and French in our society.

<sup>1</sup> Office of the Commissioner of Official Languages, *Annual Report 2008–2009: Two Official Languages, One Common Space: 40th Anniversary of the Official Languages Act*, Ottawa, 2009, p. 80. On-line version ([www.officiallanguages.gc.ca/docs/e/ar\\_ra\\_e.pdf](http://www.officiallanguages.gc.ca/docs/e/ar_ra_e.pdf)) consulted March 31, 2010.

## A TWO-PART ANNUAL REPORT IN 2009–2010

The second volume of the annual report, which addresses federal institutions' compliance with the *Official Languages Act*, will be published in the fall of 2010. In it, the Commissioner will discuss the complaints he has received this year, present federal institutions' performance report cards, and follow up on the language-of-work recommendation in his *Annual Report 2007–2008*.<sup>2</sup>

Similarly, by demonstrating leadership and coherence regarding the use of English and French as languages of work in the Canadian public service, the federal government will influence future action both within and outside the federal administration. The Commissioner believes that federal institutions would function more effectively if employees working in designated bilingual regions could more easily assert their right to use English or French when preparing or commenting on documents or when speaking at meetings. When using their first official language, most public servants are more productive, which allows them to contribute more effectively to the development of Canadian society.

By creating a workplace where everyone can reach their full potential in the official language of their choice, the Government of Canada will also attract into the public service more Anglophone and Francophone Canadians who belong to linguistic minorities, thus ensuring a better reflection of both language communities.

In summary, any positive changes made by federal institutions in the areas of language of work, governance, support for English or French second-language learning, or official language community development will enrich all areas of Canada's language regime as established by the *Official Languages Act*. Any measure to enhance leadership and coherence will ensure that Canada's two official languages continue to "position us uniquely in the world,"<sup>3</sup> which will help our country master the economic, political, social and cultural challenges of the future.

In fact, today as in the past, linguistic duality is a vital factor for Canada's development, an asset that the federal government can leverage both when times are good and when we face challenges.

Linguistic duality is a fundamental value and essential element of Canadian identity. If it is weakened, whether intentionally or through mere negligence, it is all of Canada that will be diminished.

2 "The Commissioner recommends that deputy heads of all federal institutions take concrete steps, by December 31, 2008, to create a work environment that is more conducive to the use of both English and French by employees in designated regions." See Commissioner of Official Languages, *Annual Report 2007–2008*, Ottawa, p. IV. On-line version ([www.officiallanguages.gc.ca/docs/e/2007\\_08\\_e.pdf](http://www.officiallanguages.gc.ca/docs/e/2007_08_e.pdf)) consulted March 31, 2010.

3 Government of Canada, *Speech from the Throne*, March 3, 2010. On-line version ([www.sft-ddt.gc.ca/eng/media.asp?id=1388](http://www.sft-ddt.gc.ca/eng/media.asp?id=1388)) consulted March 31, 2010.

# APPENDICE

## STUDIES PUBLISHED IN 2009–2010

Every year, the Office of the Commissioner of Official Languages conducts studies in the area of official languages in order to produce a better understanding of how the status and use of English and French have evolved across the country. Like research and public awareness activities, these studies allow the Commissioner to fulfill his role in terms of education and promotion of linguistic duality within federal institutions and Canadian society.

These studies are also often an opportunity for the Commissioner to exercise his leadership role among the various actors affected by the *Official Languages Act* (federal institutions, community organizations, levels of government, official language communities, etc.). Moreover, the studies

allow the Commissioner to ensure that linguistic duality continues to be a central concern for decision-makers involved in the development of legislation, policy and regulations. Government officials should consult these studies and take them into consideration while making decisions.

During fiscal year 2009–2010, the Office of the Commissioner published the following three studies:

- *Raising our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport—A Follow-Up*<sup>1</sup>
- *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*<sup>2</sup>
- *Vitality Indicators 3: Rural Francophone Communities in Saskatchewan*<sup>3</sup>

A summary of the objectives and conclusions of these studies is provided below.

- 1 Office of the Commissioner of Official Languages, *Raising our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport—A Follow-Up*, Ottawa, 2009. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_092009\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_092009_e.php)) consulted March 31, 2010.
- 2 Office of the Commissioner of Official Languages, *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*, Ottawa, 2009. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_102009\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_102009_e.php)) consulted March 31, 2010.
- 3 Office of the Commissioner of Official Languages, *Vitality Indicators for Official Language Minority Communities 3: Three Francophone Communities in Western Canada. Rural Francophone Communities in Saskatchewan*, Ottawa, 2010. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_022010\\_saskatchewan\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_022010_saskatchewan_e.php)) consulted March 31, 2010.

***RAISING OUR GAME FOR VANCOUVER 2010:  
TOWARDS A CANADIAN MODEL OF LINGUISTIC DUALITY  
IN INTERNATIONAL SPORT—A FOLLOW-UP***

This report is a follow-up to a study published in December 2008,<sup>4</sup> which covered the Vancouver Organizing Committee for the Vancouver 2010 Olympic and Paralympic Winter Games (VANOC) and Canadian Heritage, as well as to an awareness campaign that was conducted from December 2008 to May 2009 and targeted some 20 federal institutions.

The follow-up was conducted from June to August 2009, approximately six months before the Games. At that point, it was pivotal that VANOC, Canadian Heritage and federal institutions act swiftly and implement appropriate corrective measures to ensure that the Games not be jeopardized by the weaknesses identified in the report.

The report is divided into two main sections. The first section describes the progress that was made, following the study's 2008 publication, towards satisfying the language requirements set out for VANOC in Annex A of the Multiparty Agreement and for Canadian Heritage under the *Official Languages Act*. The second section examines the extent to which federal institutions considered the language requirements outlined in the Act while planning their activities for the Games.

In the first half of the report, the Commissioner notes that, since the release of the study in 2008, VANOC and Canadian Heritage have continued their progress on many fronts with regard to official languages. However, there were still key issues that had to be addressed quickly.

The Commissioner also states that the awareness campaign conducted by his office in early 2009 had produced results. In fact, interviews held in the summer of 2009 had shown that some institutions were taking steps to ensure that they would respect the letter and spirit of the Act during the Games. However, it was clear that to comply with the Act in the context of the Games, federal institutions had, among other things, to continue working towards ensuring that the travelling public would receive service in both official languages and that Canada's linguistic duality be taken into consideration when coordinating health and security responses at the Games.

Finally, the Commissioner makes 11 recommendations for VANOC, Canadian Heritage and other federal institutions. He recommends, for example, that institutions monitor their own official languages performance during the Games and that they report on their positive experiences and on lessons learned after the fact. Determining how official languages were addressed during the Games will help improve the public's experience of future international events and will give Canadians a lasting official languages legacy.

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4 Office of the Commissioner of Official Languages, *Raising our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport*, Ottawa, 2008. On-line version ([www.officiallanguages.gc.ca/html/stu\\_etu\\_122008\\_e.php](http://www.officiallanguages.gc.ca/html/stu_etu_122008_e.php)) consulted March 31, 2010.

***TWO LANGUAGES, A WORLD OF OPPORTUNITIES:  
SECOND-LANGUAGE LEARNING IN CANADA'S UNIVERSITIES***

Canada needs to provide a true continuum of second-language learning opportunities for all Canadians, from elementary school through to the labour market. This continuum is crucial in preparing our young people to become productive citizens in their own country as well as citizens of the world.

While we have acquired extensive knowledge about second-language learning at the elementary and secondary levels in Canada, less is known about second-language learning at the university level—including the extent of current second-language learning opportunities, key issues and challenges, and practices that work.

These considerations led the Office of the Commissioner of Official Languages to undertake a major study of second-language learning in Canada's universities. The study was based on an in-depth survey of institutions; focus groups with students, professors and administrators; and interviews with senior university officials, language-learning experts, and representatives from government, the private sector, the education sector and various organizations.

The study draws the following conclusions:

- Content-based learning (e.g. material related to one's field of study) can be very effective and can provide good results.
- Opportunities to use and practice the second language outside the classroom and interact with people from the other language group are critical.

- Good teachers, small classes, and learning supports such as tutors and services to assist with grammar or writing are important.
- The success of second-language programs rests partly on financial issues; leadership and commitment from actors at the highest levels of university administration; as well as planning, organization and coordination.

Moreover, the study sheds light on several areas for improvement. More work needs to be done to:

- increase the number of opportunities for intensive second-language learning;
- exploit the potential of minority-language institutions;
- improve partnerships, collaboration and the use of technology;
- increase the number of exchanges and real-life opportunities to use the second language;
- adopt stricter policies and requirements pertaining to second-language learning;
- expand on activities for information-sharing, promotion and marketing.

At the end of the study, the Commissioner of Official Languages directs certain recommendations at institutions, governments, and other interested parties in order to improve second-language learning opportunities in Canada's universities.

He expresses his desire for all interested parties to work together, so as to improve second-language learning at the university level in Canada and to better help young Canadians prepare for the future.

### **VITALITY INDICATORS 3: RURAL FRANCOPHONE COMMUNITIES IN SASKATCHEWAN**

This is the third phase of a multi-year research project on the vitality of Canada's official language communities. This third phase includes two other studies on Francophone communities in Western Canada: one in British Columbia and the other, in Alberta.<sup>5</sup>

For *Vitality Indicators 3: Rural Francophone Communities in Saskatchewan*, the Office of the Commissioner of Official Languages studied the rural Saskatchewan region encompassing Duck Lake, St. Louis, Domremy, Hoey and St. Isidore-de-Bellevue. The study aims to determine how rural Francophone communities could contribute to their own vitality and measure progress made towards their shared goals. Ultimately, the study seeks to give the communities tools for better establishing their priorities and for giving themselves indicators to measure results.

In the context of the study, community stakeholders mobilized in order to develop the shared vision of a *terroir*<sup>6</sup>-recognition project. They developed a general plan that includes the following five fields of activity:

#### **Intercultural cooperation**

- foster closer ties with neighbouring Métis, Aboriginal and Anglophone communities

#### **Research and planning**

- increase research and planning capacities
- create a committee to guide the implementation of the *Projet d'alternative de développement rural: le terroir*

#### **Gatherings and celebrations**

- take advantage of existing events to showcase *terroir* products and to raise the population's awareness
- create new events to celebrate culinary creativity and professions related to the agro-food chain

#### **Marketing and internal persuasion**

- focus energies on awareness-raising, training and capacity development
- foster a greater sense of collaboration between actors within the agro-food chain
- recognize professions related to the agro-food chain

5 Both studies were published at the beginning of fiscal year 2010–2011. See [www.officiallanguages.gc.ca/html/etudes\\_studies\\_e.php#OLMC](http://www.officiallanguages.gc.ca/html/etudes_studies_e.php#OLMC).

6 The following definition of “*terroir*” is the product of a collaboration between the Institut national de la recherche agronomique and the Institut National des Appellations d’Origine (renamed Institut national de l’origine et de la qualité in 2007). The definition was presented during UNESCO’s “Planète Terroirs” international meeting in Paris in 2005: “A *Terroir* is a determined geographical area, defined by a human community, which generates and accumulates along its history a set of distinctive cultural traits, knowledge and practices based on a system of interactions between the natural environment and human factors. The know-how involved carries originality, confers its typical nature, and enables recognition of the goods and services originating from this specific geographical area and thus of the people living within it. These areas are living and innovative spaces which are more than just about tradition.” (UNESCO, *A Project for the Terroirs Around the World*, information material for the UNESCO 34th General Conference, October 16–November 3, 2007).

### **Marketing and external persuasion**

- use various communications tools to raise awareness of heritage attractions, products, services and quality of life in the region

The study helped gather information on issues and challenges specific to a Saskatchewan Francophone community in a rural setting. Federal institutions, which have a mandate to support the development of official language communities, will be able to use this information to devise and implement concrete support measures that are tailored to the realities of these communities.





## IMPORTANT LANGUAGE RIGHTS DECISIONS<sup>7</sup>

### THE NGUYEN AND BINDRA CASES

In 2009, the Supreme Court of Canada issued an important decision regarding access to minority-language education. In Quebec, access to English-language school is protected by section 23 of the *Canadian Charter of Rights and Freedoms* (the Charter) and regulated by section 73 of the *Charter of the French Language*<sup>8</sup> (CFL). In *Nguyen and Bindra*,<sup>9</sup> the Supreme Court of Canada had to determine whether the second and third paragraphs of section 73 of the CFL were constitutional.

Section 73 provides that a child is eligible for English-language instruction if he or she has received or is receiving elementary or secondary instruction in English in Canada or if one of the child's parents has received elementary instruction in English in Canada, provided that it constitutes the "major part" of the instruction received. In 2002, the Quebec National Assembly adopted Bill 104<sup>10</sup>, amending section 73 of the CFL. This bill was adopted in response to concerns about the growing phenomenon of "bridging schools" (*écoles passerelles*), which enabled parents whose children were not entitled to instruction in the minority language in Quebec to enrol their children in unsubsidized English-language private schools for short periods so that the children would be eligible to attend publicly funded English schools. Paragraph 2 of section 73, the constitutionality

of which was challenged in the *Nguyen* appeal, provides that periods of attendance at unsubsidized English-language private schools are to be disregarded when determining the "major part" requirement. Paragraph 3, the constitutionality of which was challenged in the *Bindra* appeal, establishes the same rule with respect to instruction received pursuant to special authorization granted by the province under sections 81, 85 or 85.1 of the CFL in cases involving a serious learning disability, temporary residence in Quebec, or a serious family or humanitarian situation.

In addressing the issue, the Court stated that its 2005 *Solski*<sup>11</sup> decision was determinative in the analysis of the rights provided for in subsection 23(2) of the Charter.

In the *Solski* judgement, the Supreme Court found the "major part" requirement in section 73 of the CFL to be consistent with subsection 23(2), provided that it was interpreted as giving rise to an obligation to conduct a global qualitative assessment of the child's educational pathway. The global assessment of the child's educational pathway, which focuses on quality, is then based on a set of factors that are of varying importance depending on the specific facts of each case. These factors include the amount of time spent in different programs of study, at what stage of the child's education the choice of language of instruction was made, what programs are or were available, and whether learning disabilities or other difficulties

7 Many judgments serve as tools for interpreting language rights and contributing to the advancement of linguistic duality in Canadian society. Judgments relating to the compliance of federal institutions in terms of official languages will be reported in the second volume of the 2009–2010 annual report, which will be published in the fall of 2010.

8 R.S.Q., c. C-11.

9 *Nguyen v. Quebec (Education, Recreation and Sports)*, 2009 SCC 47, [2009] 3 S.C.R. 208.

10 *An Act to amend the Charter of the French Language*, S.Q. 2002, c. 28.

11 *Solski (Tutor of) v. Quebec (Attorney General)*, [2005] 1 S.C.R. 201.

exist. The Court noted that this provision does not specify a minimum amount of time that a child would have had to spend in a minority-language education program; however, it also noted that a child's attendance at a minority-language school for a short time period is not indicative of a genuine commitment and cannot, in itself, be reason enough for the child's parent to obtain the status of rights-holder under the Charter.

Given that the protection afforded by the Charter makes no distinction as to the type, nature or origin of the instruction received, and given the necessity of conducting a global assessment of the child's educational pathway and overall situation, the Court found that the second and third paragraphs of section 73 of the CFL "have the effect of truncating the child's reality by creating a fictitious educational pathway that cannot serve as a basis for a proper application of constitutional guarantees."<sup>12</sup> The child's entire educational pathway must be taken into account. If a portion is omitted from the analysis because of the nature or origin of the instruction received, it is impossible to conduct the global analysis required by *Solski*. As such, the Court found that the second and third paragraphs of section 73 of the CFL limit the respondents' rights in both appeals and that such a limitation was not justified within the meaning of section 1 of the Charter.

The National Assembly of Quebec was given one year to correct the contested legislation.

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<sup>12</sup> *Nguyen v. Quebec (Education, Recreation and Sports)*, at para. 33.

## THE *CARON* CASE

Following a decision handed down on December 17, 2009, by the Alberta Court of Queen’s Bench,<sup>13</sup> an important legal debate is taking place in Alberta.

Franco-Albertan Gilles Caron was charged with violating the Alberta *Traffic Safety Act*. From the outset, Mr. Caron did not contest the facts surrounding the traffic violation but rather, in his defence, alleged that his constitutional rights had been violated because the *Traffic Safety Act* had not been published in French. Mr. Caron’s constitutional challenge (which Pierre Boutet ultimately joined as co-defendant) took aim at the Alberta *Languages Act* of 1988, which provides that all acts or regulations may be enacted, printed and published solely in the English language.

Following a language-rights hearing that was without precedent, the Provincial Court of Alberta found that section 3 of the *Languages Act*<sup>14</sup> R.S.A. 2000, c. L-6, violated the language rights of Mr. Caron and Mr. Boutet, thereby rendering the legislation of no force and effect in relation to the specific charges against these individuals. In addition to a “not guilty” verdict, the trial judgment in *Caron* also included a detailed and in-depth historical analysis of the events as well as the relevant written evidence explaining the development of the Red River Colony, Rupert’s Land and the North-Western Territory.

In conclusion, Justice Wenden found that the Royal Proclamation of 1869 constitutionally guaranteed the publication of the province’s legislation and regulations in English and French.

The Province of Alberta appealed the ruling before the Court of Queen’s Bench, which overruled the acquittals and declared the respondents (Mr. Caron and Mr. Boutet) guilty of the charges in question. On the merits of the case, Justice Eidsvik recognized that the inhabitants of Rupert’s Land and the North-Western Territory did indeed have certain language rights before the territories were annexed. The Court also admitted that these language rights were of fundamental importance to the population at the time, which was equally divided between Anglophones and Francophones. However, the Court concluded that, while it is true that language rights in Manitoba are constitutionally protected, “[n]either the Royal Proclamation of 1869, nor the 1870 Order, had the effect of constitutionalizing language rights in the remaining territories [...] Accordingly, when the Canadian Parliament created the Province of Alberta and established its constitution in 1905, there was no constitutional condition requiring it to include in the Province’s constitution an obligation to publish provincial legislation in English and French.”<sup>15</sup>

The case will be heard before the Alberta Court of Appeal.

13 *R. v. Caron*, 2008 ABPC 232, overturned by *R. v. Caron*, 2009 ABQB 745.

14 *Languages Act*, R.S.A. 2000, c. L-6.

15 *R. v. Caron*, 2009 ABQB 745, at para. 283.